COMMISSION ON MARINE RESOURCES
COMMISSION MEETING
Tuesday, November 18, 2014
10:00 a.m.
Hancock County Board of Supervisors Board Room
854 Highway 90, Suite A
Bay St. Louis, Mississippi 39520

Commission Members:
Richard Gollott, Chairman
Shelby Drummond, Vice Chairman
Steve Bosarge
Ernie Zimmerman

Also Present:
Jamie M. Miller, Executive Director DMAR
Sandy Chestnut, Esq., Assistant Attorney General
Sean Morrison, Esq.

Lucille Morgan, CDR 1251
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COMMISSIONER GOLLOTT: I would like to welcome everyone to the November regular meeting of the Commission on Marine Resources. I call this meeting to order and let’s say the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: First thing on the agenda is approval of the minutes.

Do we have any modifications?

(No response.)

COMMISSIONER GOLLOTT: With no modifications, do I have a motion?

COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER GOLLOTT: All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: Motion carries.

We have approval of the agenda.

Do we have a motion to approve the agenda, or do we have any modifications?

SANDY CHESTNUT: Mr. Chairman, we do have one modification to the agenda. Section 6(1)c., Shannon

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COMMISSIONER ROSARGE: I'll make a motion that we accept the Executive Director's recommendation.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER DRUMMOND: I'll second the motion, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

Any more discussion?

(NO response.)

COMMISSIONER GOLLOTT: All those in favor say aye.

(Ail in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

SANDY CHESTNUT: That concludes the administrative penalties.

COMMISSIONER GOLLOTT: Now, we move on to Marine Patrol.

RUSTY PITTMAN: Good morning Mr. Chairman, Commissioners, Director Miller, and legal.

You have the report in front of you. I'm sure you have had time to go over it. If there are any questions on anything, I'm here to try to answer then for you.

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COMMISSIONER GOLLOTT: No questions.

RUSTY PITTMAN: Thank you very much.

COMMISSIONER GOLLOTT: Wait just a minute.

What about this consideration of a no-wake zone?

PARKER LAVINE: Good morning. My name is Patrick Lavine with the office of Marine Patrol, the Safety Coordinator.

Today, I'm going to be presenting a proposal for a no-wake zone in the north and south entrances of Mallini Bayou.

On September the 8th, 2014, I received a request from the Harrison County Board of Supervisors for us to propose to the Commission on Marine Resources the possibility of no wake zones on the north and south entrances.

You should have received, inside your packets, some aerial photographs of Mallini Bayou, and Mallini Bayou is located on the east shore of the Bay of St. Louis.

I went over and did an investigation of the property and looked at it. If you notice, on the photograph labeled "North Mallini Bayou", you have point A, point B, and point C, and this is the north entrance to the bayou (indicating slide).

We idled the vessel from point A to point C and...
point B, with approximately two minutes and forty-seven
seconds of idle speed from point A to point B.

The reasoning for them wanting no wake zones on
the north entrance, first, it's a safety hazard. If you
have a vessel coming in at an excessive speed from the
direction of point A at the north traveling south, you
have crossing intersects there at point C and point B. So
there is a boating safety concern, with the possibility of
vessels colliding at that point (indicating slide).

Another concern is that you can notice, on the
photograph, there are some residents that live there,
there are some homes, there are some docks where vessels
are docked and moored at the entrance of the north
entrance to Mallini Bayou. Harrison County would like a
proposal for that to become a no wake zone, at that
entrance (indicating slide).

If you turn with me to the south entrance
Mallini Bayou aerial photograph, if you notice there from
Point A to point B, it is approximately the same amount of
time, being approximately three minutes from Point A to
Point B, that bridge (indicating slide).

Where is says "twenty-two yards", at that point,
at mean high tide, it's approximately twenty-two yards
wide on that bayou (indicating slide).

The day that I went out to do the investigation,
there were quite a few fishermen fishing at that point
where it's labeled "twenty-two yards". There is a rock
jetty that extends out from the bayou, and there were
several fishermen fishing there, and the day that I went I
had to take the time to stop, have them reel in their
lines, and have them stop fishing. I had to go through
and, from what I understand, quite a few vessels go into
that bayou at an excessive speed (indicating slide).

Also, to the north, if you notice the piers just
to the north of point A, on the right side, that's a boat
launch. That's a public boat launch access going into the
bayou. That public boat launch is used quite a bit
(indicating slide).

The day that I went and did the investigation,
on September the 25th, there were quite a few vessels
launching out of that facility, and there were vessels
passing by at excessive speeds.

The Harrison County Board of Supervisors would
like for the Commission to propose making this a No Wake
Zone.

Upon passage, Harrison County Board of
Supervisors would be responsible for posting the "No Wake
Zone" and the maintenance that would be incurred, with
continuing posting the signs for the No Wake Zone.

I would like to make a proposal for us to

consider, on behalf of the Department of Marine Resources,
establishing a No Wake Zone at the north and south
entrances of Mallini Bayou.

COMMISSIONER DRUMMOND: Has there ever been an
accident there?

PATRICK LAVINE: No, sir. From what I've seen,
I have never had a documented accident at that location.

COMMISSIONER DRUMMOND: It's probably a good
thing you are establishing a No Wake Zone.

PATRICK LAVINE: Yes, sir.

COMMISSIONER BOSARGE: I just have one question.
In our mailouts, it had redesignation of a No
Wake Zone.

Has it been designated a No Way zone before?

PATRICK LAVINE: Sir, I went back and
investigated. It did say "redesignated", on that first
letter we received from the Board of Supervisors. I could
not find where it had ever been established as a No Wake
Zone.

COMMISSIONER ZIMMERMAN: Is there anyone, in the
audience, that has any comments on this item?
(No response.)

COMMISSIONER GOLLOTT: Officer Lavine, do you
think it is necessary?

PATRICK LAVINE: Yes, sir. Commissioner

Gollott, I do feel like it is necessary, after going out
and spending quite a bit of time at the north and south
entrances of the bayou and watching the vessels that are
going through there.

In fact, trying to determine -- at the south
entrance, that bridge there. There is a bridge that goes
through there, and I cannot imagine individuals going
through there. I have not spent a lot of time on the
bayou, but, if somebody goes through that bridge at an
excessive speed, the possibility of them hitting that
bridge is extremely high.

I feel like, in order to prevent somebody from
harming themselves, or somebody else, it would be
necessary to establish a No Wake Zone.

COMMISSIONER GOLLOTT: I personally don't like
No Way zones because everybody on a river, or whatever,
waits a No Wake Zone, but, if this is a hazard to
navigation, maybe we need to consider it.

Do we have any more comments?

Does anybody want to comment on this?

COMMISSIONER ZIMMERMAN: I would like to go on
record saying I'm very familiar with both ends of this,
and it is impassable by two boats at idle, I would say, in
some spots, much less at wide-open throttle.

PATRICK LAVINE: Yes, sir.
COMMISSIONER ZIMMERMAN: I think it is a necessity, more than a nicety.

COMMISSIONER GOLLOTT: Would you like to make a motion on it?

COMMISSIONER ZIMMERMAN: I'll make a motion that we accept it.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER DUMMOND: I'll second the motion, Mr. Chairman.

COMMISSIONER GOLLOTT: Any discussion?

(No response.)

COMMISSIONER GOLLOTT: With no more discussion, all those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(No opposed.)

COMMISSIONER GOLLOTT: Motion carries.

PATRICK LAVENE: Thank you.

COMMISSIONER GOLLOTT: Mr. Joe Jewell, JOE JEWELL: Good morning, Commissioners, Director Miller, and counsel.

I would like to update the Commission on the quota for flounder, commercial quota for flounder. We are at fifteen thousand four hundred and twenty-one pounds. Of course, as I have mentioned in my previous presentations, spotted sea trout and red drum are closed for the season.

Additionally, I would like to update the Commission on the commercial oyster season so far. We have been open for three days. This past Friday, Saturday, and yesterday, Monday.

We have landed a total of five hundred and thirty-six sacks of oysters, and today, we have out eighteen dredgers and fifteen tongers.

First up on the agenda is an oyster relay update by Mr. Scott Gordon.

SCOTT GORDON: Good morning Mr. Chairman, Commissioners, Director Miller, and legal counsel.

We undertook a relay program, back in September, moving oysters from the Causeway Reef over in Pascagoula, and the intent was to move them to our reefs in the western sound so they would be able to let some of the harvesters work those.

This is the Causeway going over to Singing River Island which, years ago, we affectionately referred to as the mud launch, and this is the angled area with the causeway. The reef where we were relaying the oysters from is approximately in this area, and we had IDed, through side scan, about a fifty to sixty acre site (indicating slide).

We relayed a total of, approximately, eight thousand three hundred and twenty-six sacks that were relayed to Area 2 conditionally approved waters.

We also moved two hundred and fifty sacks to the seventeen acre Deer Island site, and that is due to some mechanical difficulties that we had, at the time.

We put, approximately, seven hundred sacks in the Area 2A. 2A is close into shore and it will shut down on a lesser amount of rainfall, or river stage, than the Area 2F where we put the majority of the oysters.

This is the Deer Island site. It's approximately a seventeen acre site, and it was nearby and convenient. So we thought that that would be a good location for those (indicating slide).

These are the other four deployment sites. Seven hundred sacks went within about ten acres around this center point. Eleven hundred and twenty-two sacks around this one. Three thousand two hundred and ninety-four sacks in this location, and another thirty-two hundred and ten sacks here (indicating slide).

We have provided maps with the coordinates to the tongers at the Pass Christian check station.

I believe most of them have been working this area. Since the weather has been poor and the wind conditions, that's why they have been in closer (indicating slide).

We collected tissue and water samples from the three separate locations on the Pass Christian tonging area. Two samples were from the relayed sites, and one was a control sample from a non-relayed site of oysters that were naturally growing on the Pass Christian Reef area.

All samples that we collected were below detectable limits for fecal coliform in the tissue, and the management plan criteria for those conditionally-approved areas are also monitored daily.

That's the end of my presentation.

Are there any questions?

COMMISSIONER BOSARGE: I have one question. I know the weather has been terrible.

How many tongers have we had?

Didn't we have one good day?

I think Friday was a pretty good day weatherwise.

SCOTT GORDON: Friday was still kind of a pretty nasty day. We had nineteen Mississippi tongers that checked out, and only thirteen got their sacks. Plus, we had six non-resident tongers.

We had some of the folks that had problems with their boats, or they might cancel due to the weather, but

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it was not an ideal day for tonging by any means. It was
so windy and the tides were running pretty hard. That's
not an ideal situation for tongers.

COMMISSIONER BOSARGE: Once they do get some
nice weather, if you could maybe email us a report on what
is going on and how many folks we have out there?

SCOTT GORDON: I certainly will.

COMMISSIONER BOSARGE: I appreciate it.

COMMISSIONER GOLLOTT: Scott, roughly figuring,
just in three bad days that they have had, they have
harvested around twenty-six to twenty-seven thousand
dollars worth of oysters which is very good for our
fishermen.

SCOTT GORDON: It is.

COMMISSIONER GOLLOTT: Thank you, Scott.

SCOTT GORDON: Thank you.

COMMISSIONER GOLLOTT: Joe Jewell is next.

JOE JEWELL: Next up is Mr. Wes Devers, and he
will be presenting the Mono filament Recycling Program
update.

WES DEVERS: Good morning Commissioners,
Director Miller and counsel.

I'm going to give you a quick update on our
Mono filament Recycling Program. We began this program,
after Katrina, with some outreach funds.

Lucille Morgan, CSR 1251
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Why is it important to recycle mono?
Well, we all know the entanglement hazard that
it poses to both fishermen and boaters, as well as
wildlife.

The main problem with this line is entanglement,
it entangles birds and marine mammals. It can cause
wounds. With birds especially, it causes an entanglement
hazard. They tend to bring it to their nests, and they
get tangled in it, and, then, obviously, they will starve
to death because they can't get away from it.

It is also very dangerous for scuba divers. If
somebody is diving on a reef and there is a lot of line
donw there, it can get tangled up in the regulators. On
the first stage on their tanks, they can get tangled up
and there is, obviously, a limited amount of oxygen
available. It is just good to keep this out of the water,
Here are a few photos of some animals that have
been caught. You can see the damage done to them
(indicating slide).

It is really bad for boats as well. Smaller
vessels, it's gets around the lower unit and eats up the
seals around the prop. Larger vessels, it can get sucked
into the water intakes and damage water pumps (indicating slide).

As I was referring to a minute ago about the
danger to divers, there is a good example of how somebody
can get entangled (indicating slide).

In the 2013 Coastal Cleanup, approximately,
seventy-one thousand seven hundred and forty-four pieces
of mono filament line were recovered worldwide. It ranks
number four of all debris items collected. That's a
pretty substantial amount of fishing line that is just
sitting around out there in the environment.

Mississippi, in the last three coastal cleanups
-- that doesn't include this year. They haven't got those
numbers out yet, but that's seven thousand four hundred
and forty pieces of line that were recovered over those
three years.

It is approximated by people who do research on
this that one piece equals about a yard. So we are
looking at roughly twenty-five thousand yards of fishing
there here.

Almost forty-seven percent of all entanglement
deaths are caused by mono filament fishing line, and it
actually accounts for forty-two percent of the
entanglement items that are recovered. Entanglement items
also include rope and stuff of that nature.

We have, approximately, thirty-five outdoor and
indoor recycling stations. I'm sure you are all familiar
with them, like the one in the lobby there at the office.

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You may have seen them at the boat ramps. They are the
PVC pipes with the ninety-degree top on them, and people
are encouraged to drop the used line there.

The indoor stations, we gave those out to the
bait shops and all that.

The fishing line, one of the big concerns people
have about recycling is there is the assumption that it
will be turned back into more fishing line, and that is
not true.

The way monofilament is manufactured, once it is
stranded out, it can't be restranded. They use it to make
stuff such as freshwater fish habitats. They look almost
like PVC structures that people can sink in ponds and
rivers as stuff for bass to seek refuge in. They also use
it to make the spools that monofilament line is sold on.
They make tackle boxes, and they actually use it for toys.

The good thing about this program is it is
actually sponsored through Pure Fishing America which is
the parent company to Berkley Trilene.

They pay for all the postage. When we ship
the mono to them, it is no cost to the state, or the
agency.

They take it, they chip it up, and, then, they
send it to the recycler. It's a win-win for them and for
us and the environment.
There are a couple of pictures of the stations I was just describing. On the right is the indoor box, and on the left is one of the tubes (indicating slide).

Here is an idea of what we have shipped, since we began the program. In 2014, it is only showing twelve pounds, but, when we put this together, we had not updated it, but, as you can see, it is almost four hundred pounds of line. When you think of how much mono it takes to make four hundred pounds, that’s a lot of fishing line (indicating slide).

These are the people we partner with. It’s us, Pure Fishing, the research lab, NOAA, Mississippi Wildlife Federation, and Gulf States Marine Fisheries Commission (indicating slide).

That’s all I have.

Does anybody have any questions?

COMMISSIONER BOSARGE: I do.

WES DEVERS: Yes, sir.

COMMISSIONER BOSARGE: Some of the new fishing lines that are, basically, the Kevlar-based line.

WES DEVERS: The braid?

COMMISSIONER BOSARGE: Yes.

Are you seeing much of that?

WES DEVERS: Commissioner, we don’t see as much as I thought we would. I was kind of worried that was going to be an issue because it’s non-recyclable, as of right now, but I have not seen much.

Surprisingly, at the time that I last spoke with them, one of the things that they can’t recycle is webbing. I don’t know why, but we have actually had a few, like, small brine nets put in there, and we have to take those out because for whatever reason they can’t recycle them.

To answer your question, I have not seen much of that braid which is good. I’m hoping people are, at least, bringing it home and storing it, getting rid of it in a plastic bag, or something.

COMMISSIONER BOSARGE: It looks like it is kind of the coming thing.

WES DEVERS: Yes, sir.

COMMISSIONER BOSARGE: It is smaller, stronger, and lighter.

WES DEVERS: Yes, sir. COMMISSIONER BOSARGE: The facts are amazing here. I didn’t realize there was that amount.

WES DEVERS: Yes, sir. It’s a lot of line that is out there, and it takes, according to some estimates, up to six hundred years for mono to break down.

COMMISSIONER BOSARGE: That’s unbelievable.

WES DEVERS: Once it gets a couple of feet below the surface, the UV light doesn’t penetrate that deep and actually break the line down.

COMMISSIONER BOSARGE: Thank you.

WES DEVERS: Any other questions?

COMMISSIONER ZIMMERMAN: Yes, Wes, I have a question.

WES DEVERS: Yes, sir.

COMMISSIONER ZIMMERMAN: I notice on here, if you trend it, the trends are going down. In other words, in 2008, we’ve got a hundred pounds that we shipped, and, then, this year -- I guess that’s to date -- we’re at twelve pounds that we have shipped (indicating document).

WES DEVERS: Yes, sir.

I apologize for that. I haven’t updated this year’s totals.

One of the things, USM, the research lab, they run long lines for some of their sampling, and, when their long lines have served their purpose, they ship that as well, and the lady at the research lab, still, has not sent me her updated totals. It’s like four hundred pounds of mono. So it takes a lot of weight.

Now, I will say one of the problems we’ve had with our tubes for the outdoor stations is we’ve had a lot of vandalism, and we have been working on trying to secure those better to the pier. We’ve heard the joke that they make good deer feeders. We have to stay on top of that. Unfortunately, I think we are missing some because of that. I’m hoping, when these people are stealing them, they are not just throwing the mono overboard.

I have noticed that, too, that it seems to be going down.

Another big event that this year didn’t seem to generate much is the billfish tournament, in June at the Golden Nugget. Most of the professional fishermen will strip all their reels of the real heavy line and deposit it, and this year we didn’t get that much. I don’t know if they had stripped their reels prior to getting here, or what that was.

COMMISSIONER ZIMMERMAN: Thank you.

WES DEVERS: Yes, sir.

Are there any other questions?

(No response.)

COMMISSIONER GOLLOTT: Thank you, sir.

WES DEVERS: Thank you.

JOE JEWELL: Our final agenda item is State Records, by Ms. Emily Satterfield.

EMILY SATTERFIELD: Good morning Commissioners, Director Miller, and counsel.

We have one new State record for consideration today. It is conventional tackle. It is a Yellowedge
Grouper, Epinephelus flavolimbatus. It's a new record, as previously stated. Mr. Johnny Templet caught this fish, thirty-five pounds five point seven ounces.

Here's a picture of his fish, in the lab at the Bolton Building. It doesn't look quite as big, in that picture, but here is a picture of Mr. Templet with his friends and the fish. Obviously, it is a nice fish (indicating slides).

COMMISSIONER DRUMMOND: It looks like two different fish.

EMILY SATTERFIELD: It sure does. Background makes a big difference, when you don't have the perspective.

This is the only one we have for consideration this morning.

COMMISSIONER GOLLOTT: Do we have a motion on this?

COMMISSIONER DRUMMOND: Mr. Chairman, I'll make a motion we accept this new record for Yellowedge Grouper.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER OSBARGE: Yes, sir. I'll second it.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

Lucille Morgan, CSR 1251
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This was their structure, before they constructed the current structure. As you can see, this is the neighbor's pier over here and their pontoon boat (indicating slide).

They were permitted for piers and a boathouse that totaled nine hundred and ninety-three square feet, and they, currently, have an existing structure that is out of compliance. It's unauthorized piers and a boathouse that total one thousand forty-nine point two nine square feet.

This was what was permitted before that was a general permit. As you can see, from this point up to the end of the pier, they were permitted for a total of twenty-five feet to go within twenty-five feet of the property line, and they currently, from that same point, are going out a total of thirty-three point two five feet. So they are eight point two five feet further into the waterway than what was authorized by the neighbor (indicating slide).

Here is a picture of what they currently have and another one. This is the neighbor's pier and their pontoon boat, and, from the corner of their pier to the corner of the applicant's structure, it is eighteen feet wide (indicating slides).

On October 9, 2013, a General Permit was issued to Peter and Rochelle Johnson for piers and a boathouse that totaled nine hundred and ninety-three square feet.

On May 26, 2014, an anonymous report was made that the structures were out of compliance with the issued GP.

On May 27th, a compliance check by DMR staff revealed that the structure was constructed out of compliance. The structure totaled one thousand one hundred and twelve square feet. Staff informed Mrs. Johnson of the violation.

On June 10, 2014, the applicant and agent informed staff that they would like to bring the boathouse into compliance with the General Permit guidelines. They were informed an after-the-fact application would be needed, since the final footprint of the structures would not match the issued GP. The agent was advised not to do any more work, until the Commission approved this after-the-fact application, but he said he had to move his barge from the property. So he went ahead and cut some of the boathouse off.

On June 30th, 2014, staff received an after-the-fact application for authorization of a boathouse totaling nine hundred and sixty-eight point two nine square feet. On July 22nd, 2014, a site visit revealed a pier was not included on the new application. The structure
the agent, in accordance with Mississippi Code 49-27-51. The violation was discovered on May 27, 2014, and the violation lasted thirty-five days. Maximum potential fine would be seventeen thousand five hundred dollars.

Our recommended fine is to be issued to Stephen James Drennen, the agent, in the amount of four thousand dollars, with two thousand dollars suspended, contingent upon no new violations being committed in any jurisdiction for a period of two years and payment of two thousand dollars within forty-five days of the Commission’s decision, or the matter will be forwarded to the Attorney General’s office for further enforcement.

Some of our decision factors. The agent constructed the structures, while the applicant was out of the country on business, and the applicant has been very cooperative throughout the after-the-fact permitting process.

Any questions?
COMMISSIONER GOLLOTT: Are there any of the parties here that would like to speak on this matter?
ROCHELLE JOHNSON: Yes.
COMMISSIONER GOLLOTT: Please approach the podium and give us your name for the record.
CHRIS PICKERING: The neighbor informed me this morning that she would not be making the meeting.

COMMISSIONER GOLLOTT: Thank you.
PETER JOHNSON: Peter and Rochelle Johnson. We are the property owners of 1634 Cypress Lane.
COMMISSIONER GOLLOTT: I’m sorry.
PETER JOHNSON: We are Peter and Rochelle Johnson, and we are the property owners where the boat dock is being constructed.

COMMISSIONER GOLLOTT: Okay.
PETER JOHNSON: I’ve got some printouts here to help you follow my explanations, if I could give these to you.

COMMISSIONER GOLLOTT: Yes, sir.

(Documents handed to the Commission members by Peter Johnson.)
PETER JOHNSON: If you look at the original plan that was permitted, to the left you can see what we and the Corps of Engineers describe as an access pier, but, from my understanding, the DMR doesn’t call that an access pier.

From the access pier going backwards is a distance of eight feet. If we actually did go physically back eight feet, a section of that would be over wetland, and, now, I understand that we’re not allowed to construct over wetland.
So the boat dock physically is one-and-a-half feet longer than the original design. We have forty-three feet here and exactly forty-four-and-a-half feet long, but it is further out into the water than it originally was because we weren't able to construct over wetland (indicating document).

I thought DNR was supposed to come around and inspect the work going on, during construction. I don't know that they ever did come around to inspect it because, I guess, they could have halted the work, at the time, if it was out of compliance.

ROCHELLE JOHNSON: Well, in the first place, the DNR should not have okayed this permit because Peter is not a builder. He's not an architect. He drew it up, gave it to the DNR, somebody came out and took a look, and, at that point, the DNR failed to say, "wait a minute. You can't go back because you will be on wetland."

I've got a bee in my bonnet because of that, and that's what I would like to add.

PETER JOHNSON: The letter from the Corps of Engineers describes the access piers, the twelve and the ten foot, and I also thought it was the understanding that access piers didn't need to be permitted. Without the ten-by-twelve foot access pier included in the square footage, the whole pier is actually nine hundred and ninety-three square feet, less than a thousand square feet.

COMMISSIONER GOLLOTT: How are they going to modify this to bring it into compliance?

ROCHELLE JOHNSON: It is going to be a nightmare for us.

CHRIS PICKERING: It doesn't fit the General Permit guidelines, right now.

As far as an access pier goes, they may have called it an access pier, but they are counting it in the square footage, the Corps of Engineers, and anyway we call an access pier an access pier, we would not count that in the square footage, but this does not fit the definition of an access pier.

The access pier has to be perpendicular to the shoreline, and it can only be up to six feet wide. Theirs is nine feet wide and it is parallel with the shoreline.

COMMISSIONER ZIMMERMAN: Chris, had they built it by the original permit, would they be in compliance?

CHRIS PICKERING: Yes, they would.

COMMISSIONER ZIMMERMAN: The problem is that it was not built by the permitted approval?

CHRIS PICKERING: Right.

COMMISSIONER ZIMMERMAN: That's the whole problem, and that's the way I understand it, Mr. and Mrs. Johnson, is that is where we are.

It's not whether the DNR inspected, or didn't inspect, or should have turned it down, it's that you didn't build it as what you applied for and was approved.

PETER JOHNSON: Yes, and I was overseas quite a lot of the time during construction.

COMMISSIONER ZIMMERMAN: I understand that, and the gentleman that built your structure, at the last meeting, said that he chose to move it outward, on the record.

ROCHELLE JOHNSON: He had to. At that point -- COMMISSIONER ZIMMERMAN: (Interposing) I disagree with that, ma'am. You had a permit saying what you could do, and, if you had built it according to that permit, we wouldn't be here. That's the way I see it.

ROCHELLE JOHNSON: Somebody dropped the ball. He should have said, "We need to go back and get this, at this point", whether it's the DNR, or the builder.

COMMISSIONER ZIMMERMAN: I agree with that. The builder plainly, the way I interpret it, in his testimony before us last month, said that he chose to move it outward. That was his choice.

I feel sorry for you. I understand you are in a bad position, but it's not our problem either. We have to protect the ecology and the environment of the State of Mississippi, and that's what we are trying to do.

ROCHELLE JOHNSON: This pier doesn't have anything to do with the eco system. This has to do with the neighbors.

COMMISSIONER ZIMMERMAN: I disagree with that. You went from nine hundred and ninety-three square feet which was approved which is a shaded area which cools the water temperature down and does not let natural sunlight get to the water, as it normally does, to eleven hundred and twelve feet, by the way it's built, now. So I disagree with that.

PETER JOHNSON: The Corps of Engineers say that the regulating authority prescribed this type of permit to be the process and procedures for minor work, having no significant environmental impact (indicating document).

ROCHELLE JOHNSON: To further note, if you will go back to your General Permit and read, it talks about access piers are not included in the square footage. That's in the general permits. If you go back and read that, you will see.

WILLA BRANTLEY: Excuse me. My name is Willa Brantley. I'm the Bureau Director for wetlands Permitting.

I just want to make one statement that we are.
not arguing about the square footage. If they weren't
within ten feet of the neighbor's property line, we would
allow every bit of square footage that is there. The only
issue is that they are within ten feet of the property
line, eight point two five feet further than she gave them
permission for.

COMMISSIONER GOLLOTT: Where would they have to
take the eight foot from, or can they?

WILLA BRANTLEY: If they are within ten feet, it
would be this corner right here (indicating slide).

PETER JOHNSON: There is also a piling there
that is supporting the boathouse.

COMMISSIONER GOLLOTT: What about taking the
part that is not shaded off?

What will that give you?

PETER JOHNSON: I'm sorry.

COMMISSIONER GOLLOTT: The way I'm looking at
the plans here, you've got a three-by-three here that is
not shaded, that's not under the roof (indicating
document).

Right?

PETER JOHNSON: That actually doesn't exist
anymore. That was cut back.

CHRISS PICKERING: This is what they currently
have (indicating document).

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 COMMISSIONER GOLLOTT: Are you willing to do a
survey?

PETER JOHNSON: We've had a survey.

ROCHELLE JOHNSON: We've got a survey.

CHRISS PICKERING: They had a survey, but not one
that shows their current structure there, how far it is
from the property line.

PETER JOHNSON: I've measured to the right-hand
side at mean high tide, and the waterline sits back about
eight feet. So we could have gone that eight feet back.
However, on the right-hand side, from the present back
side of the dock, the wetland is probably about three
feet. So, if we actually went back that eight feet like
the original design, we would be over wetland
(indicating).

COMMISSIONER GOLLOTT: Well, to be honest with
you, I have built piers and I've built boat covers and
stuff, and I'm trying to figure out a compromise here that
won't cost you a fortune to rebuild this thing.

Do you think, if we gave you another month, you
could come back with a survey, or something, to help us
determine what is best for both sides?

ROCHELLE JOHNSON: We could do that, but he is

their dock, at his cost. He has offered to build them an
extension, permitted, at no cost to them.

COMMISSIONER GOLLOTT: We can't make that
happen. I mean, that's not in our jurisdiction.

What I'm asking you is if you take the three-
foot walk away down the side of your pier, will that bring
you in compliance, or will it be close?

ROCHELLE JOHNSON: We don't know.

COMMISSIONER GOLLOTT: It looks like if you take
three foot off...

PETER JOHNSON: The lady previously was saying
that they are disputing the square footage, at the moment,
but the piling is still going to be there.

The Bradleys are arguing that it is restricting
their access into that area.

Now, they do take the boat in and out. They
have been taking the boat in and out.

COMMISSIONER GOLLOTT: If you take the three
foot off, wouldn't it widen their access?

PETER JOHNSON: Well, it would probably help.
yes.

COMMISSIONER GOLLOTT: It would give them more
access, and it wouldn't cost you an arm and a leg to try
to put another piling under your roof.

CHRISS PICKERING: We don't know exactly how far

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talking about we need to be ten feet away from the
property line. We could never do that.

Chris, we could never do that because of the
whole length.

COMMISSIONER GOLLOTT: well, I guess that's
where we are.

Why can't they get ten feet away?

CHRI$ PICKERING: The eight point two five feet,
that's too far out. That is what has to come back.

PETER JOHNSON: He's not saying ten feet away
from the property line.

CHRI$ PICKERING: The whole thing doesn't have
to come back ten feet from the property line.

COMMISSIONER BOSARGE: It's just the end of the
boathouse that is extending out.

ROCHELLE JOHNSON: They feel like eighteen feet
is not enough room for them to get back and forth.

COMMISSIONER BOSARGE: I know, but that's kind
of beside the point. The distance between the two docks
is beside the point.

CHRI$ PICKERING: Yes.

COMMISSIONER BOSARGE: The point is the distance
from your boathouse to the property line which has to be
ten feet.

Correct?

CHRI$ PICKERING: Right.

COMMISSIONER BOSARGE: How close are they to the
property line, now?

CHRI$ PICKERING: We don't know for sure,
without having a survey done that shows the existing
structure on the survey.

COMMISSIONER GOLLOTT: If these folks are
willing to do that, let's do it. I mean, you are
talking about a lot of money redoing this thing.

ROCHELLE JOHNSON: Yes, we are.

COMMISSIONER GOLLOTT: It would be better to
know exactly how far.

If you've got to move it back, exactly how far
are they talking about?

Maybe you could just take off your eave that
hangs over your boathouse.

COMMISSIONER BOSARGE: Does the boathouse run
parallel to the property line?

PETER JOHNSON: Yes, it does. It's between a
foot and eighteen inches from that property line, going
out into the water.

COMMISSIONER GOLLOTT: So you would have to tear
the boathouse down to get in compliance?

PETER JOHNSON: Yes -- well, not in compliance,
no. The Bradleys have signed off that we could build

within ten feet of their property line going out into the
water. They have signed off on that. It's just that the
whole structure is about eight feet further out into the
water. It's not encroaching onto their property line.

WILL A BRANTLEY: Which is approximately from
this piling to this piling (indicating slide).

CHRI$ PICKERING: So, like, an eight-point-two
five-by-ten-foot square on the corner there is what they
don't have permission for.

WILL A BRANTLEY: And I would remind the
Commissioners that if you allow a structure within ten
feet of the property line, without the adjacent property
owners' authorization, that is a new precedent that we
would be setting. We have never allowed that before, and
there have actually been structures that had to be torn
out that the Commission ruled had to be taken out because
they were within ten feet of the property line without
permission.

COMMISSIONER GOLLOTT: I understand. What I
would be in favor of is letting you get in compliance and
waiving the fines because it is going to cost you a lot of
money to redo this.

WILL A BRANTLEY: We are not recommending the
fine to the property owners. We are recommending the fine
to the agent because he has been fined --
concerned, I make my decision, when he said he made the choice to move it eight feet. He should not have done that.

That's why you are here, and I feel sorry for you because of his action, and he is the one who should be having the pain, at this point, and not you. You paid for something, and he made a decision to screw it up, and I understand that.

PETER JOHNSON: We will try and get some agreement between the agent and us.

COMMISSIONER GOLLOTT: I think you've got some leverage, and you could probably file a lawsuit against him.

ROCHELLE JOHNSON: It's just...

COMMISSIONER GOLLOTT: It's not right for us to fine you. I don't think. We should be fining him. I agree, but, if you can get him to modify this thing and bring it into compliance and obey the law, then, I think we'll be okay.

I would like to make a motion to that effect.

COMMISSIONER DRUMMOND: Steve is going to do it.

COMMISSIONER GOLLOTT: That's fine.

COMMISSIONER BOSARGE: I'll make a motion that we accept the staff's recommendations, proposing we fine the agent ten thousand dollars, unless he brings the

boathouse back into compliance.

CHRIS PICKERING: Just to let you know, he just got finished paying ten thousand dollars.

COMMISSIONER BOSARGE: Well, he is going to have to do it again.

PETER JOHNSON: Chris, can we also work with you on whatever is going to be done, in the future, with this to make sure that we are in compliance?

CHRIS PICKERING: Let me try to get it straight. Are we bringing this back to the Commission?

Does the Commission want to see a survey?

COMMISSIONER GOLLOTT: Once we approve it, if he doesn't do what he is supposed to do, it would come back before us.

SANDY CHESTNUT: Chris, go back to the recommendation slide, please.

CHRIS PICKERING: Yes.

SANDY CHESTNUT: There is no timeline specified, in the recommendation.

Does the Commission want to impose a timeline for this to be corrected?

COMMISSIONER BOSARGE: Forty-five days.

COMMISSIONER GOLLOTT: Okay.

He wants to put forty-five days.

SANDY CHESTNUT: So the motion is that you accept the staff's recommendation that the project be brought into compliance within forty-five days?

COMMISSIONER BOSARGE: Or a ten thousand dollar fine will be issued to the agent, if he doesn't bring the project into compliance.

COMMISSIONER GOLLOTT: Do we need to put in there if he brings it back into compliance, it will be suspended, the fine?

COMMISSIONER BOSARGE: Yes. He is going to spend his money one way, or the other.

COMMISSIONER ZIMMERMAN: Is that acceptable, Ms. Chestnut?

SANDY CHESTNUT: Yes.

COMMISSIONER GOLLOTT: Do I have a second on that motion?

COMMISSIONER ZIMMERMAN: I will second it.

COMMISSIONER GOLLOTT: We have a motion and we have a second.

Is there any more discussion?

(No response.)

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Thank you.

PETER JOHNSON: Thank you.

ROCHELLE JOHNSON: Thank you.

COMMISSIONER ZIMMERMAN: I hope that gives y'all some relief. I don't know what else we are able to do, as a regulatory commission. Good luck.

PETER JOHNSON: Thank you.

CHRIS PICKERING: Next, we have a request for a permit by Mr. Steve Holley, DNR Number 99467. It is located on the Mississippi Sound at 10009 Point Aux Chenes Road in Ocean Springs, Jackson County. It's in the General Use District, and the agent is Lee Purvis.

This is an aerial showing Deer Island, going into Biloxi Bay, and Highway 90. The thumbstick is Mr. Holley's property (indicating slide). He had an old pier here with some old existing piling. That's where he is going to be putting the pier (indicating slide). He is proposing an access pier at three-hundred-and-fourteen-feet long by six-feet wide, a pier twenty feet by thirty-six feet, and a boat house thirty-six feet by thirty-six feet. The total shading, excluding the access pier, is two thousand and sixteen square feet. Here is his three hundred-and-fourteen-foot
access pier, his pier at the end, and his boathouse
(indicating slide).

This is a picture of the property (indicating
slide).
The project does not serve a higher public
service.
The project is allowable within the General Use
District.

Similar projects have been approved, and no
precedent-setting effects are anticipated with this
project.
Piling installation may temporarily increase
turbidity, in the construction area, and may result in a
temporary decrease in the number of benthic organisms.
The shading of the terminal structure for the
proposed project would result in the shading of no more
than two thousand sixteen square feet of water bottoms.
No further impacts, beyond those already
described, are proposed.

Best management practices will be utilized,
during all phases of the construction, to minimize adverse
impacts to coastal wetlands.

No off-site alternatives have been considered
because this is a private residential lot and the project
serves to allow the property owner access to the water.

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The construction of piers and a boathouse do
require a waterfront location.

There are other similar structures in the area,
and this project is not expected to adversely affect the
natural scenic qualities.

Notification appeared in The Sun Herald and the
Mississippi Press, on October 19th, October 26th, and
November 2nd, 2014.

No comments were received.

DEQ is reviewing the project.

Archives and history has no objection.

Secretary of State says the project will not
require a tidelands lease.

Wildlife, Fisheries and Parks asks for best
management practices to be implemented.

Based upon departmental review and evaluation,
staff recommends that the Commission approve the
applicant’s request.

Any questions?

(No response.)

COMMISSIONER GOLLOTT: Do we have a motion?

COMMISSIONER ROSANGE: I’ll make a motion we
accept staff’s recommendation to approve the project.

COMMISSIONER GOLLOTT: Second?

COMMISSIONER ZIMMERMAN: Second.

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COMMISSIONER GOLLOTT: We have a motion and a
second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: The motion carries.

CHRIS PICKERING: Thank you.

JENNIFER WITTMAAN: Good Morning. My name is
Jennifer Wittmann, and I will be presenting the next two
items on the agenda.

First, we have a request for exclusion, by the
Mississippi State Port Authority, located at the
Commercial Small Craft Harbor at the Mississippi State
Port in Gulfport. It is in the Industrial Development Use
District.

This is the Commercial Small Craft Harbor, in
reference to highway 90, Highway 49, the State Port, and
the yacht basin (indicating slide).

The project will repair and replace damage to
the bulkhead and breakwater from Hurricane Katrina and the
addition of riprap will help maintain the integrity of the
bulkhead, underground utilities and the parking garage.

It will serve to protect the wall from the southwest fetch
and reflective wave energy within the Commercial Small
Craft Harbor.

The applicant is seeking authorization to repair
and restore sixteen hundred and seventy-five feet of
existing breakwater, with riprap extending forty-four feet
waterward on the east side and thirty-eight feet waterward
on the west side.

They are also proposing to repair eighteen
hundred feet of bulkhead, with riprap extending distances
ranging from thirty-nine feet to forty-two feet waterward.

They are proposing to construct one hundred and
twenty-five feet of new bulkhead, with riprap extending
thirteen feet waterward.

The total fill for riprap is four point nine
four acres.

The applicant has requested a variance to
Chapter 8, Section 2, Part II, of the Mississippi
Coastal Program which states:

"Permanent filling of coastal wetlands because
of potential adverse and cumulative environmental impacts
is discouraged."

This is a diagram of the existing breakwater in
the center here. You will have riprap that extends on
either side, the existing bulkhead that will be replaced,
and riprap extending out thirty-nine to forty-four feet,
and, then, the hundred and twenty-five feet of new
bulkhead with thirteen feet of riprap (indicating slide).

Cross sections of the area. Again, the existing breakwater in the middle, with riprap extending out either side with the geotextile fabric placed on the bottom to prevent sinking of the riprap, once it is installed, and the existing bulkhead with riprap extending out (indicating slide).

The project has a public benefit, by repairing damage from past storms and protecting the integrity of the existing bulkhead and existing underground utilities, and providing a wave barrier and damper within the Commercial Small Craft Harbor.

The project is allowable within the Industrial Development Use District.

The applicant has requested a variance to Chapter 8, Section 2, Part III.b. of the Mississippi Coastal Program, and that has been justified under Chapter 8, Section 2, Part III.b. c(iv) which states that the activity requires a waterfront location, there is a significant public benefit in the activity, and a public hearing has been held.

There are no precedent setting effects expected. This site has historically been utilized as a harbor, and similar projects have been approved by the Commission.

The Commercial Small Craft Harbor is an area that has historically experienced degraded water quality, specifically dissolved oxygen and biological oxygen demand.

Several different breakwater designs have been evaluated by the applicants, to determine if improvements to the water circulation could be made and would, therefore, have a positive impact on the water quality within the harbor, but no significant improvements were observed, during the hydrodynamic model simulations. The project should not have an adverse impact on the existing water quality within the Commercial Small Craft harbor.

The full extent of the project consists of the proposed bulkhead, armoring, breakwater, and future docks and piers.

Best management practices will be utilized, during all phases of construction, and should reduce any adverse impacts.

The applicant, again, utilized hydrodynamic model simulations to evaluate three different breakwater designs.

I'm going to go through the designs, and then, I have a diagram that kind of shows them a little more clearly.

The first was to place rock- armored breakwater aligned with the existing breakwater.

The second was the placement of rock- armored breakwater aligned with the existing breakwater, with removal of an existing three hundred foot dog leg at the southern end of the breakwater.

The third was the placement of the rock- armored breakwater aligned with the existing breakwater, with the addition of a thirty- foot gap in the breakwater to allow for tidal exchange.

Designs two and three reduced the velocities of water at the entrance of the channel, but resulted in negligible increases in water velocities in the northern harbor.

The water quality, in the Commercial Small Craft Harbor, depends on how well the basin is flushed which depends on the water circulation, and the proposed project serves to provide wave protection, but not improved water circulation.

This is the first option that they looked at. The red is the highest velocity of water, and, then, the orange and the yellow, and it goes down (indicating slide).

This is the existing breakwater with the three hundred foot dog leg, and you can see you have high velocities right at the mouth, and they diminish as you come into the Small Craft Harbor (indicating slide).

The removal of the three hundred foot dog leg did decrease the water velocities near the mouth, but did not allow for water circulation further into the harbor, and the third option, like the second, did decrease the velocities, but did not allow water circulation much further into the harbor, and the gap placed within the breakwater did not allow for much difference in the water circulation in the area (indicating slide).

The proposed project is within the footprint of the existing Commercial Small Craft Harbor at the Mississippi State Port and no alternatives have been considered.

The construction of breakwaters, armoring, and breakwaters does require a waterfront location.

The project is located in an area that has historically been utilized as a port and commercial small craft harbor, and scenic qualities should not be adversely impacted.

The Mississippi Coastal Program states that State agencies shall consider the following aspects of the national interest, including the national need for transportation, including ports and navigation.

Notification of the project appeared in The Sun Herald, as required, and no public comments have been received.
A public hearing was held on November 3rd, 2014, and no public comments were received. Department of Environmental Quality is currently reviewing the project. Wildlife, Fisheries and Parks recommends best management practices. Archives and history had no objection. The Secretary of State’s office has stated that a tidelands lease will be required. Based on departmental review and evaluation, it has been determined that the project is consistent with the Mississippi Coastal Program because the project has a public benefit by repairing damage from past storms and protecting the integrity of the existing bulkhead and existing underground utilities, as well as providing a wave barrier and damper in the Commercial Small Craft Harbor. Therefore, staff recommends approval of the applicant’s variance request and plans to approve the project, contingent on clearance from the Mississippi Department of Environmental Quality. At this point in time, the port is in negotiations with some tenants that may be coming into the commercial Small Craft Harbor. If, at that point, piers need to be constructed, they would propose to add circulators to the piers.

At one point after Hurricane Katrina, there were fountain-type circulators added to the small craft harbor, but they just don’t function really well, if they are not attached to a structure.

When the additional and future piers are built, they are proposing to add some circulators to those piers to try to help increase the water quality within the area. Right now, the pilothouse are really the only vessels that use the small craft harbor on a regular basis.

COMMISSIONER DRUMMOND: I make a motion, Mr. Chairman, that we accept the staff’s recommendation to approve the variance and the project.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER GOLLOTT: Any discussion?

(COMMISSIONER GOLLOTT: (No response.)

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(No one opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JENNIFER WITTMANN: Thank you.

Next, we have a request for permit by Huntington Ingalls Industries, located on the Pascagoula Bay in Pascagoula. It’s in the Industrial Development Use District, and Burk-Kleinpeter, Incorporated, is the agent. This is the project location, in reference to Highway 90 and Market Street in Pascagoula (Indicating slide).

The applicant is proposing the continual maintenance dredging of an existing ship berth to thirty-eight feet below mean low water, the existing launch pit to seventy-one feet below mean low water, and the existing sonar pit to a depth of fifty feet below mean low water. This dredging would be needed over a ten-year period for the purpose of maintaining shipyard activities. The projected total amount of dredged material totals two million one thousand cubic yards, and the applicant is proposing that the dredged material be disposed of at an approved onsite upland location.

The applicant was previously granted a variance to the Mississippi Coastal Program, Chapter 8, Section 2, Part 111.G.4 which states that access canals shall be of uniform depth, or become gradually shallower, proceeding from the receiving body of water, and they shall be no deeper than the parent body of water.

This is a diagram. The light areas are the areas that will be of a uniform depth, and the sonar pit and the launch pits will be deeper (indicating slide). The project has a public benefit, by allowing Huntington Ingalls Industries Pascagoula facility to continually maintenance dredge specific areas to specific depths needed to build Naval, Merchant Marine, and commercial vessels.

The proposed project is allowable within the Industrial Development Use District. The applicant was previously granted a variance to the Mississippi Coastal Program, and that variance was justified under Chapter 8, Section 2, Part 111.G.4 which states that the activity requires a waterfront location, there is a significant public benefit, and a public hearing has been held.

There are no precedent-setting effects expected. This site has historically been utilized as an Industrial site, and permits have previously been issued for dredging to these depths, and similar projects have been approved by the Commission.

The project should not have any adverse impacts, other than the loss of benthic organisms. It will not affect the supply of sediments, nutrients, temperature, salinity, water flow, or circulation. An increase in turbidity is expected, during the
dredging process. However, it should not exceed
Department of Environmental Quality's water quality
guidelines.

Best management practices will reduce any
impacts. The proposed depths are necessary for Huntington
Ingalls Industries Pascagoula facility to continue
building Naval, Merchant Marine, and commercial vessels.

Off-site alternatives have not been considered,
as this is a maintenance dredging project.

The maintenance dredging of the berths, launch
and sonar pits does require a waterfront location.

The project is in an area that has historically
been utilized as an industrial area and scenic qualities
should not be adversely impacted.

The Mississippi Coastal Program states that
State agencies shall consider the following aspects of the
national interest, including the national need for
transportation, including ports and navigation, and the
need for the national defense, and to establish and
maintain facilities necessary to accomplish this.

Notification of the project appeared in The Sun
Herald and the Mississippi Press, as required. No public
comments were received.

DCQ is currently reviewing the project.

Wildlife, Fisheries and Parks recommended best

management practices.

Department of Archives and History had no
comments.

Secretary of State's office had no issue.

Based on departmental review and evaluation, it
has been determined that the project is consistent with
the Mississippi Coastal Program because the project has a
public benefit, by allowing Huntington Ingalls Pascagoula
facilities to continually maintain dredge specific areas
to certain specific depths needed to build naval, merchant
Marine, and commercial vessels.

Therefore, staff recommends approval of the
project, with the condition that the applicant be required
to use a DNR-approved beneficial use site, in accordance
with Mississippi Code 49-27-61, and is contingent on
clearance from MDMO.

Should a beneficial use site not be available,
when the dredging takes place -- at this point, it is
slated to be 2017 -- the applicant will be required to
submit all applicable dredge fees as determined by DNR
staff.

I'm happy to answer any questions, and we also
have a representative from Hunt-Klempeter and Huntington
Ingalls.

COMMISSIONER DRUMMOND: Do they have a permit,

now?

Does Ingalls have a permit to do this, now?

JENNIFER WITTMANN: They had a permit. It was a
ten-year permit. It just expired in October.

COMMISSIONER BOSARGE: Do you think that the
dredge spoils will be suitable for a Beneficial Use Site?

JENNIFER WITTMANN: We will have to test the
materials to be sure.

COMMISSIONER BOSARGE: Okay.

JENNIFER WITTMANN: I didn't know if George maybe
had an idea, but they would be required to go through the
testing, and, if it is approved for beneficial use, then,
they would be required to use the Beneficial Use Site.
Otherwise, it could go to their on-site disposal area.

COMMISSIONER BOSARGE: I make a motion that we
accept the staff's recommendation.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER DRUMMOND: Second.

COMMISSIONER GOLLOTT: We have a motion and a
second.

Any more discussion?

(No response.)

COMMISSIONER GOLLOTT: All those in favor say
aye.

(All in favor.)

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JAN BOYD: I think it's about the same as last year.

PREVIOUSLY, we were doing over a thousand a year. It's picking up.

COMMISSIONER MOSONG: Thank you.

COMMISSIONER GOLLOTT: Bill, Office of Finance.

BILL FEIDT: Good Morning everyone. I will take you through the financial position of the agency, as of the end of October.

State revenue year to date of three-and-a-half million dollars.

Total agency revenue of fifteen point two million.

We have already received the Tidelands check for this year. It has been transferred over into our account.

On the net side, the State has a negative balance of eighty-five thousand dollars. This is primarily due to MAGIC issues which is a new State accounting system. The inter-agency payments have been kind of lasting. They have worked the kinks out because it is transferring money from the left pocket to the right pocket. The good news is we will get that caught up over the next couple of months. It's not a concern, at this point.

Overall, operating funds have a net of negative five hundred twenty-eight thousand. That is due to the reimbursement nature of our Federal funds. You will see a negative balance of about four hundred and forty thousand dollars on our Federal funds. That is all money that we will recoup in the next fifteen to thirty days.

Any questions on this?

(NO response.)

BILL FEIDT: From a budget standpoint, after four months, we are in good shape.

Operating funds have seventy-six percent of the budget remaining.

In Tidelands, we have ninety percent of the budget remaining.

Any questions?

COMMISSIONER GOLLOTT: Are we solvent?

BILL FEIDT: We are solvent. We are in very good shape.

With that, we are going to turn it over to Sonja Slater. She is going to give us a snapshot of where we are in the Tidelands process.

COMMISSIONER GOLLOTT: Thank you.

SONJA SLATER: I'm going to go over the FY16 Tidelands application process, just to let you know where we are in the process.

You are all aware of the Tidelands Act.

Mississippi Code of 1972, and that we took at Conservation, Reclamation, Preservation, Acquisition, Education and Public Access projects.

This a history of where we have been since 05 and where we are, now, with the Tidelands funding. In FY15, we received nine point seven million (indicating slide).

This is our schedule. We start accepting applications in May of every year. We stop accepting them on July 1st of every year. Between July and August, we have a compliance review. Between September and October, we have a merit review (indicating slide).

Now, we're in November with the Commission meeting. In December, they will be presented to the legislative forum. In January, the projects will be voted on, in the legislature. By April, we should have the appropriation bill. Then, again, in November, we should have the check, and between November and December, they will be awarded for their FY16 projects. I have already sent out the FY15 awards for this year (indicating slide).

For FY16, we received a hundred and twenty applications; over twenty-eight million in requests. Forty-three of those were public access with thirteen million requested, and seventy-seven were managed projects with fourteen million requested.

We only received nine point seven million, in FY15. We should receive about the same, or a little more, in FY16. As you can see, we have way more requested than what we are able to fund each year (indicating slide).

This is the breakdown of the FY16 applications by city. As you can see, each city has put in an application. They have one to four projects, and what the total dollar value is. We had twenty-five applications submitted by cities for a total of seven point eight million dollars in requests (indicating slide).

Our Board of Supervisors in each county also submit applications. We have nine applications submitted by the three Coastal Board of Supervisors for a total of three point one million requested (indicating slide).

We also have public access projects that don't fall in the city, or municipality, realm. They are more miscellaneous projects by different agencies in the area. This is a list of those agencies and the number of projects that they request. We had a total of twelve of those and they requested three point five million (indicating slide).

For our managed projects, they usually run MOMR requests, the universities requests, and we do have a small portion of other requests. We had twenty applications from MOMR to the tune of three point seven
million. We had forty-two requests for universities to
the tune of eight point one million. Fifteen other
project requests from other agencies to the tune of two
point nine million (indicating slide).

Any questions?

COMMISSIONER GOLLOTT: Thank you, ma'am.
COMMISSIONER DRUMMOND: Good job.
COMMISSIONER GOLLOTT: Coastal Restoration.
GEORGE RAMSEUR: Good morning Commissioners,
Director Miller, and counsel. I'm pleased to give the
first report for the Commission from the new office of
Coastal Restoration and Resilience.

I wanted to give you an idea of two of the most
active areas in the office, right now, even though it
covers many more bases. Primarily, those are the CIAP and
the Heritage programs.

I would like to acknowledge Jennifer Wagner and
Rhonda Price who are here for holding these two programs
together over the last couple of years, and we are
rapidly developing our program to handle more action under
these programs and additional programs, as they come up.

CIAP, the round second stood up in 2006 for a
total of about a hundred and nine million dollars. We are
still working under that second round which will sunset
for closeout December of 2016.

We have a third round possible, but it is likely
to be smaller; more in the ten to twenty million dollar
range, and there are a number of things that have to
happen for that to occur.

Right now, the challenge, with the current
second round, is to spend the remainder of the funds
efficiently before the closeout in December.

This chart was prepared by CRS for this second
round CIAP. It shows the initial hundred and nine million
dollar award, and, then, expenditures total to date of
about fifty-nine million dollars (indicating slide).

That means that, essentially, of the DMR
specific part of the grant, we have spent sixty-three
percent. The counties have spent roughly forty percent.
This is the sub-grant part of the granting program. You
can see is quite a bit of funding left to spend in these
last two years, and that is to be done in an evermore
carefully-managed set of parameters that include, in some
cases, federal standards for acquisition and surveys,
appraisals, and that sort of thing (indicating slide).

The other major grant area, right now, is
National Park Service Program. Here at Coastal Heritage,
this program was audited by the Office of Inspector
General, and the funding for this program was withheld
last year. That was two hundred and twenty-five thousand
dollars.

They issued a report that included two tiers of
corrective action. So far, we have completed compliance
with the first tier, and funds for 2014 were released to
the tune of three hundred thousand dollars.

We are working on compliance with the second
tier, right now. Once we get that complied with, we can
look forward to additional funding for the 2015 cycle
which should be also in the range of about three hundred
thousand dollars.

The Coastal heritage area is the six coastal
counties. The main objective of this program is to
encourage general and nature-based tourism. Also, as an
obligation of part of the grant program, we need to
develop a GIS/Web-based design component which is designed
to put more of the options for tourism on the Coast in
more of an electronic and possibly even a smartphone
application so people can readily access all the
interesting parts of the Coast and have plenty of
information about what they are looking at.

The third major part of this is the grant
program which will help people with everything from
signage to other aspects. It can improve nature trails,
or other things, that would get people to points of
interest along the Coast.

One other area I want to talk about, you all may
have seen in the news the last day, or two, the governor
has announced twenty-eight million dollars for coastal
restoration, under the National Fish and Wildlife
Foundation. That includes three major areas certainly of
interest to us in the coastal zone; that being twenty-one
million dollars for beneficial use of dredge material
program, four million dollars for an invasive species
program, and two point six million dollars for a fish
stock assessment-type program.

That is just a brief overview of three of the
main facets of the new office, and I just wanted to get up
and talk to you folks about what we are doing.

Do you have any questions?

COMMISSIONER DRUMMOND: Where does the grant
money come from?

GEORGE RAMSEUR: The Heritage Grant comes from
the Park Service. The CIAP comes through Fish and
Wildlife Service. So it's Federal.

COMMISSIONER GOLLOTT: Thank you very much.

GEORGE RAMSEUR: You're welcome. Thank you.

COMMISSIONER GOLLOTT: Next we have Public
Affairs.

BROOKE GODF: Good morning Commissioners,
Director Miller, and counsel. My name is Brooke Godf.
I'm with the office of Public Affairs, and I'm just going to give a brief report of some of the happenings since the last Commission meeting.

The Department of Marine Resources was mentioned thirty-four times in local, state and national media, since the last meeting.

Items of particular interest included ground breaking at Harbor Landing in Ocean Springs and the opening of the oyster season.

Seafood Marketing sponsored a booth at the Peter Anderson Festival, on November 1st and 2nd. Six chefs from Ocean Springs demonstrated how to make various seafood dishes in your own home and provided tastings for the audience.

November 8th and 9th, Seafood Marketing sponsored five chefs at the Gulf Oyster Festival in Gulf Shores, Alabama. Ten chefs in total from Mississippi competed in three categories. Nine placed, and three won top prizes.

Rick Raney, Education Specialist at Grand Bay NERR, was named 2014 Outstanding Marine Educator, by the Southern Association of Marine Educators. Rick travels to schools throughout the area, teaching students about the importance of Marine Resources.

Rick said about the award, "My reward is always inspiring the students along the Gulf Coast to become better stewards of the coastal habitats. It is great to be a representative of the Mississippi Department of Marine Resources."

Marine Patrol officers have also spent time in south Mississippi classrooms recently. Officers have participated in career fairs and health and safety fairs, talking to students about law enforcement and boater safety.

Any questions?

COMMISSIONER GOLLOTT: Thank you very much.

BROOKE GOF: Thank you.

COMMISSIONER GOLLOTT: Do we have any other business to be discussed?

(No response.)

COMMISSIONER GOLLOTT: With no other business, how about public comments?

Do we have anybody that wants to speak?

FROM THE FLOOR: Yes.

COMMISSIONER GOLLOTT: Come to the podium and state your name.

HAROLD STRONG: My name is Harold Strong. I received a ticket, on November the 14th, Friday, for working outside of an area, St. Joe Reef.

I had called the hotline and it didn't have that on the hotline. It just had the area.
I don’t understand why you went to jail.

were there other circumstances?

HAROLD STRONG: No. I cooperated with them. I
was handcuffed, in front of a bunch of people, dragged to
jail and strip searched.

COMMISSIONER GOLLOTT: I apologize for the
Commission, and we will work on this. I don’t think it is
right to arrest a fisherman. They should have issued you
a ticket and let it go to court and decide it, as far as
I’m concerned.

HAROLD STRONG: I agree.

To start with, there are oysters all over the
St. Joe area. That’s why I brought this (indicating
document).

Can I come up there and show you something?

COMMISSIONER GOLLOTT: Sure.

HAROLD STRONG: This is the St. Joe area. When
I brought the people out on the boat, the Commissioners
and Jamie, there are oysters all down this channel
(indicating document).

Why is just this open (indicating document)?

There are oysters out here that are going to
die. They are four- and five-inch oysters. I have come
out here and made my oysters, in two hours. Yesterday, I
went out in the bad weather, and made two sacks in ten

minutes, and I brought another boat in because his boat
was broke down and his wife was scared to death, or I
would have stayed out and got my oysters. Everybody else
that worked yesterday got their ten sacks and was in may
before the time limit. There are plenty of oysters all
down this (indicating document).

Why don’t you open up area 18?

There are no oysters anywhere else, but the St.
Joe, down there, and let it go like the Commission
originally approved it to start with.

COMMISSIONER GOLLOTT: I think the St. Joe area
is open. I agree with you, and we will get with the staff
and see if we can work it out.

HAROLD STRONG: Thank you.

COMMISSIONER GOLLOTT: Thank you.

With no other business, do I have a motion to
adjourn?

COMMISSIONER DRUMMOND: I make a motion we
adjourn, Mr. Chairman.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER GOLLOTT: Motion made and seconded.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Adjourned.