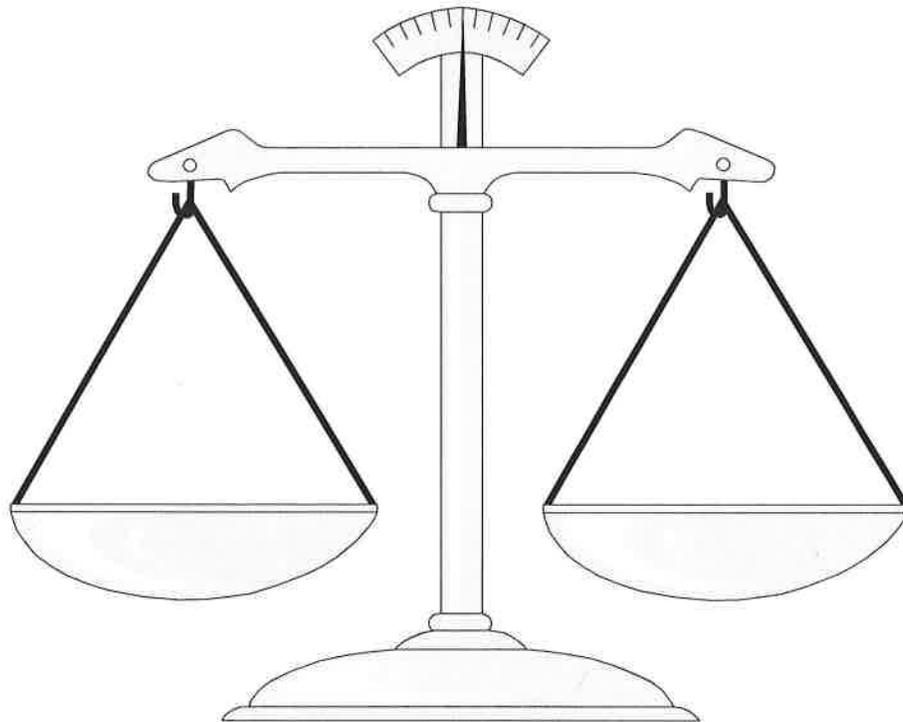


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COMMISSION ON MARINE RESOURCES

## COMMISSION MEETING

September 20, 2011

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COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES

September 20, 2011

TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW AVENUE, BILOXI, MISSISSIPPI, ON THE 20TH DAY OF SEPTEMBER 2011 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

JIMMY TAYLOR, Acting Chairman
RICHARD GOLLOTT
SHELBY DRUMMOND
STEVE BOSARGE

ALSO PRESENT:

DR. WILLIAM WALKER, Executive Director DMR
JOSEPH R. RUNNELS, ESQ., Asst. Attorney General
SANDY CHESNUT, ESQ., Asst. Attorney General

MR. TAYLOR: Now, the next part of the meeting is public comments. We welcome your comments. We limit them to three minutes about your concerns or issues related to fisheries. What I'm going to ask, we've got a good number here, more than usual, is that, one, you refrain from -- my mind just went blank. But anyway, three minutes.

And the first person that will come up will be George Storrs.

MR. STORRS: I'm here. But if you're going to ask me say anything -- I'd rather for Luke to come with me, Luke Harris.

MR. TAYLOR: That's fine. And when you come up, please state your name, and, you know.

MR. HARRIS: Good morning. I'm Luke Harris.

The other day, George and I, we went and took a look at the reef with Scott and Dale. The outer reefs don't look that good. We did find some promising areas between the bridges that looked like we could make a little good there.

We'd like to see this opened around the 1st, if possible, with a lower limit.

We understand that with a higher limit, it would draw a lot of out of state workers.

Alabama opens around the 26th or the 29th. If we could get like a bag sack limit at an earlier time and whenever the other state opens, we could raise it say to ten

A. Call to Order

MR. TAYLOR: Good morning. We thank all of you all for coming to the Commission on Marine Resources September meeting. And I want to call meeting to order.

B. Approval of Minutes

MR. TAYLOR: And the first order of business is approval of the minutes from August 16. Do I have a motion to approve the minutes?

MR. DRUMMOND: So moved, Mr. Chairman.

MR. GOLLOTT: Second.

MR. TAYLOR: All in favor. Motion carries unanimously.

C. Approval of Agenda

MR. TAYLOR: The second item is the approval of the agenda. Are there any changes to the agenda?

DR. WALKER: Yes, sir, Mr. Chairman. We have one suggested addition, G-5, discussion and action on potentially opening the oyster season.

MR. TAYLOR: Do I have a motion?

MR. GOLLOTT: So moved, Mr. Chairman.

MR. DRUMMOND: I second the motion, Mr. Chairman.

MR. TAYLOR: All those in favor. Carries unanimously.

D. Public Comments

sacks, that would be a terrific thing.

If you take that under consideration, we'd really appreciate it.

DR. ASPER: Thank you.

MR. STORRS: I'm George Storrs. I'm a commercial tonger like Luke.

I can only say dittoes what Luke said. But five sack limit, I know we can live with this. And I don't know if we're going to get ten. But we'll try to get ten if you guys would raise it around the 29th or so when Alabama opens up, it would be fine. We'd like that.

But if we can get open sooner than the 29th, I know there's probably going to be scheduling problem with the staff because they want it on the 29th, and I can understand where they're coming from. But a little bit sooner would not be -- you know, we need to go to work.

A little bit sooner would help us, maybe by the 10th or before. Like Luke said, maybe on the 1st.

But the five sack limit is pretty crucial to us because we don't want -- it's going to be a stretch to see if we can get ten. Now, I think we can do five and still be in at a good decent time of day. Ten might be stretching it, but we do want it to go to ten whenever they open up the state next door to us. Thank you.

MR. TAYLOR: Thank you. Next is Mr. Chris

1 Baylous.

2 MR. BAYLOUS: My name is Chris Baylous. I'm a  
3 commercial fisherman in all aspects.

4 The fishermen's organization, Mr. Harris and the  
5 rest of us belong to, support what Luke had to say.

6 We were also wondering what the possibilities of  
7 getting oyster transplant or relaying out of the Biloxi Bay  
8 area for later in the year would be. If there's any way that  
9 y'all can give us any enlightenment on this.

10 MR. TAYLOR: I believe Scott is going to talk  
11 about that when he comes up. If not, Dr. Walker will.

12 MR. BAYLOUS: All right. I thank you.

13 MR. TAYLOR: Thank you.

14 I hope I can pronounce this right. Choung Phan.  
15 Is that the correct pronunciation or close?

16 MR. PHAN: My name Choung Phan (ph.). I hear  
17 today they have meeting over here. And I come and I have to --  
18 we (inaudible) about shrimp this year, you know. And I don't  
19 know why this year, got no shrimp. Me go check every time, and  
20 we loose our end. I and (inaudible) every time, you know, from  
21 about July to here, I got no shrimp. And I let you know about  
22 that. Thank you very much.

23 MR. TAYLOR: Thank you very much. And I believe  
24 that the commission is very worried about that, the members. I  
25 know they are looking at everything that possibly could have

5

1 Two things you can't hide is the sun, the moon,  
2 and the truth. That's what we're here today for.

3 Why are we opening up what grounds we have left  
4 for seed oysters while you're blowing gravel out there on our  
5 reefs to try to restore? Why are we opening grounds? You done  
6 destroyed out in front of Pass Christian, Dr. Walker. And'  
7 that's the Gospel. You couldn't even get a basket of oysters  
8 out of there the other day off a beautiful tonging ground that  
9 has oysters stacked up knee deep. You let Alabama haul them  
10 off, now we ain't got any more.

11 Now you're wanting to open between the bridges.  
12 What you going to do for our seed oysters? That's what my  
13 question is.

14 Mr. Dr. Walker (sic), you got the biologist  
15 marine up here, education, what are you going to do when you  
16 take all our seed oysters?

17 No comment? You can't hide the sun, the moon,  
18 and the truth. BP will keep you punished, I promise you.

19 MR. TAYLOR: Thank you.

20 MR. MILLER: Don't laugh, Dr. Walker. It's not  
21 funny. When I got to go get food stamps --

22 MR. TAYLOR: Okay. I have someone that didn't  
23 write their name in, but it says oyster relay program.

24 State your name.

25 MR. SKINNER: My name is Mannie Skinner. I'm a

7

1 caused that, everything from the Bonnet Carre to BP. It's just  
2 one of those things that I think at this point we don't know.  
3 But we are looking at that.

4 Next is Catfish.

5 Hold on.

6 MR. BOSARGE: Mr. Phan, you're not the first one  
7 that said the same thing to me. And talking to a lot of  
8 different folks within the community and a lot of the old time  
9 fishermen, they say that, yes, it is as bad as they've seen it  
10 ever. And when you say bad, maybe just different. Bad, but  
11 different in that the guys go out and can trawl in areas and  
12 not catch anything.

13 So it's something we're looking into. And we've  
14 done some tests. And I hope we do some more.

15 But I know how you feel.

16 MR. TAYLOR: Just to give you an example, last  
17 week I went to the dock there where I normally buy -- last  
18 year I bought about 200 pounds of ten count shrimp over August  
19 to October to freeze. Could not find any.

20 So we are well aware of it and doing -- you  
21 know, the scientists are doing what they can to find out what  
22 it is. It's an elusive problem.

23 Okay. Catfish.

24 MR. MILLER: How you all doing today? My name  
25 is James A. Miller, ak Catfish, Biloxi fisherman 40 years old.

6

1 commercial tonger.

2 I stand kind of with Catfish on this situation  
3 about getting the oysters out of the bay, Pass Christian.

4 What few is left there is seed oysters to take  
5 care of all these rocks and shells that we planted out there.

6 From what I understood last year, BP give us  
7 twenty million bucks to go out there and take care of the  
8 reefs. And we took the money and basically we went and bought  
9 a bunch of rocks, bunch of oyster shells, and we spread them  
10 out there on the reef. And we are doing that right now today.

11 I'm saying to myself, this is a good program  
12 except when the Bonnet Carre Spillway opened up.

13 When the Bonnet Carre Spillway opened up,  
14 everything come to a halt on that program.

15 But I realize probably the State of Mississippi  
16 was under contract with certain people down in the Pass to get  
17 rid of these oyster shells and this gravel. But what we should  
18 have done but we haven't done, we should have stopped that  
19 program and we should have started a oyster relay program.

20 Oyster relay program would have put our people  
21 to work.

22 And what I'm saying is right now, it's not too  
23 late. We can't stop the gravel and the oyster shells, dead  
24 oyster shells, from being planted out there. And I'm hearing  
25 on the radio this morning it's going to be two years before we

8

1 can even go out there and dredge oysters if the conditions are  
2 right.

3 But what I'm saying is what we need to do, and  
4 this is a comment, we need to have oyster relay program. And  
5 we need to use the fishermen instead of a bunch of rich cats  
6 down in the Pass and different places that's going to use big  
7 barges and going to use their own dredging boats to go into our  
8 bay back here, go into Graveline Bayou, go into West River  
9 Pascagoula, and dredge these oysters out of here and take them  
10 down there and plant them on these rocks for the dredgers in  
11 the next two years.

12 We can't wait another two years. If you're  
13 counting two years, we're saying this year plus two. Me and  
14 Richard was talking about this back in April of last year  
15 before the BP oil spill ever hit, we was talking about the  
16 Bonnet Carre Spillway being opened. And him himself said it  
17 would probably be three years before we'd ever be able to even  
18 collect a oyster if we had good weather and no storms and no  
19 more Bonnet Carre Spillways. We can't wait three years.

20 What we need to do is we need to take these  
21 oysters that's in Back Bay, which Scott Gordon says there ain't  
22 none back there, but every time I go fishing back there, I get  
23 hung up on them. Maybe they just don't know where to look at.

24 We need to take some of these oysters that's in  
25 Graveline and in West River, and we need to transport these

9

1 oysters down to the Pass and put them on tonging reef down  
2 there.

3 And next, not this season, but next season when  
4 the spats comes in April, we'll have oysters for next October.  
5 This year is gone. It's history. If you go down there and  
6 catch the few oysters that you got down there, you ain't going  
7 to have no spat, none whatsoever for all the shells and the  
8 gravel that you put out there.

9 They ain't going to come from Louisiana because  
10 the fresh water's done killed everything from the I-10 bridge  
11 east. Okay?

12 And another thing I'd like to see the state do,  
13 I'd like to see them create a oyster reef for tonging behind  
14 Deer Island. I've been talking this for over a year. And Mr.  
15 Tommy Gollott said that's what we are going to do. But I don't  
16 know for sure.

17 But a oyster reef back there, open up Graveline,  
18 and try to get West River opened up.

19 Thank you.

20 MR. TAYLOR: Thank you. Your comments are well  
21 taken. I'm sure that Scott will address some of them, Mr.  
22 Skinner.

23 , Next, Ms. Suarez.

24 MR. SUAREZ: Good morning. My name is Delores  
25 Suarez. I do have a comment about the oysters.

10

1 After BP spill when Mr. Gordon went out, 90  
2 percent mortality rate. That left ten percent.

3 We opened it for tonging that year or last year,  
4 rather.

5 So say that took five percent off of that rate.

6 After the Bonnet Carre Spillway opened, it took  
7 another 85 percent mortality rate from the five percent. That  
8 leaves you .75 percent of your original reef.

9 Because of the conditions, it hasn't really  
10 been able to reproduce itself in order to -- I mean, the  
11 numbers are probably not accurate. This is just what I'm  
12 getting from watching the TV, reading the news, you know, what  
13 have you. They're probably not accurate figures. But they're  
14 close.

15 I have not heard anything from anybody saying  
16 that within -- since the BP spill that our oysters have been  
17 able to reseed themselves in a positive way to show anything  
18 very positive for it.

19 I don't know which way to decide with this. I  
20 just wanted to put those figures out there to you the way I  
21 understand them. Thank you.

22 MR. TAYLOR: Thank you very much.

23 Mark Stewart.

24 MR. STEWART: Good morning. Mark Stewart,  
25 commercial fisherman.

11

1 I'm concerned about several things here today.  
2 Have been for a while.

3 One thing is at least two and a half months I  
4 haven't been able to make a dollar anywhere on this coast,  
5 anywhere. Every time I go out, if I do catch a few shrimp one  
6 night, there's nothing the next night. The animals out there  
7 are starving to death. The porpoise will chew your nets off.

8 Right now I got to spend about \$800 to rebuild  
9 my nets because of about five hours of dragging out there.  
10 There's no boats out there. Porpoise are starving. You go  
11 throw your equipment over, they chew it to pieces.

12 I mean, what's going on?

13 Last time we talked about it, we're in  
14 transition mode. We must still be because there's no shrimp  
15 out here at all. There's no oysters over here. I'm a  
16 commercial oyster dredger. No oystering last year. I'm not  
17 going to oyster this year.

18 What's being done about it? That's what I'd  
19 like to know for the fishermen.

20 Is anything being done for the fishermen is  
21 what I want to know.

22 Can anybody answer that?

23 Dr. Walker, can you answer that?

24 DR. WALKER: Mark, I will just say this, that we  
25 have petitioned the Secretary of Commerce to declare a federal

12

1 fisheries disaster for oysters following the freshwater flood  
2 through the Bonnet Carre. That's being considered.

3 I'm hopeful that in a week perhaps that decision  
4 will be made at the NOAA southeast regional office. As soon as  
5 that happens, that will hopefully open the doors for several  
6 things to come our way after this disaster. And if, in fact,  
7 that happens, one of the things we're considering is utilizing  
8 fishermen to do a relay program.

9 MR. STEWART: Well, that's been being  
10 considered. Mr. Gollott brought this up last couple of months,  
11 but there's nothing being done. It should have already been  
12 something being done.

13 It's my understating -- and you know there's  
14 already money come down the tube, you know. All the shells and  
15 rocks that's being thrown out over there, that's a lot of  
16 money. We talked about this before. Instead of feeding a  
17 couple of families that own all this stuff, could have put all  
18 the fishermen to work. But instead, all the fishermen are  
19 sitting here wondering. We're really wondering. And we're  
20 worrying about it, and we're worrying about it too much. And  
21 we don't see nothing happening in our favor.

22 And you keep mentioning about the oysters, you  
23 know, it's a disaster. Well, how about the shrimp? What are  
24 the local shrimpers going to do around here? You've already  
25 told the public and everybody else that it's the best brown

13

1 patrol. Good morning, Mr. Chairman, commissioners, Dr Walker.

2 We have been busy out there. We've been writing  
3 a few tickets for crabs. A lot of people trying to keep  
4 undersized crabs, including some commercial people, too, at  
5 this point.

6 Saltwater fishing license. They're running  
7 about normal. I don't know why people just don't go buy one.  
8 It's a whole lot cheaper to pay \$10 than it is to pay \$175, but  
9 it's their choice.

10 A lot of undersized speckled trout. There's no  
11 reason for people to be keeping ten, 11 inch trout, but they  
12 are.

13 Undersized flounders, even keeping some  
14 undersized sharks.

15 Had one case with over the limit of red drum. I  
16 think the guy was three fish over the limit. It probably would  
17 have been more if we wouldn't have stopped him when we did.

18 We had one fatality on the water. And it says  
19 here it was a boating accident. But it really wasn't a boating  
20 accident. The captain of the boat died of natural causes, and  
21 the boat was just steady going in a circle, and one of the  
22 officers was able to jump on the boat, and I think they  
23 attempted CPR on him, but it was too late.

24 We did have a couple of boating accidents with  
25 some injuries, but just minor injuries.

15

1 shrimp season we have seen in five years. It couldn't be  
2 further from the truth.

3 How about the local fishermen right here, all up  
4 and down this coast right here that are suffering that are not  
5 catching nothing, haven't been catching anything? Go on down  
6 to the harbor down there and buy you some shrimp. You will  
7 see.

8 The fishermen of the coast, the whole coast, are  
9 suffering. The bigger boats offshore are catching a few  
10 shrimp, couple of hundred feet of water. It's over my head,  
11 and everybody else's around here, too, other than a few boats.

12 That's all we got.

13 MR. TAYLOR: Thank you, Mark.

14 Okay. I thank all of you all for your comments.  
15 They are not taken lightly.

16 E. Executive Director's Report

17 MR. TAYLOR: So next we have the executive  
18 director's report.

19 DR. WALKER: I don't have anything for you, Mr.  
20 Chairman.

21 F. Marine Patrol

22 MR. TAYLOR: Then Walter Chatagnier with marine  
23 patrol.

24 2. Marine Patrol Report

25 MR. CHATAGNIER: Walter Chatagnier, marine

14

1 Our dive team didn't have to do any search and  
2 rescue diving in the month of August which was real nice.

3 One marine patrol local event with the CCA's  
4 kids fishing rodeo at Point Cadet, worked that.

5 Our JEA August patrols were, we had 70 patrols.  
6 We totaled 1112 man hours, did 608 contacts, and issued 13  
7 state citations.

8 Any questions?

9 MR. TAYLOR: I do. You said you had some  
10 undersized sharks. Was it recreational fishermen, charter  
11 boats, or...

12 MR. CHATAGNIER: They were recreational  
13 fishermen.

14 MR. TAYLOR: I know that some of the shark  
15 species are off limits now. Were they just undersized or...

16 MR. CHATAGNIER: Yeah, these particular cases.  
17 We did make a case that was on the news the other day with two  
18 Atlantic angle sharks which are prohibited species. But these  
19 were just one small coastal shark and one large coastal shark.  
20 The small shark was 18 inches, and the large shark was 27.

21 MR. TAYLOR: Thank you.

22 Any further questions?

23 3. Title 22 Part 4

24 MR. CHATAGNIER: We got one action item or  
25 notice of intent on Title 22 Part 4.

16

1 We got a big Power Point presentation here.  
2 We'll go to the next slide, and that's probably as far as we  
3 need to go.

4 All marine patrol is trying to do is make this  
5 ordinance or this title in part user friendly for our guests  
6 that come to this state.

7 Right now, the only way you can run recreational  
8 crab traps by boat is it has to be a Mississippi registered  
9 boat. We have a lot of people that come over from Alabama and  
10 Louisiana, bring their boats, come camp over here for a week,  
11 have to come in and buy a nonresident crabbing license, go put  
12 the crab pots out, and legally they cannot run those crab pots  
13 with that boat.

14 It says it has to be a Mississippi resident.

15 To me and some of the other people in law  
16 enforcement, it doesn't make any sense. As long as that person  
17 is running his traps, he has a valid license, we don't care  
18 what boat he runs it in.

19 So that's all we're trying to do is strike the  
20 word Mississippi in two places on this title in Part 4 so  
21 somebody from Louisiana, Alabama, if somebody came from  
22 Colorado and brought their boat down here, they could run their  
23 crab traps.

24 MR. TAYLOR: Okay.

25 DR. WALKER: Are you asking for action today,

17

1 We are constantly looking for opportunities to  
2 do restoration type projects. Joe Jewell has took the lead for  
3 fisheries, and he's been kind of the one that's been out there  
4 beating the bushes to find a little bit of money to do this  
5 type of work. So we appreciate Joe's hard work on that and  
6 appreciate the opportunity to work with the Nature Conservancy  
7 and NOAA.

8 I did want to let you know I reported last  
9 month on the oyster cultch plant for the fall. It was  
10 completed yesterday. Scott may have a little bit more to say  
11 about that. But we did plant about 64,000 cubic yards of  
12 material over about 1,050 acres.

13 So this is one thing that we do to help restore  
14 the reefs. And when the reefs do come back by virtue of having  
15 this cultch material out there, I mean, it's more opportunities  
16 for commercial fishermen that have a resource to work on. So  
17 it is something that we do. We do them as often as we can, and  
18 it is a very good thing for the oyster industry.

19 If there's no questions --

20 MR. GOLLOTT: Let me ask you a question. The  
21 fishermen have concern about the oyster spat, opening the  
22 tonging reef and depleting it of seed oysters.

23 But the way I understand it that one oyster lays  
24 like 50 million eggs or something, that it would take very few  
25 oysters to reseed the grounds. Is that correct?

19

1 Chief?

2 MR. CHATAGNIER: I think it's got to go out for  
3 public hearing. Yeah, take it out for public hearing.

4 DR. WALKER: So we need a motion to do that.

5 MR. TAYLOR: Could I have a motion, please?

6 MR. DRUMMOND: So moved.

7 MR. GOLLOTT: Second.

8 MR. TAYLOR: All those in favor. Opposed?

9 Carries. Thank you.

10 MR. CHATAGNIER: That's it for me. Anything  
11 else?

12 G. Marine Fisheries

13 MR. TAYLOR: Next on the agenda is marine  
14 fisheries, Dale Diaz.

15 MR. DIAZ: Good morning, Mr. Chairman,  
16 commissioners, Dr. Walker, Ms. Chesnut.

17 I want to mention a couple of things before we  
18 get started with the agenda.

19 One is I want to let you know that NOAA, in  
20 coordination with the American Sportfish Fish America  
21 Foundation has awarded the Nature Conservancy and MDMR \$75,000  
22 grant to do a cultch planting activity up inside of Bay St.  
23 Louis.

24 This project will be completed sometime during  
25 2012.

18

1 MR. DIAZ: Right, that is correct.

2 The area that we're actually looking about  
3 opening -- some of the areas we're looking at opening, one of  
4 them is between the bridges, it's Area II-D. That's a  
5 conditionally approved area. We have never used that area for  
6 seed oysters as far as moving seed oysters. It is a source of  
7 where oysters can spawn and contribute to the reef, but we have  
8 never went in there and moved those oysters and transplant  
9 them. That's a conditionally approved area that is open for  
10 harvest.

11 So we do feel like there's a significant -- a  
12 sufficient supply of oysters out there for spawning to restore  
13 the reef and to repopulate the reef.

14 MR. GOLLOTT: And I know we've had some  
15 conversations just recently about a reef on the inside of Deer  
16 Island that you've been working on. Would you kind of cover  
17 that a little bit?

18 MR. DIAZ: Right. We have some plans to try to  
19 plant a reef on the inside of Deer Island. There's an existing  
20 reef there now, and we would like to expand that reef. We've  
21 been looking at water quality. Water quality is included.

22 Now, we're talking about on the inside of Deer  
23 Island all the way towards the eastern end of Deer Island.  
24 There's a little area down there, water quality is such now  
25 that we think we can get that area upgraded to a conditionally

20

1 approved area.

2 One of the things that's holding us up, we  
3 haven't done the plant yet, is because there is a beneficial  
4 use project that still has to be done on the east end of Deer  
5 Island. And we don't want to plant the material until that  
6 beneficial use project is completed. We don't want to put it  
7 out there and have it get any problems that might cause some  
8 silting or something from that beneficial use project.

9 So we're just waiting until that's done and do  
10 plan on completing that as soon as the beneficial use project  
11 is done.

12 MR. GOLLOTT: I just wanted the fishermen to  
13 know that we are working -- the staff is working on these  
14 problems as hard as they can. And a lot of times you don't  
15 like to come out and just talk about it before you get some  
16 progress on that. But thank you very much.

17 MR. DIAZ: I think on planting cultch, I don't  
18 know of a state in the country that has planted more cultch  
19 material than the State of Mississippi since about the  
20 mid-'90s. We've done cultch plants every spring and fall.  
21 We've been fortunate to have some money to do that. And, you  
22 know, that's what keeps the reefs going. When we do have  
23 productive years, part of that is the fact that we're doing  
24 some stuff to do some restoration work and keep the reefs in  
25 good a shape as we can.

21

1 those bait camps to occur year round.

2 And in Chapter 12, an updated reference to  
3 Mississippi code.

4 The notice of intent on these changes was filed  
5 on August 16. It was published in the Sun Herald on August 26.  
6 No comments were received. And if you'd like to make a motion,  
7 we can go ahead with final adoption.

8 MR. TAYLOR: Do I have a motion?

9 MR. BOSARGE: I make a motion we adopt the  
10 changes to Title 22 Part 6 of the live bait shrimping.

11 MR. DRUMMOND: I second the motion.

12 MR. TAYLOR: Any comments? All those in favor.  
13 Carries unanimously. Thank you, Traci.

14 MS. FLOYD: Thank you.

15 MR. BOSARGE: Traci, there's been a lot of  
16 concern about what's going on within the bay and the shrimping  
17 in the bay. Is the testing still taking place?

18 MS. FLOYD: For the seafood safety?

19 MR. BOSARGE: Correct.

20 MS. FLOYD: Absolutely. We continue to do that  
21 monthly. The results are on our web page. And if anyone has  
22 any questions, they can contact me at any time, and I'll get  
23 those directly to them.

24 MR. BOSARGE: It's been quite a different year  
25 in that -- and I'm sure, I would imagine within your sampling,

23

1 Mother Nature and things like the Bonnet Carre  
2 Spillway come along, and, you know, if you ever look at the  
3 cycles of oysters over a long period of time, they're up and  
4 down because environmental conditions change, and they're in  
5 one spot and they can't move.

6 But anyway, thank you for your question.

7 First up for marine fisheries is going to be Ms.  
8 Traci Floyd, and she's going to ask you about final adoption on  
9 a live bait shrimping regulation.

10 3. Title 22 Part 6

11 MS. FLOYD: Good morning, Mr. Chairman,  
12 commissioners, Dr. Walker and Sandy.

13 This presentation is for the final adoption for  
14 administrative and legislative updates to match state statute  
15 for Title 22 Part 6 rules and regulations for live bait  
16 shrimping.

17 I'll go over these updates briefly. In Chapter  
18 2, we're just updating the reference to Mississippi code.

19 Chapter 4, we're just clarifying the take of  
20 shrimp for personal consumption in the bays, again to match  
21 state statute.

22 In Chapter 5, we're removing the requirement  
23 that trawling times be provided.

24 In Chapter 6, we're matching state statute that  
25 now allows the application for bait camps and the licensing of

22

1 have you seen where during your sampling you're not seeing the  
2 numbers of whatever organisms that you normally see?

3 MS. FLOYD: We are seeing -- so far, what we  
4 have seen is comparable to previous years. But we do want to  
5 study that much further. And sampling is ongoing, but --

6 MR. BOSARGE: It's something I think we need to  
7 look into because these guys can tell you and I can tell you  
8 personally, for whatever reason, this is an out of the ordinary  
9 year, you know, for whatever reason.

10 But let's look at it closely if we can.

11 MS. FLOYD: Absolutely. We are doing that, and  
12 we're happy to share those results with you. Thank you.

13 MR. TAYLOR: Thank you, Traci.

14 MR. DIAZ: Next up for marine fisheries,  
15 Christine Murrell has a presentation about the trip ticket  
16 program before you.

17 4. Trip Ticket Program

18 MS. MURRELL: Last month I presented a trip  
19 ticket implementation program. And I'm going to briefly go  
20 over the trip ticket system in Mississippi, and then I will go  
21 over the notice of intent after the presentation.

22 Trip ticket implementation. At the Mississippi  
23 Department of Marine Resources commission meeting in April  
24 2011, a motion was passed directing the office of marine  
25 fisheries to develop trip ticket plans for all commercial

24

1 fisheries, beginning with crabs, followed by finfish and then  
2 shrimp.

3 A trip ticket program is a system to collect  
4 commercial landings and associated information by trip.  
5 Trip tickets would replace the current system used to collect  
6 Mississippi commercial landings if approved.

7 Currently, Mississippi is the only Gulf state  
8 that does not collect trip tickets in all fisheries.

9 Some of the reasons for implementation:

10 Provide for quantification of loss of income,  
11 vessels, and gear due to hurricanes and other disaster, and  
12 allow a more equitable distribution of disaster funds.  
13 May enable fishermen to get an accurate account  
14 of seafood landed.

15 Better evaluate effects of proposed and current  
16 management regulations.

17 Sometimes funding is based on landings.  
18 Therefore, by not collecting all sources of landings,  
19 Mississippi could be missing out on its share of money.

20 Trip tickets are a first step in traceability,  
21 which allows for the tracking of food products through all  
22 steps of production, distribution, and sales.

23 This is just a summary of the changes. It would  
24 be a change to MDMR Regulation Title 22 Part 9, the reporting  
25 requirements which includes fresh product permit and trip ticket

25

1 summary form.

2 I'm going to go over this in the next part of my  
3 presentation, so I'm not going to read it twice.

4 This is the fresh product permit proposal. A  
5 licensed commercial fisherman may only sell to a seafood  
6 dealer/processor.

7 A validly licensed commercial fisherman may sell  
8 their catch to a consumer within the state if they have in  
9 their possession a fresh product permit obtained from the MDMR.

10 An alternate person may be added to the fresh  
11 product permit at the time it is issued in order to allow the  
12 catch attributed to the commercial license to be sold to  
13 consumers while the commercial fisherman continues to fish.

14 There will be no fee for this permit.

15 Trip ticket summary form. A trip ticket summary  
16 form will be filled out and sent to the department once a  
17 month. The trip ticket summary form documents the number of  
18 trip tickets filled out each time trip tickets are sent to the  
19 MDMR. If no trips are taken for a given month, the dealer or  
20 fisherman is still required to send a monthly submission sheet  
21 indicating zero trips were taken for that month.

22 This is a timeline for the implementation of  
23 trip tickets. At this meeting, adoption of notice of intent  
24 Title 22 Part 9 requiring dealers and fishermen to submit trip  
25 tickets for crabs, finfish, and shrimp.

26

1 In October and November, we will have public  
2 hearings on Title 22 Part 9 if required.

3 And at the November CMR meeting, final adoption  
4 of Title 22 Part 9.

5 And on January 1, 2012, the regulation requiring  
6 fishermen and dealers to submit trip tickets will take effect  
7 if approved by the CMR.

8 In November and December, we'll be modifying and  
9 ordering trip tickets. We'll have a mailout informing the  
10 fishermen and dealers where and when they can pick up trip  
11 tickets. And we'll also be creating and are currently creating  
12 our fresh product permit.

13 December, we'll be issuing trip tickets and  
14 training individuals on how to fill out the forms if needed.

15 And January 1, 2012, will be implementation of  
16 the trip ticket program.

17 Do you have questions about this part?

18 MR. GOLLOTT: Christine, are we going beyond  
19 what NOAA requires for their trip tickets?

20 MS. MURRELL: No. This is what -- these are the  
21 basic requirements for -- that all the states are requiring.

22 MR. GOLLOTT: How many hours they pull, the time  
23 they go out, and all that?

24 MS. MURRELL: Effort data, yes.

25 MR. GOLLOTT: All of that is NOAA required.

27

1 One of the things I'd like to see you modify in  
2 your deal here is it says that people are required to send it  
3 in, where right now if you go around to the different  
4 processors and collect it, I'd like to see that word, you know,  
5 sent or collected.

6 MS. MURRELL: Okay.

7 MR. GOLLOTT: Change there.

8 MS. MURRELL: Right. I would still be going to  
9 the dealers and I can collect them.

10 MR. TAYLOR: Are we still looking at electronic?

11 MS. MURRELL: Yes. You have the option of  
12 submitting them electronically, and either way. And the  
13 electronic program is simple and easy to use.

14 MR. BOSARGE: And the form is still basically  
15 the same as it was before? They use the trip ticket itself?

16 MS. MURRELL: Correct.

17 MR. BOSARGE: No changes?

18 MS. MURRELL: No changes. The only change I  
19 think we got rid of depth. We just removed that. We didn't  
20 include that. A lot of states don't ask for that, and we  
21 didn't want to ask for depth.

22 MR. BOSARGE: We did put customs house numbers  
23 and state registration numbers on the form?

24 MS. MURRELL: Yes, on the paper form. I'm  
25 working on that electronically. It has been addressed.

28

1 MR. TAYLOR: One of the things that I think I  
2 talked to Christine and we've discussed is that if you're a  
3 dealer or whatever, if you're using electronically, most of  
4 your fields, once you use it, will repopulate themselves.  
5 Correct?

6 MS. MURRELL: Yes. You can enter the fisherman  
7 data and the boat information, and it's all -- as soon as  
8 you've entered the license number or whatever, it will all come  
9 up so you don't have to enter it every time.

10 Mark, do you have a question?

11 MR. STEWART: What is the fresh seafood sales  
12 permit about? What's it for?

13 MS. MURRELL: It's for if you're a fishermen and  
14 you want to go back out and you want someone to sell your catch  
15 while you're fishing, you can get that fresh product permit.  
16 And that's only if you don't want to sell it to a dealer, if  
17 you sell your catch to the public.

18 MR. STEWART: I thought we already had that  
19 under our license, fishing license.

20 MR. TAYLOR: It might. I'm not sure. But  
21 what's happening is that shrimp is not being reported. And  
22 again, it goes back to having correct data. And that's the  
23 issue there. It's a non-cost. It doesn't cost you anything.  
24 How many people can be on the license?

25 MS. MURRELL: We're just having one per -- one  
29

1 permit per license. It will be tied to a license.

2 MR. TAYLOR: Okay. There's no cost to the  
3 fisherman.

4 MS. MURRELL: There's no cost. And if you sell  
5 to a dealer, you won't have -- the dealer will be in charge of  
6 filling out the trip ticket.

7 MR. BOSARGE: But the dealer will give you your  
8 receipt or you --

9 MS. MURRELL: Right. It's a -- right.  
10 Okay. Let me go on to the changes.  
11 Title 22 Mississippi Department of Marine  
12 Resources Part 9 rules and regulations for statistical  
13 reporting and confidentiality of statistical data for marine  
14 fisheries in the State of Mississippi.

15 Basically, the first three sections are the  
16 same, and Chapter 4, Chapter 6 are just removed.

17 This is the -- Chapter 5 is the fresh product  
18 permit secondary fresh product -- that shouldn't be in there --  
19 just the fresh product permit.

20 The licensed commercial fisherman may only sell  
21 to a dealer, seafood dealer, processor, a validly licensed  
22 commercial fisherman may sell their catch to a consumer within  
23 the state if they in their possession a fresh product permit  
24 obtained from the MDMR.

25 An alternate person may be added to the permit  
30

1 at the time it's issued in order to allow the catch attributed  
2 to the commercial license to be sold to consumers while the  
3 commercial fisherman continues to fish. And there will be no  
4 fee for this permit.

5 Basically, landings reporting requirements. It  
6 was by fishery, and we're just including all fisheries under  
7 the same reporting requirement.

8 This is the main change here. Seafood landings  
9 reporting requirements. Unless otherwise specified, each  
10 seafood dealer/processor is hereby required to complete  
11 Mississippi trip tickets provided by the MDMR.

12 Commercial fishermen who sell their catch to  
13 individuals other than a Mississippi dealer/processor are  
14 hereby required to complete Mississippi trip tickets provided  
15 by the MDMR and be in possession of a fresh product permit.

16 Commercial fishermen who sell their catch to  
17 anyone other than a Mississippi licensed dealer/processor or  
18 transport their catch out of state are required to purchase and  
19 possess a dealer/processor license and are required to comply  
20 with all regulations governing Mississippi dealers/processors.

21 All trip tickets shall be returned to the MDMR  
22 or electronically submitted on or before the 10th of each month  
23 for actual transactions from every commercial fisherman during  
24 the preceding month.

25 A trip ticket summary form that states the total  
31

1 trips taken in a given month shall be submitted by the 10th of  
2 each month by the seafood dealer/processor or commercial  
3 fisherman.

4 The fisherman is required to provide to the  
5 dealer complete and accurate information necessary for the  
6 completion of the fisherman portion of the trip ticket. This  
7 includes but is not limited to commercial fisherman's name,  
8 valid license number, date and area of harvest, depth, trip and  
9 fishing time, proper vessel identification, gear, quantity, and  
10 size of gear used, and applicable mesh size if any of gear  
11 used, seafood dealer's name, date of purchase, dealer license  
12 number, port and county product was landed, species being  
13 purchased, weight or any other applicable standard, condition  
14 of product count or market grade of purchased seafood product,  
15 and price paid per unit, pound, or number for species.

16 The seafood dealer/processor or fisherman is  
17 required to verify the accuracy of the tickets by signing each  
18 ticket. Menhaden seafood dealers/processors shall provide  
19 information on catch in accordance with the requirements of the  
20 National Marine Fisheries Service.

21 Let me go back. The fresh product permit, if  
22 you don't sell to a dealer, you will be required to have the  
23 fresh product permit. But it will also allow a fisherman to  
24 sell -- they can get another name on it when they get their  
25 license, and that way if they're fishing...  
32

1 But if you don't sell to a dealer, then you have  
2 to have a fresh product permit in order to sell to the public.

3 MR. TAYLOR: Is there a -- allowing two names,  
4 alternate names? Because there are people that are selling  
5 shrimp, one of them might be sick or something, the boat is  
6 out, and I guess if it's not a problem, you know, two names.

7 MS. MURRELL: Right now, we're just having one.  
8 But, I mean, if it comes up quite a bit, you know, we can look  
9 into that.

10 MR. GOLLOTT: Christine, I see a problem here  
11 with signing it. In other words, when you come to my facility,  
12 I run a report for you which is generated off the invoices that  
13 we make for the boats when we pay them.

14 That would kill that whole process for me if  
15 they had to sign each and every one of these reports.

16 MS. MURRELL: The dealer can sign them.

17 MR. GOLLOTT: The dealer can sign?

18 MS. MURRELL: Right. The dealer signs the  
19 ticket.

20 MR. GOLLOTT: And you also still got depth  
21 included in there, discrepancy.

22 MS. MURRELL: I'm sorry.

23 MR. BOSARGE: Let me make sure, Christine, it's  
24 correct, this comment. With any other trip ticket system I've  
25 ever been involved with in all the rest of the states, as you

33

1 information.

2 MR. DIAZ: Can you go to that section where  
3 that's at?

4 MR. GOLLOTT: Excuse me, Dale.

5 I think this gets down to the integrity of the  
6 dealer. Why would I want to change anything? It's a lot more  
7 convenient for me to run a report at the end of the month, and  
8 it spits it all out off of the invoices.

9 MR. BOSARGE: I'm not trying to say that anybody  
10 would change anything. I'm just saying that's the way the trip  
11 ticket system -- any trip ticket system I've ever been  
12 involved in, that's the way it works.

13 MR. MURRELL: On the end, it says the seafood  
14 dealer/processor or fisherman is required to verify the  
15 accuracy of the tickets by signing each ticket. It says or.

16 MR. STEWART: No good.

17 MR. DIAZ: Certainly, if a motion is made on it,  
18 I mean, it could be amended however the commission sees fit if  
19 there's a motion made to...

20 MR. BOSARGE: I don't see it as a big deal,  
21 honestly. I mean --

22 (Comments from audience.)

23 MR. BOSARGE: -- uniform, and then I just feel  
24 that the information that you're going to gather from the trip  
25 ticket system needs to be validated by the person signing it.

35

1 unload your catch, when you finish your catch, you keep your  
2 trip ticket. There's a trip ticket generated that shows what  
3 you caught, takes all the information, where you caught them,  
4 the days fished and everything, and it's separate from the  
5 invoice, now. It's a trip ticket. And at the bottom of it,  
6 you sign the trip ticket as your proof of what you did. And  
7 it's issued to you as you offload.

8 MS. MURRELL: That the dealer and fisherman sign  
9 the --

10 MR. BOSARGE: No. Just the fisherman signs.

11 MS. MURRELL: The fisherman -- well, currently  
12 in the other states you're talking about?

13 MR. DIAZ: The way we have it written up right  
14 now is that if the fisherman is unloading to a dealer, the way  
15 it is right now is the dealer can sign that trip ticket. So...

16 (Comments from audience.)

17 MR. BOSARGE: Is that a trip ticket? I mean --

18 MR. STEWART: Anybody can fabricate that.

19 MR. BOSARGE: You see what I mean? That you  
20 receive for your catch, and that receipt is yours. And when  
21 you sign your name to the bottom of that receipt, you're saying  
22 that what you reported is correct, everything you've done is  
23 correct, and you sign your name to it. That's a normal trip  
24 ticket in any state I've ever been in. I don't understand how  
25 we can have anybody else signing that and validating that

34

1 It's your receipt. Do you see what I'm saying?

2 In other words, it's like anybody can go and  
3 charge something, you're going to sign your name to that  
4 receipt, it's the same thing with the trip ticket system. It's  
5 your receipt of what you've done, you see?

6 MR. GOLLOTT: Commissioner, when a person gets  
7 paid at my place, they sign the invoice. So, I mean, if you  
8 want to back it up, come in and look at it, the invoice would  
9 be signed where they unloaded X amount.

10 MR. BOSARGE: And it's not there's any  
11 differences. The way that information is going to be gathered  
12 and what it's going to be used for, and that information, it's  
13 totally different from your receipt for your catch, if you  
14 follow what I'm saying. Trip ticket basically records effort,  
15 records landings. It's totally different from the receipt for  
16 where you actually -- what money you're getting for your catch.  
17 This trip ticket system or this trip ticket is  
18 to show where you caught, what you caught, how long it took you  
19 to catch it. And basically, I guess, at the end what you got  
20 for it.

21 MR. GOLLOTT: Well, basically it boils down to  
22 when I'm making an invoice for a fisherman, I can ask him a few  
23 questions, put it in my computer, and then it's all generated  
24 out at the end of the month. And the fisherman doesn't have to  
25 stand there and fill it out himself and sign it and everything.

36

1 It's just less paperwork for the fisherman.  
 2 (Comments from audience.)  
 3 MR. TAYLOR: And I'll ask you to hold your  
 4 comments. If you want to say something, please raise your  
 5 hand.  
 6 MR. BOSARGE: I do understand that this is a new  
 7 system for the State of Mississippi. But I would like to get  
 8 it right the first time if any way possible.  
 9 And, like I say, if you go back and the  
 10 information is being gathered through the trip ticket system is  
 11 something totally different than sales which -- and the way the  
 12 information is going to be pulled from, in other words, when  
 13 National Marine Fisheries wants this information, or whatever  
 14 group, it needs to come straight from the trip ticket system.  
 15 It doesn't need to have to go back through the processor trying  
 16 to generate the information out of a sales receipt.  
 17 MR. DIAZ: I understand.  
 18 MR. BOSARGE: At the same time, the fisherman  
 19 also -- and that's the part that, because I come from a fishing  
 20 background, that maybe a lot of folks don't understand, I'd  
 21 like my receipt. I want my information recorded, and I want to  
 22 know that I signed the bottom of it, the dealer's name is on  
 23 it, this is my receipt of what I am and what I did not coming  
 24 from any other place because I've had times where I had to use  
 25 those receipts to prove that I had landings in a certain place

37

1 shrimp at, Zone 1, 2, or 3. Simple gig. Caught it in 2.  
 2 That's right there in Morgan City Channel.  
 3 I mean, come on, we got to get this right for us  
 4 for the future for these national disasters, the oil spills,  
 5 Katrinas, these floods. We got to get up on this.  
 6 We're late, man. We got the lowest money in our  
 7 state from this oil spill.  
 8 Y'all have a nice day.  
 9 MR. TAYLOR: Thank you.  
 10 MR. GOLLOTT: Let me say this. If a fisherman  
 11 comes in to my place and wants a trip ticket, I'll give him a  
 12 trip ticket. He can do it any way he wants to.  
 13 The ones who don't want to do it, that don't  
 14 want to have to go through all of this, I will take and put on  
 15 my computer and generate it.  
 16 And I think most of the dealers in Mississippi  
 17 is doing the same thing. It's just a convenience thing. I  
 18 can't imagine why a dealer would change anything unless he  
 19 tries to get it less than what it was or something.  
 20 MR. JOOST: Don Joost, commercial fisherman.  
 21 I just want to say that I want to back up  
 22 Commissioner Bosarge. So many permits and licenses today are  
 23 based on recorded landings. And you take like with the  
 24 Louisiana oyster license, if a landing was lost, you know,  
 25 through electronic reporting and things like that, and you

39

1 to qualify for a permit. And I don't want to have to go back  
 2 to a dealer or to the state and try to pull this information  
 3 out again. That is my receipt.  
 4 And I think most of you -- if you talk to most  
 5 of these fishermen, that's what they want. They want the same  
 6 system that we have in Texas, Louisiana, Alabama, and Florida,  
 7 right on through.  
 8 MR. TAYLOR: Catfish, briefly.  
 9 MR. MILLER: Steve is right, you know.  
 10 MR. DIAZ: I think you need to come to the mic.  
 11 MR. TAYLOR: Come to the mic, please. State  
 12 your name.  
 13 MR. MILLER: My name is James Miller ak Catfish.  
 14 Steve, you're so correct. We need to get this  
 15 right the first time because this means a lot for our landings  
 16 in the future.  
 17 And if you don't do it right, you can swap  
 18 around and make things -- the dealers can make more shrimp than  
 19 they possibly landed at their factory. I'm not saying anybody  
 20 is doing that, but it's possible. They can do that.  
 21 Now, when I unload my shrimp at Dean  
 22 Blanchard's, if I don't have my sell card, I'm not even  
 23 unloading my shrimp there. You got to buy on your license, you  
 24 got a dealership, and that's what you need to do.  
 25 And they tell you exactly where you catch your

38

1 didn't get a license or you had to go through appeals process.  
 2 So I just think that the more points that we  
 3 have to prove that that's your landings, I think the better off  
 4 that the state and the fishermen would be just having that, not  
 5 just having it rest solely on the responsibility of the dealer  
 6 or solely on the responsibility of the fisherman, why not both.  
 7 And there were laws introduced in Louisiana  
 8 after that little deal to make it so that the fishermen could  
 9 be responsible and could submit his own data so it wouldn't  
 10 happen in the future.  
 11 MR. TAYLOR: Thank you.  
 12 MR. BOSARGE: To give you an example, I had one  
 13 case where there was a trip ticket filled out. I neglected to  
 14 get my copy of the trip ticket. When it came time for me to  
 15 prove my landings, I said it's not a problem, I'll just go back  
 16 to the state. The dealer neglected to report the landings to  
 17 the state.  
 18 MR. JOOST: That happens everywhere.  
 19 MR. BOSARGE: Had I made sure I got my copy of  
 20 the trip ticket, I would have had my proof.  
 21 And I learned a very valuable lesson. Now I  
 22 make sure I get my copy of the trip ticket because you never  
 23 know what's going to happen.  
 24 But that copy of that trip ticket is your proof  
 25 of what you did, whether, like Don says, it's a computer

40

1 failure or whatever, that they don't get reported, or they get  
2 put in the wrong place, you still have your proof of what your  
3 landings are.

4 And that's the part of the trip ticket system  
5 that most fishermen want.

6 MR. TAYLOR: Thank you.

7 MR. BAYLOUS: My name is Chris Baylous.

8 The trip tickets, the way Mr. Gollott here is  
9 proposing is absurd. Every year when we oyster, we have to  
10 fill out trip tickets to the state every day.

11 It works for us. There's no hiding what we do.  
12 We don't have to worry about the dealers messing them up. It's  
13 our responsibility. And we pay the price if we do not do it  
14 correctly.

15 Now, what the situation is here is we can come  
16 up with the ability to run our boats on our boats, we should be  
17 able to take and make sure that we keep up with our own trip  
18 tickets without having to worry about one or two individual  
19 factorymen wanting it their way for whatever reasons they may  
20 have.

21 Now, if I fill out a trip ticket and falsify it,  
22 it's on me. But if I hand that trip ticket over to somebody  
23 else, and they falsify it, it's on them? No, it's still on me  
24 because it's in my name.

25 So we should be the ones filling it out, and the

41

1 dealers should be the ones signing it. We should be the ones  
2 taking and submitting it to the state.

3 The dealer should not have to concern themselves  
4 with the personal trip tickets of each individual license.

5 Thank you.

6 MR. GOLLOTT: I don't think this has anything to  
7 do with the oyster industry.

8 MR. BAYLOUS: This was not a direct --

9 MR. GOLLOTT: We're talking about the shrimp  
10 industry.

11 MR. BAYLOUS: Yes, sir, I did. That's right.

12 You're right, Mr. Gollott. We know your position.

13 MR. GOLLOTT: Okay. Thank you.

14 MR. BAYLOUS: I was making reference to the fact  
15 that we have trip tickets and we've had them in this state for  
16 years.

17 MR. TAYLOR: Thank you for your comments. They  
18 have been well taken. Thank you.

19 Let me just make a comment because this is not  
20 something that has just popped up. I've been on the commission  
21 for five years, been talking about it. And we asked them to  
22 develop a plan that is seamless. And when we say seamless, to  
23 make it as least aggravating to everybody involved.

24 And one of the things with the electronic trip  
25 ticket, once that information is punched in, it's sent

42

1 electronically. The data, once it's sent, if it's done that  
2 way, cannot be altered by the processor, you know.

3 So they're trying to make it seamless for  
4 everybody there. So thank you.

5 MR. DIAZ: Thank you for saying that,  
6 Commissioner Taylor.

7 We have through this whole process been trying  
8 to work with folks and get input and set the system up where it  
9 would be -- it has parts of it that's agreeable to folks.

10 But if this thing gets a motion and second, I  
11 mean, it could certainly be amended at the commission's  
12 pleasure.

13 MR. BOSARGE: It is a trip ticket system whereby  
14 the information is collected. There is a receipt given to the  
15 fisherman. And if I need to put that in the form of a  
16 motion...

17 DR. ASPER: Before you do that. If you do an  
18 electronic trip ticket --

19 MS. MURRELL: You print it out and give it to  
20 the person.

21 MR. BOSARGE: And I believe the rest of the  
22 states that do electronic trip tickets, there is still a paper  
23 trip ticket filled out.

24 MS. MURRELL: Yes.

25 MR. BOSARGE: They get their trip ticket. They

43

1 compile the trip tickets, and they submit them electronically;  
2 correct?

3 MS. MURRELL: Right. But when they enter --  
4 when the transaction occurs, the data is entered and then press  
5 print, and the fisherman gets a copy and the dealer can keep a  
6 hard copy if he wants.

7 MR. BOSARGE: A lot of the places where we  
8 offload, they're probably not that sophisticated to be able to  
9 print that trip ticket.

10 MS. MURRELL: Then they fill out a paper form.  
11 And the paper form has three copies.

12 MR. BOSARGE: That's right.

13 MS. MURRELL: One for the fisherman.

14 MR. BOSARGE: That's what we're after. And I  
15 believe that we just need it to where the fisherman gets his  
16 copy, and it's signed, it's his receipt of his catch and his  
17 landings and his effort and his days fished.

18 MS. MURRELL: Okay.

19 MR. BOSARGE: And Commissioner Gollott, I don't  
20 think anybody would change any landings. I don't think that's  
21 what -- maybe I don't quite understand. In other words, I know  
22 it's going to be a change for a lot of folks in the way they  
23 present the information and the way it's recorded. But  
24 evidently it must not be too burdensome simply because every  
25 other state is already there. All the dealers do it.

44

1 MS. MURRELL: If we change that last line to say  
2 seafood dealer/processor and fishermen are required to verify  
3 instead of or, would that satisfy your...

4 MR. GOLLOTT: Let me say this, Christine.  
5 Commissioner, it's just for convenience. I  
6 don't have any special agenda here. I'm not trying to get into  
7 anything. It's just making it convenient for my fishermen,  
8 that's all, so they don't have to stand there and fill out a --  
9 it's generated electronically.

10 MR. BOSARGE: I believe most -- if you actually  
11 talk to most of those fishermen, they still want to get a  
12 receipt.

13 MR. TAYLOR: If it's done electronically, all  
14 you do is hit print.

15 In my industry, in the insurance industry, I  
16 don't even have a paper ap any more. We can't use paper aps  
17 any more. It's all done electronically. And the courts have  
18 ruled that if that's the case, that is valid, you know.

19 And so sooner or later, it's going to get to  
20 that anyway where you're not going to have that, but you can  
21 still ask the questions.

22 For instance, of Mark came into your office and  
23 unloaded shrimp, you know, type in Mark Stewart. Boat  
24 information, all that pops up. You ask him where were the  
25 shrimp caught, how much time, and you punch that in, and you

45

1 can print that whole ticket for him.

2 MR. BOSARGE: The problem therein lies is  
3 because computers, computers are backed up, you got to  
4 understand that most fishermen aren't as computer savvy as  
5 probably you are, and myself included, but that information has  
6 a chance of being lost. And whereas with that paper copy,  
7 you've left the burden of proof upon the fisherman himself.

8 And like I say, I've experienced this firsthand.  
9 It's your responsibility, that is the fisherman's  
10 responsibility to collect his trip ticket, and that's his  
11 proof. If he loses it, it's his problem.

12 MR. TAYLOR: But he's not losing it; he's got  
13 the hard copy.

14 MR. BOSARGE: I don't quite understand where  
15 you're coming from.

16 MS. MURRELL: If you fill out an electronic trip  
17 ticket, you basically print out -- at the time, you print out  
18 the information that the fisherman just gave you, and there it  
19 is. It's the same concept.

20 MR. BOSARGE: That's fine, as long as he gets  
21 his receipt at the time he unloads. That's of the things -- in  
22 most of the ports, the first thing you have to present is your  
23 license. And the last thing that you do is your trip ticket,  
24 your copy of the trip ticket.

25 MR. TAYLOR: Mark, do you have a question?

46

1 MR. STEWART: Mark Stewart. What's going on  
2 here is we want proof, and we want it now. We've been waiting  
3 too long. We've been swept under the rug too long. What's  
4 going on right now, the best year we've had is landings in  
5 Mississippi in the last five years, we got enough.

6 This is why we want this. And we want our trip  
7 ticket when we unload. It's not a problem for the fishermen to  
8 come in there. We've been doing it for years already  
9 everywhere else. You go in there. You answer a few questions.  
10 They push a few buttons in the computer. You sign it. It's a  
11 done deal. It's not a hassle for the fishermen. It's our  
12 proof.

13 And it would also be proof that we didn't have  
14 no outstanding shrimp season here in Mississippi this year. It  
15 couldn't be no further from the truth. And we're suffering  
16 because of it. And it's not a problem.

17 We do it every trip everywhere else but here. I  
18 mean, it's just ridiculous to think that it's a burden on the  
19 fishermen. It's what we want. It's our proof of what's going  
20 on.

21 And when we go there and we unload our shrimp,  
22 before we get our check, we answer these few questions, and we  
23 get our proof and our check, and we leave; it's a done deal.  
24 It's not a problem.

25 MR. TAYLOR: Thank you, Mark.

47

1 Any other comments? Okay. Last one.

2 MR. SKINNER: My name is Manny Skinner. From  
3 kind of looking over this thing she just had on the board, does  
4 the commercial fisherman have to have a dealer/processor  
5 license in order to sell off the wharf down there at the Biloxi  
6 arbor?

7 MS. MURRELL: As long as he sells his catch in  
8 Mississippi, he does not have to have a dealer...

9 MR. BOSARGE: Yes.

10 MR. SKINNER: If he's a shrimper from  
11 Mississippi, you said?

12 MR. TAYLOR: Yeah. If you go down to the small  
13 craft harbor, the commercial harbor, that basically is dealing  
14 with those people there or at another harbor in Mississippi.

15 Right now, we have no way of knowing what  
16 they're catching, what they're selling, you know. So basically  
17 that is the license that costs nothing, it's just for that to  
18 sell to consumers.

19 MR. BOSARGE: And to make it clear, for a  
20 fisherman out of Mississippi to sell his catch, you have to  
21 have a permit, fresh product permit.

22 MR. SKINNER: That's all you got to have.

23 MR. BOSARGE: That's all you got to have, free  
24 of charge.

25 MS. MURRELL: You get it when you get your

48

1 license.  
 2 MR. SKINNER: Okay. And there are a lot of  
 3 these people that sell down there on the pier down there. Very  
 4 few of them probably got a computer, some kind of electronic  
 5 device.  
 6 MS. MURRELL: They can fill out paper forms.  
 7 MR. SKINNER: That's what we need is two, two  
 8 ways to do it.  
 9 MS. MURRELL: There will be two ways. Paper and  
 10 electronic.  
 11 MR. GOLLOTT: Mr. Chairman, let me make a motion  
 12 that we go out for public hearing on the proposal as staff has  
 13 written it. They've put a lot of work into it, and I think it  
 14 will work. As far as fisherman wanting paperwork, he can get  
 15 it if he wants it. All he has to do is ask for it.  
 16 MR. BOSARGE: I disagree. (Inaudible.)  
 17 MR. GOLLOTT: It will go out for public hearing.  
 18 If people want to comment on it, then when it comes back to us  
 19 we can modify it.  
 20 MR. TAYLOR: We have a motion on a floor. Do we  
 21 have a second?  
 22 MR. BOSARGE: I'd like to make an alternative  
 23 motion.  
 24 MR. TAYLOR: We have to have a second first.  
 25 MR. DRUMMOND: I second.

1 MR. TAYLOR: We have a motion and a second. All  
 2 those in favor. All those opposed.  
 3 MR. BOSARGE: Aye.  
 4 MR. TAYLOR: Motion carries.  
 5 MR. DIAZ: Next up for marine fisheries, Erick  
 6 Porche is going to do state records.  
 7 5. State Records  
 8 MR. PORCHE: We have four new saltwater fishing  
 9 records for your consideration today. They're all for fly  
 10 fishing tackle.  
 11 The first one is for ladyfish, Elops saurus.  
 12 The old record is 3 pounds 4.32 ounces. The new record is 3  
 13 pounds 7 ounces. The angler was Don Abrams. The ladyfish and  
 14 Mr Abrams.  
 15 Second is the yellow chub, Kphosus incisor. The  
 16 old record is 4 pounds 4.8 ounces. New record would be 6  
 17 pounds 5 ounces caught by Doug Borries. Mr. Borries.  
 18 The third is for hardhead catfish would be a new  
 19 entry, Arius felis. It would be a new record of 1 pound 10  
 20 ounces caught by Jordan Matthews. And Mr. Matthews' fish.  
 21 And last one would be for little tunny,  
 22 Euthynnus alletteratus. The old record is 12 pounds and 0.49  
 23 ounces. The new record will be 12 pounds 15.04 ounces caught  
 24 by Dwayne Armes. And Mr. Armes.  
 25 Any questions?

1 MR. GOLLOTT: Mr. Chairman, I make a motion that  
 2 we accept staff recommendation.  
 3 MR. DRUMMOND: Second.  
 4 MR. TAYLOR: All those in favor. Opposed.  
 5 Passes.  
 6 MR. PORCHE: Thank you.  
 7 MR. TAYLOR: Next up is coastal ecology. I'm  
 8 sorry.  
 9 MR. DIAZ: This was the item that was added to  
 10 the agenda. Scott Gordon is going to talk to the commission  
 11 about the authority to open oyster season.  
 12 6. Oyster Season  
 13 MR. GORDON: Good morning, Mr. Chairman,  
 14 commissioners, Dr. Walker, Ms. Chesnut.  
 15 Thank you for adding this item to your agenda.  
 16 We have been trying to get some of the oyster tongs out to  
 17 look on the reef. After we had done some of our sampling, the  
 18 highest numbers we were seeing were on some of the tonging  
 19 reefs. And I think as some of the tongs can tell you,  
 20 there's a lot of difference in between us sampling with our  
 21 small sample dredge and there being enough oysters there to  
 22 make it worthwhile for people to tong.  
 23 And we were trying to have this done before  
 24 Tropical Storm Lee came up, and so we had to delay it. And we  
 25 were just finally able to get everyone together last Friday.

1 Whenever they went out, we had two tonging boats  
 2 with various Mississippi tongs on there. Some of these folks  
 3 that would notoriously come in early, so we knew they were good  
 4 tongs, and when we went out front, we we were seeing a lot of  
 5 long faces out there.  
 6 I thought that was a good opportunity for them  
 7 to -- and I really appreciate them taking their time out of  
 8 their own days to go out and look at the reef areas.  
 9 But one of them had suggested that we look up in  
 10 between the bridges. That's Area II-D conditionally approved  
 11 waters. And so we went up in that area. And we found larger  
 12 numbers of oysters there where they felt that they would be  
 13 able to make a living.  
 14 So we decided to go ahead and try to bring this  
 15 up on this commission's agenda.  
 16 This is Mississippi oyster landings. Y'all have  
 17 seen this chart before from FY '90 to FY 2011. And as you can  
 18 see, the Mississippi oyster landings do tend to fluctuate for  
 19 one reason or another.  
 20 The commission has seen this chart, as well.  
 21 This is Mississippi commercial oyster license sales by type.  
 22 And we had some preliminary numbers. I don't believe those  
 23 numbers have changed very much. I have not updated those, but  
 24 we had resident dredging 278, resident tonging 87, nonresident  
 25 dredging 122, and nonresident tonging 98.

1 Now, I'm going to ask the commission to open up  
2 a limited season for tonging only. And we did that or the  
3 commission had opened up a tonging only season last year. And  
4 one of the fishermen brought up before the meeting today the  
5 possibility that those people that had purchased dredging  
6 licenses this year, to give them the opportunity to purchase a  
7 tonging, as well.

8 Our recommendation for the 2011-2011 Mississippi  
9 oyster season is to open it up for tonging only.

10 We ask that the commission authorize the  
11 executive director to set the opening date for a limited  
12 2011-2012 Mississippi oyster season in Area II conditionally  
13 approved waters to the harvest of oysters for tonging only.

14 We also ask that you authorize the executive  
15 director to close areas to harvest to conserve the resource.

16 We would look for an initial ten sack daily sack  
17 limit and authorize the executive director to adjust the daily  
18 sack limit.

19 We are also asking to authorize the executive  
20 director to modify the daily checkout time to no later than  
21 4:00 p.m.

22 And to open reefs Monday through Saturday, and  
23 as we usually do have the reefs and check stations closed on  
24 Saturdays, Thanksgiving Day, Christmas Eve, Christmas Day and  
25 New Year's Day.

53

1 Under other standard season provisions that we  
2 do when we open up the season, they would remain the same as we  
3 have in the past, such as check stations, correct change,  
4 things like that.

5 We will continue to monitor the reef conditions  
6 once the season opens and will make any necessary adjustments.

7 MR. TAYLOR: Scott, in your estimation, if we do  
8 this, how will it affect the spat for year after next oysters?  
9 Ms. Suarez felt that it would hurt the oyster season in the  
10 future. But what are your feelings there?

11 MR. GORDON: Well, prior to Tropical Storm Lee,  
12 one of our field technicians noticed that the oysters were  
13 spawning then.

14 For those oysters that had not spawned, I'm sure  
15 that the effects of Tropical Storm Lee with the drop in  
16 salinity in the areas and also the drop in temperatures that we  
17 saw right afterwards, those oysters that had not spawned,  
18 spawned at that time.

19 So we have oyster larvae in the water as we  
20 speak.

21 I'm glad that we were able to get our cultch  
22 plant operation completed yesterday. So I'm hoping that as we  
23 speak right now, we have oyster larvae setting on that new  
24 cultch material that we have out there.

25 We also, The CONSERVATIONIST moved some oysters

54

1 -- I'm trying to think -- it was either in July or August over  
2 to the St. Joe reef area. St. Joe reef area experienced nearly  
3 100 percent mortalities when the Bonnet Carre Spillway was  
4 opened. And we wanted to be sure that we had some adult  
5 broodstock in that area to assure that we would have larvae in  
6 the water whenever the oysters did spawn.

7 So we're trying to stay ahead of these things  
8 and plan as best that we can. I'm not sure that that was a  
9 necessary thing for us to do. But it is some added insurance.

10 MR. TAYLOR: One other question. The two  
11 gentlemen that spoke about the five sack limit, do you have a  
12 problem with that when the oyster season opens?

13 MR. GORDON: We haven't had enough time to  
14 discuss with the fishermen.

15 I know they have expressed those thoughts and  
16 concerns. We would certainly take that under advisement. We  
17 try to work with the fishermen as much as we can.

18 MR. TAYLOR: Thanks.

19 MR. MILLER: I don't know if you ever owned  
20 chickens before, but if you keep robbing the hens from the  
21 yard, you ain't going to have no eggs to lay. That's just the  
22 bottom line.

23 Can't y'all see if you got 85 percent mortality  
24 rate you put in the paper, now you're coming again with another  
25 from the flood another 100 percent mortality rate, why are we

55

1 opening this between the bridges?

2 Come on, people. I've been fishing since I've  
3 been four years old. My father is a professional oysterman.  
4 All our life we took care of the reef in the pst. We're doing  
5 a pitiful job with all this government money. We can't even  
6 get food stamps and welfare, people.

7 Come on, man. You're talking about opening the  
8 reefs?

9 I think you better save our hens and our eggs is  
10 what you better do.

11 MR. TAYLOR: Thank you.

12 MR. GORDON: And, Mr. Chairman, Dale just  
13 reminded me of a question Ms. Suarez had about us opening up in  
14 between the bridges and whether that would affect I guess  
15 future reef production.

16 No, I do not feel that that would be the case.

17 Whenever we had one of our -- if I go back to I  
18 believe it was the '03-04 the high peak there where we were  
19 nearly 500,000 sacks. After the season was over, we had time  
20 to relax a little bit, I did some calculations just for my  
21 curiosity, how many oysters would it have taken to produce that  
22 number. And at the very bare minimum, we were talking about  
23 150 oysters to produce enough larvae to make that 500,000 sack  
24 season.

25 Oysters are very prolific. We just all need to

56

1 be thankful that they're all not successful.  
 2 But we have been going through some difficult  
 3 times, and the oyster fishermen are going through difficult  
 4 times. And we realize that, and we're trying to get these  
 5 areas recovered as quickly as possible.  
 6 MR. TAYLOR: Thank you.  
 7 DR. WALKER: Scott, would you agree that the  
 8 annual production of spat is hundreds, if not thousands, of  
 9 times more than we actually need to populate the reef size we  
 10 have to support it, and that the limiting factor in Mississippi  
 11 is hard bottom for these spat to set on; would you agree with  
 12 that?  
 13 MR. GORDON: Yes, if not millions of times  
 14 higher.  
 15 Yes, it's part of the cultch material that's out  
 16 there and also the proper growing conditions. So we have to  
 17 have the right mixture of the salt water and the fresh water,  
 18 temperatures, bottom types, things like that.  
 19 MR. TAYLOR: Okay. Do we have a motion to go  
 20 with the recommendation? Is there a motion to approve staff  
 21 recommendation?  
 22 MR. GOLLOTT: What is the staff's  
 23 recommendation?  
 24 MR. GORDON: The staff recommendation, if you  
 25 would like, I can go over them again.

1 MR. GOLLOTT: Just briefly.  
 2 MR. GORDON: For the 2011-2012 Mississippi  
 3 oyster season for tonging only, authorize the executive  
 4 director to set the opening date for a limited 2011-2012  
 5 Mississippi oyster season in Area II conditionally approved  
 6 waters to the harvest of oysters for tonging only.  
 7 Authorize the executive director to close areas  
 8 to harvest to conserve resource.  
 9 Initial ten sack daily sack limit and authorize  
 10 executive director to adjust the daily sack limit.  
 11 Authorize the executive director to modify the  
 12 daily checkout time to no later than 4:00 p.m.  
 13 Open reefs Monday through Saturday, closed on  
 14 Sundays, Thanksgiving Day, Christmas Eve, Christmas Day, and  
 15 New Year's Day.  
 16 And the other standard provisions, such as the  
 17 check stations, correct change, etcetera, that we normally do  
 18 with each season opening order.  
 19 And we will continue to monitor the reef  
 20 conditions once the season opens and will make any necessary  
 21 adjustments.  
 22 MR. GOLLOTT: Scott, what I'd like to see is the  
 23 ten sack daily sack limit taken out, let the executive director  
 24 set it just in case he wants to do the five sacks, whenever --  
 25 the executive director.

1 I make a motion we accept the recommendation  
 2 with that modification.  
 3 MR. TAYLOR: Is there a second?  
 4 MR. BOSARGE: I'll second.  
 5 DR. WALKER: Mr. Chairman, there was also an  
 6 option in here for folks who had dredging licenses to purchase  
 7 tonging licenses. We need to do that in the next motion or  
 8 something. We need to address that.  
 9 MR. GOLLOTT: I'll include it in my motion.  
 10 MR. BOSARGE: As we he did last year; correct?  
 11 MR. DIAZ: Yes.  
 12 MR. BOSARGE: I'll second it.  
 13 MR. TAYLOR: We have a motion on the floor and a  
 14 second. All those in favor. Opposed. Carries unanimously.  
 15 Thank you, Scott.  
 16 MR. GORDON: Thank you.  
 17 MR. DIAZ: Thank you, Mr. Chairman. That  
 18 concludes marine fisheries.  
 19 MR. TAYLOR: Next up is Jan Boyd with coastal  
 20 ecology.  
 21 H. Coastal Ecology  
 22 MR. BOYD: Good morning, Mr. Chairman,  
 23 commissioners, Ms. Chesnut.  
 24 Coastal has five action items on the agenda for  
 25 your consideration this morning.

1 MR. TAYLOR: Jan, I think some of the  
 2 commissioners would like to take about a five or ten minute  
 3 break. We'll reconvene at 10:35.  
 4 (Off the record.)  
 5 MR. TAYLOR: Welcome back, y'all. Go ahead.  
 6 3. Bureau of Wetlands Permitting  
 7 a. James L. Green, Sr.  
 8 MS. BRANTLEY: Good morning. My name is Willa  
 9 Brantley, and I'll be presenting our first petition here this  
 10 morning. It's a petition for reconsideration by James L.  
 11 Green, Sr. It's about a decision that the commission gave out  
 12 last month at the meeting.  
 13 The project location is on an unnamed canal  
 14 adjacent to Graveline Bayou on Tradewinds Drive in Gautier.  
 15 It's in a general use district.  
 16 Here is the project location, the little red  
 17 arrow. This is Highway 57, Highway 90, and I-110.  
 18 The project involves the unauthorized  
 19 construction of a bulkhead and a pier.  
 20 On August 16, the commission approved the after  
 21 the fact general permit for the structures and issued a fine to  
 22 Mr. Green in the amount of \$2,000.  
 23 On August 22, we received a petition for  
 24 reconsideration from Mr. Green to reconsider the commission's  
 25 ruling.

1 So the commission has four options when there's  
2 a petition on the table.

3 You may make a final disposition of the petition  
4 by either granting or denying the requested action without  
5 further argument.

6 You may request a response from the DMR staff  
7 prior to making the final disposition.

8 You may set the matter for an evidentiary  
9 hearing or you may make such further order as it deems  
10 appropriate under the circumstances.

11 So at this time, we'd like to give Mr. Green the  
12 opportunity to present his petition, and then you can make a  
13 motion on which one of these you would like to follow.

14 MR. GREEN: Thank you. My name is James Green.  
15 And I want to thank y'all for giving me the opportunity to come  
16 and state my case.

17 I want to let you know that I'm not a criminal.  
18 And this \$2,000 fine that I got kind of made me feel like I  
19 was.

20 So, I felt that it was in my best interest to  
21 come and explain the situation and give y'all a little bit of  
22 background that maybe you didn't have when you made your  
23 decision.

24 Around twenty some-odd years ago, I applied for  
25 a permit to build a boat shed. The permit requested the shed

61

1 to be 14 feet in width in order to get my boat in. I'm not too  
2 good of a boat driver, and I figured I needed a little extra.

3 The commission came back and said that by doing  
4 this I was taking up too much of the bayou for navigable  
5 traffic.

6 I said, well, you know, I'm at a loss here. Is  
7 there anything I can do? They said, yes, you can dredge into  
8 your property and move the boat shed inward. I said, okay,  
9 that's what we'll do.

10 So we dredged into the property. The boat shed  
11 was constructed adjacent to the dredge area. Okay?

12 Not being too familiar with what hurricanes and  
13 boat traffic wash, all the adjacent area to the boat shed caved  
14 into the boat shed. So it made it almost unusable.

15 So I talked to several people. They said the  
16 only way you can stop this is put a bulkhead in. I said, okay.

17 So I applied for permission to install a  
18 bulkhead but first dig out the area that had caved into the  
19 boat shed.

20 The BMR personnel came over, looked it over, and  
21 where I wanted to put the bulkhead was adjacent to the boat  
22 shed piling. They said, no, you can't do that because in this  
23 time period the hurricanes and everything else had washed about  
24 four or five feet back into my yard down into the boat shed.  
25 So they said you can't reclaim this property.

62

1 And it was quite an argument. I said, it's  
2 already my property, I pay taxes on it, I bought it, it's mine.  
3 Nope, you can't do it. Once the water washes over, it belongs  
4 to the state.

5 So I said, well, what can we do?

6 So they laid out onto my property an approved  
7 position to put the bulkhead, which was about five or six feet  
8 from the boat shed piling.

9 I said, well, what you've done is you have  
10 required me to spend twice this much money to build this  
11 bulkhead. And there was an argument.

12 I said, well, I won't be able to build the  
13 bulkhead.

14 Well, I'm not too savvy about paperwork. So  
15 when the paper permit came back, it was only permitted to dig  
16 the boat shed out, which was all the money I really had to do  
17 with.

18 So, I got the guy down there. The BMR personnel  
19 had laid out where they would approve the bulkhead. And they  
20 left the little red flag stakes. But it didn't come back that  
21 the bulkhead is not approved to the boat shed. It's approved  
22 five or six feet back into the property. I just thought maybe  
23 there was an oversight.

24 They didn't come back and pull up the stakes and  
25 say you can't build a bulkhead. So I felt that beings the

63

1 stakes were there, wouldn't be any problem with building the  
2 bulkhead there.

3 So, the man was digging and he kept on and on,  
4 saying that what have done here is going to wash right back in  
5 there, that you ought to build a bulkhead.

6 So I decided to go to the bank and get some more  
7 money and construct a bulkhead in accordance with y'all's  
8 guidelines.

9 And I think Mr. Cole would attest to that. I  
10 put the bulkhead in the right place.

11 But the paper that y'all gave me didn't say that  
12 this was approved. So I'm at fault for not coming back and  
13 getting this discrepancy corrected. Okay?

14 The next problem was the boat shed had a pier on  
15 each side. The pier was about three foot wide, more or less a  
16 few inches, I don't know exact. And then the bulkhead now is  
17 about another three foot from my pier.

18 Well, the first thing happened, my little nephew  
19 comes down and falls in between there, and he had 19 stitches  
20 in his head from hitting the pier and the bulkhead. Of course,  
21 it was real sharp boards now because it's all brand new.

22 And I figured the best thing for me to do to  
23 keep him alive is to take the three foot walkway up and cover  
24 over across the bulkhead.

25 I didn't think that that was something that

64

1 would cost a fine of \$2,000. I mean, I didn't think I was  
2 doing anything wrong here. If I did, I will pay for whatever I  
3 did wrong.

4 And Mr. Cole came out to inspect, as you all do,  
5 and I'm glad you do, how I had complied with the permit. He  
6 found that I had constructed the bulkhead. I said, yeah, I did  
7 it exactly where y'all told me. And he said, yes, looks like  
8 you did. And he said that what we could do is submit another  
9 permit to change the language in the original permit, but  
10 submit it with a \$50 check to cover it.

11 And he called me back a day or two later, said  
12 looks like we'll refund your \$50 because it's just a paperwork  
13 problem. Okay? I said that will be good.

14 And then, he comes back and says, I need some  
15 information on the -- I'm going to call it a pier or walkway  
16 that you have there.

17 So he came out and did some measurement.

18 And then the next call was -- we submitted it to  
19 the commission for approval. And unfortunately, I had a death  
20 in the family and I couldn't come to that meeting to give you  
21 all the background information for whatever it may do. That  
22 the fine was going to be \$2,000.

23 And I feel like maybe I had robbed a bank or  
24 something, a \$2,000 fine. I'm willing to pay the amount that I  
25 feel is commensurate with the problem that I caused. I don't

65

1 feel like I've caused any problem.

2 I did something that the paperwork did not  
3 match. Y'all came back and approved what I did. You didn't  
4 disapprove it and tell me that I had to tear it back down. So  
5 I don't feel like that the \$2,000 is commensurate with me  
6 building the bulkhead without the paper saying it even though  
7 y'all said that I could build it there.

8 I did put the pier which I didn't ask approval  
9 for. Now, if you feel like that pier is worth \$2,000, I will  
10 pay it.

11 MR. TAYLOR: Thank you.

12 MR. GREEN: Thank you, sir. I request that you  
13 reconsider it.

14 Thank you.

15 MR. GOLLOTT: Mr. Chairman, can we hear from the  
16 staff on this?

17 MR. TAYLOR: Yes.

18 MS. BRANTLEY: We do have a response prepared.  
19 It was also included in your mailout packets.

20 First of all, just to remind you, Title 22 Part  
21 15 requires that any petitions for reconsideration shall state  
22 specifically the points of law or facts which the party  
23 requesting the reconsideration believes the commission  
24 overlooked or misapprehended.

25 Mr. Green's first statement was that

66

1 approximately 25 years ago he obtained a DMR permit to  
2 construct a boathouse and that at that time he was required to  
3 excavate into his property in order to facilitate the boathouse  
4 in the size that he wanted.

5 Mr. Green could not provide a copy of that  
6 permit, nor could we find a copy in our historical files. It  
7 wasn't mentioned, it's not in the record that it was mentioned  
8 at any time in 2006 when the original permit was issued. And  
9 so DMR staff at that time evaluated the property as it was  
10 based on the current ecological conditions because there was no  
11 documentation that it should be evaluated in another way.

12 He also states that DMR mistakenly omitted the  
13 bulkhead from the permit that was issued in 2006. Our records  
14 show that Mr. Green requested that the bulkhead be omitted from  
15 the 2006 permit because he was unhappy with the location which  
16 DMR flagged. Mr. Green wanted to construct the bulkhead  
17 waterward of the current mean high tide in order to save money  
18 on the construction costs.

19 And his after-the-fact application that he  
20 submitted in July 2011 clearly states that constructing a  
21 bulkhead within that marked location would triple his cost, so  
22 he advised DMR staff that he would only dredge.

23 And also besides that, omitting the bulkhead  
24 from the permit, even if it was a clerical error, still would  
25 not justify his construction of the unauthorized pier.

67

1 This is a view of his after-the-fact application  
2 which we received in July of 2007, and Mr. Green wrote in that  
3 application for this location it would triple my cost of  
4 construction, so I advised I would only dredge. So that's  
5 where he made the statement that he told us to remove the  
6 bulkhead.

7 Mr. Green also states that upon discovering the  
8 violation, DMR staff informed him that he could modify his  
9 original permit without a problem and that we never mentioned  
10 that we would recommend a \$500 fine. If you remember, that was  
11 actually the staff's recommendation and the commission chose to  
12 raise that to two thousand.

13 Mr. Green's 2006 permit specifically states as  
14 all our permits do that any deviations beyond the restricted  
15 conditions as set forth in your permit shall be considered a  
16 violation and may result in the revocation of the permit.  
17 Violations of these conditions may be subject to fines, project  
18 modifications, and/or site restoration.

19 And therefore, based on that response, we  
20 recommend that his petition for reconsideration be denied.

21 Are there any questions?

22 MR. TAYLOR: Would you put the options back up,  
23 the first slide that you had up there, for the commission,  
24 please?

25 Okay. We have a staff recommendation. Do we

68

1 have a motion?

2 MR. GOLLOTT: Mr. Chairman, I would like to make  
3 a motion that we go with the staff's recommendation. The only  
4 thing is we will cut the fine in half to \$1,000.

5 MR. TAYLOR: Do I have a second?

6 MR. BOSARGE: I would like to make an alternate  
7 motion.

8 MR. TAYLOR: If there's no second, then motion  
9 dies for lack of a second.

10 MR. BOSARGE: That we do give Mr. Green his  
11 permit and that we go with the original staff's recommendation  
12 of a \$500 fine.

13 MR. TAYLOR: Do I have a second?

14 MR. DRUMMOND: I second the motion.

15 MR. TAYLOR: We have a motion and a second on  
16 the floor. All those in favor. Opposed. Carries unanimously.  
17 Thank you.

18 MS. BRANTLEY: Thank you.

19 MR. GREEN: Thank you very much.

20 MR. TAYLOR: By the way, this is not anything  
21 criminal, and it's never been in the five years that I've been  
22 on the commission. People make mistakes, and we have to uphold  
23 the law, that's all it is.

24 MR. GREEN: I understand.

25 MR. BOSARGE: And we do appreciate you coming

1 unauthorized activity resulted in approximately 150 square feet  
2 of state owned waterbottoms being filled. And the square  
3 footage of the structures exceeds the current shading precedent  
4 for a residential project which is 2016 square feet.

5 Here's a diagram of the unauthorized structures.  
6 As you can see, there's a 92 foot long bulkhead. There is a  
7 pier parallel to that that measures four and a half feet in  
8 width. There is a covered boathouse and piers built along the  
9 sides of the boathouse.

10 Here's a photograph of the unauthorized  
11 structures.

12 Just to break down the dimensions of the  
13 unauthorized structures, you have 92 linear feet of bulkhead, a  
14 parallel pier that is 92 feet long by 4 and a half feet wide.  
15 And part of that pier is being constructed over emergent  
16 wetland vegetation. There's another pier that measures 35 feet  
17 by 7 feet. It's constructed perpendicular to the bulkhead.  
18 And a nine and a half foot by seven foot finger pier and a  
19 covered boathouse that measures 48 and a half feet long by 27  
20 and a half feet wide.

21 The square footage of this structure is  
22 currently 2059 and one-quarter square feet.

23 The precedent for a residential project is 2016  
24 sure feet. So the applicant exceeded the residential precedent  
25 by 43 and a quarter square feet.

1 forward and admitting your mistake.

2 MR. GREEN: Thank you.

3 b. Richard Fincher and James Fincher

4 MR. COLE: Good m morning. My name is Ron Cole,  
5 and I'll be presenting the next project.

6 It is a violation/after-the-fact permit by  
7 Richard and James Fincher. It's located on the Pascagoula  
8 River off River Lodge Drive in Moss Point. It's in the general  
9 use district.

10 Here you can see an aerial photograph of the  
11 project location.

12 The project is located on the Pascagoula River  
13 north of I-10 and just to the west of Highway 613.

14 On March 1, DMR staff discovered an unauthorized  
15 boathouse, bulkhead, and piers while performing routine site  
16 inspections in the area.

17 On June 23, after multiple meetings between the  
18 applicant, the Secretary of State, and DMR staff, a restoration  
19 proposal was agreed upon for the violation that had been --  
20 that had taken place.

21 On July 15, a completed after-the-fact  
22 application was received by DMR.

23 A little description of the project.

24 The applicants have constructed a bulkhead,  
25 boathouse, and three piers without authorization. The

1 This is a diagram of the significant impacts.  
2 And this structure actually straddles two separate lots. One  
3 is owned by the father on the right-hand side. You see James  
4 Fincher. And the other is the son Richard Fincher on the  
5 left-hand side.

6 The son Richard Fincher has taken full  
7 responsibility for the construction of the structures. And  
8 because of legal matters, we have to actually have them as  
9 co-applicants for the permit. But Richard Fincher, the son,  
10 has claimed responsibility for constructing the boathouse and  
11 piers and bulkhead.

12 The red area there you will see is waterbottoms  
13 that were filled. The original property had a bulkhead  
14 constructed at an angle to the adjacent property. Whenever  
15 they got ready to construct the new bulkhead, they wanted it  
16 straight and not at an angle, so they basically went off of Mr.  
17 James Fincher's bulkhead and shot a straight line across which  
18 resulted in the 150 square feet of waterbottoms being filled.

19 At the same time, they constructed a pier  
20 parallel to that bulkhead and shaded out I think it was  
21 approximately 135 square feet of emergent wetland vegetation  
22 and then constructed the boathouse and additional piers. And  
23 you can see where the property line divides the structure.

24 This is a photograph that kind of outlines the  
25 dimensions of the bulkhead. You can see where the original

1 bulkhead for Mr. James Fincher on the far side is. And they  
2 shot a straight line across and filled in the section in  
3 between.

And this photograph -- I'm going to mention --  
4 is from 2007. We were out there on a site visit at that time  
5 for the previous property owner. He had got a permit to build  
6 a dock. Since then, the property owners changed hands.

7 Obviously Mr. Fincher and his father bought the properties.  
8 And they constructed the structures that are currently there.

9 And you can see in the background the emergent  
10 wetland vegetation that was shaded out by the pier.

11 This is a picture from the original site visit  
12 since the violation has been reported. And you can see some of  
13 the emergent wetland vegetation there. That's probably about  
14 half of it. And the other section was shaded out by the pier  
15 that you can see there.

16 Here is a shot underneath the pier. You can see  
17 that some of it is kind of struggling to hang on. When we get  
18 to the restoration portion of this, we think that if the pier  
19 is removed, the wetland vegetation should come back. It's  
20 really struggling trying to come back on its own right now.

21 For the restoration, we've proposed that 92  
22 linear feet of unauthorized bulkhead be reconstructed  
23 approximately three and a half feet landward of where it  
24 currently exists. And you may have noticed in the impacts

1 diagram that one section of the bulkhead is actually  
2 constructed five feet waterward of its existing location. In  
3 order to keep the bulkhead in a straight configuration, we've  
4 kind of met in the middle, and the bulkhead being pulled back  
5 three and a half feet all the way across will actually end up  
6 in a net gain of waterbottoms for the state. So we consider it  
7 a good deal.

8 The bulkhead restoration will result in  
9 approximately 172 feet of waterbottoms gained.

10 The 92 foot long by 4 and a half foot pier that  
11 was constructed parallel to the bulkhead is to be reduced and  
12 reconfigured to measure 50 feet by 7 feet.

13 The pier modification that we have here proposed  
14 is designed to re-expose that wetland vegetation to sunlight  
15 and give it a chance to come back on its own. We propose  
16 giving it one year or one growing season to come back on its  
17 own. If it hasn't come back within that growing season, then  
18 the area is to be sprigged in accordance with DMR's marsh  
19 restoration guidelines.

20 Here you see a diagram of the proposed  
21 restoration. Again, the bulkhead comes back three and a half  
22 feet. The parallel pier is reconfigured as shown. The area  
23 that the marsh vegetation inhabits is given a chance to regrow.  
24 And the boathouse and additional piers remain in the same  
25 configuration.

1 Our decision factors for this.

2 This project does not serve a higher public  
3 interest.

4 It is allowable in the general use district, and  
5 no variances will be required.

6 Similar projects have been approved in the area,  
7 so we don't expect this to set a precedent.

8 Project should have a minimal effect on the  
9 biological integrity of the costal wetlands once it has been  
10 brought into compliance with the DMR guidelines.

11 Best management practices will be utilized  
12 throughout the restoration process.

13 No offsite alternatives were considered since  
14 this is a private residential property, and the structures are  
15 meant to provide the homeowner water access.

16 Similar structures are located along the  
17 Pascagoula River, and the project should not adversely impact  
18 the scenic qualities.

19 The project has been out on public notice in the  
20 Sun Herald. We didn't receive any comments.

21 DEQ is currently reviewing the project.

22 The Department of Archives & History had no  
23 comment.

24 And the Secretary of State's Office has  
25 indicated that a lease will be required.

1 So after a thorough evaluation of the project,  
2 staff recommends that the commission require the unauthorized  
3 structures to be brought into compliance with the previously  
4 outlined restoration plan and approve the after-the-fact  
5 permit.

6 Staff also recommends that all construction  
7 should be completed within 120 days of the commission's ruling  
8 or the matter should be forwarded to the Attorney General for  
9 further enforcement action.

10 And at the discretion of the commission, a fine  
11 may be issued in accordance with Mississippi Code.

12 Potential penalty range. The violation was  
13 discovered on March 1. We received the application I believe  
14 on July 1. So the duration was 122 days. Maximum potential  
15 fine could be sixty-one thousand. And, of course, the minimum  
16 as always is \$50.

17 Our recommended fine in this case is minimal  
18 fine at the commission's discretion.

19 And our decision factors for coming up with that  
20 recommendation is that the project will be restored to meet  
21 guidelines. The restoration work will be substantially  
22 expensive. Mr. Fincher has been very cooperative and readily  
23 accepted responsibility for his actions. And Mr. Fincher  
24 claims no prior knowledge of the permitting process.

25 MR. GOLLOTT: Is Mr. Fincher here?

1 MR. COLE: Yes, he is.  
 2 MR. TAYLOR: I have a question first for you.  
 3 On the Secretary of State, why is he requiring a lease? It  
 4 seems like the square footage went down below the minimum  
 5 required. Did it?  
 6 MR. COLE: Well, it did go down below the  
 7 minimum or below the precedent set for these types of projects,  
 8 residential projects. But the Secretary of State's Office  
 9 requires a lease for anything over 1,000 square feet.  
 10 MR. TAYLOR: Thank you.  
 11 Mr. Fincher, would you like to speak?  
 12 MR. FINCHER: Richard Fincher. Thank you,  
 13 commission, for hearing this out today.  
 14 Our place backs up on the Escatawpa River, so  
 15 you know any time we do anything or if we -- permitting process  
 16 I know this seems hard to believe whatever after building this.  
 17 But the guy, he was building a bulkhead down the  
 18 road or doing some maintenance down the street and I saw the  
 19 guy doing it. And I had plans in my head of what I wanted to  
 20 do.  
 21 And so then after talking with him, said hey,  
 22 come up here and let me show you what I want to do. And so  
 23 then we started on the bulkhead and really didn't have any  
 24 intentions of building a boathouse at that time.  
 25 And then we got talking about a boathouse. He

77

1 said why don't you let me go ahead and let me build a  
 2 boathouse.  
 3 And so then that was when we come up with the  
 4 boathouse.  
 5 And so after Ron and them, they come out, I  
 6 said, hey, guys, it's not -- we enjoy the East River, and it's  
 7 strictly for recreational purposes only. And, you know, not  
 8 doing anything to harm the waterway.  
 9 Thank you.  
 10 MR. GOLLOTT: Mr. Fincher, can you complete this  
 11 in 120 days?  
 12 MR. FINCHER: Yes, sir.  
 13 MR. DRUMMOND: You didn't have one permit, Mr.  
 14 Fincher?  
 15 MR. FINCHER: No, sir.  
 16 MR. TAYLOR: Who was the contractor?  
 17 MR. FINCHER: Frankie Brown.  
 18 MR. TAYLOR: Have we got any violations on Mr.  
 19 Brown or anything in the past that you know of?  
 20 MR. COLE: Not that we are aware of.  
 21 MR. BOSARGE: I'd like to make a motion. I make  
 22 a motion we accept the staff's recommendation and set the fine  
 23 at \$500.  
 24 MR. DRUMMOND: I second the motion.  
 25 MR. TAYLOR: Any discussion? All those in

78

1 favor. Motion passes unanimously.  
 2 Thank you.  
 3 c. Huey Stockstill, Inc.  
 4 MR. DAVIS: Good morning. My name is James  
 5 Davis. I'll be presenting the next two items on the agenda.  
 6 First I have a violation/after-the-fact permit  
 7 by Huey Stockstill, Incorporated. It's located on the Jourdan  
 8 River at 2359 North Nassau Street in Bay St. Louis. It's in  
 9 the general use district, and the agent is Pink Marine  
 10 Construction.  
 11 Here is a aerial of the project location. You  
 12 see the Bay of St. Louis and then the Jourdan River comes down.  
 13 This is in the Shoreline Park area which is just south of I-10.  
 14 A closer zoomed-in shot of the property. It's a  
 15 corner lot.  
 16 Project chronology.  
 17 On April 28, 2011, a general permit was issued  
 18 to -- I'm sorry -- that should be 2010 a general permit was  
 19 issued to Huey Stockstill, Incorporated, for a bulkhead, piers,  
 20 uncovered boathouse, mooring pilings, and dredging.  
 21 On December 30, 2011 (sic), the violation was  
 22 discovered by DMR staff while performing a compliance check.  
 23 On January 5 -- I apologize, that should both be  
 24 2011 -- a notice of violation was sent to the property owner.  
 25 On January 11, we received a phone call from the

79

1 applicant, and we arranged an onsite meeting for January 25.  
 2 On January 25, we met on site with the property  
 3 owner. We discussed the violation and ways to bring the  
 4 project either into compliance or apply for after-the-fact  
 5 authorization.  
 6 They were informed the project would require a  
 7 tidelands lease and would have to go through the permitting  
 8 process since the project totaled over 1,000 square feet.  
 9 On February 7, 2011, staff received  
 10 after-the-fact application.  
 11 Previously permitted structures was a bulkhead  
 12 391 feet in length, a pier 330 feet by 3 foot in width, an  
 13 open-sided uncovered boathouse 32 feet by 12 feet, two mooring  
 14 pilings placed 22 feet into the waterway, and dredging an area  
 15 of 25 by 12 feet in width to a depth of six feet.  
 16 The structures as constructed are a pier 91 and  
 17 a half feet by 3 feet in width, a 15 and a half feet pier by  
 18 4.1 foot in width, a pier 225 foot in length by 4 and a half  
 19 feet, a pier 23 by five feet, a pier 16 feet by 15 and a half,  
 20 and a covered boathouse 33 and a half feet by 15.6 feet in  
 21 length.  
 22 And on the boathouse, only 5 and a half feet in  
 23 length by a 15.8 foot section is actually over water. The  
 24 remainder is over a keyhole slip. So we're not going to count  
 25 the additional square footage over the keyhole slip in with the

80

1 total square footage.  
 2 Three mooring piling clusters.  
 3 Total shading with the project totals  
 approximately 1800 square feet.  
 5 Here is a project diagram of the issued permit.  
 6 The boathouse was constructed here. This was  
 7 supposed to be all left open, not shaded. Then the three foot  
 8 pier wrapped around the whole structure of the whole property.  
 9 And they were authorized to indent a boat slip here for the  
 10 boathouse, but they did not construct this.  
 11 Then here is a diagram of the project as  
 12 constructed.  
 13 A couple of pictures of the area, the boathouse.  
 14 And then this is a shot of the pier looking down  
 15 to the corner. Do note that the bulkhead of the property runs  
 16 closer to the middle. The whole area is not over water.  
 17 And then this is a shot looking down the other  
 18 side of the property. And then the three mooring clusters on  
 19 the left.  
 20 Then this is just a shot from the other side.  
 21 Decision factors.  
 22 Project does not serve a higher public purpose.  
 23 It is allowable in the general use district.  
 24 Similar projects have been approved, and no  
 25 precedent setting effects are anticipated.

1 Pile supported structures should have a minimal  
 2 impact on the biological integrity and productivity of the  
 3 area.  
 4 The project has been completed, so no other  
 5 adverse impacts are anticipated.  
 6 No offsite alternatives were considered because  
 7 it's a private residence and the project serves to allow the  
 8 homeowner access to the water.  
 9 And construction of a boathouse, pier, and  
 10 access pier do require a waterfront location.  
 11 Public notice was ran in the Sun Herald on these  
 12 dates. No comments were received.  
 13 DEQ is currently reviewing the project.  
 14 Archives & History had no comments.  
 15 And the Secretary of State has indicated the  
 16 project will require a lease.  
 17 Based on the results of our evaluation, staff  
 18 recommends the commission approve the after-the-fact request  
 19 and issue a fine in accordance with Mississippi Code 49-27-51.  
 20 Our penalty range. The violation was discovered  
 21 December 30, 2010. Until we received the after-the-fact  
 application, the violation was open for 38 days.  
 23 The maximum potential fine is nineteen thousand  
 24 with a minimum being fifty.  
 25 Our recommended fine will be \$2500 to the agent

1 and \$500 to the applicant.  
 2 And decision factors for the fine. Since the  
 3 project does meet guidelines, Pink Marine Construction does  
 4 have extensive prior knowledge of the permitting process, and  
 5 they were both very cooperative in resolving the issues.  
 6 MR. TAYLOR: Is either one of them here? Would  
 7 you like to speak?  
 8 Come forward and state your name.  
 9 MS. STOCKSTILL: I'm Rocky Stockstill. We  
 10 invested in this property. We're new to the area. We tried  
 11 our best to do everything in compliance with Hancock County and  
 12 DMR. We hired Pink Construction, Pink Marine Construction. We  
 13 trusted them to do what they needed to do.  
 14 We also have obtained our tidelands lease since  
 15 it was brought to our attention, so we do have that.  
 16 But we did try to do everything that we were  
 17 supposed to do, at least we thought we were doing everything  
 18 right.  
 19 MR. TAYLOR: Thank you.  
 20 Do we have a motion?  
 21 MR. DRUMMOND: Were they aware of the state  
 22 lease?  
 23 MR. DAVIS: Yes, sir.  
 24 MR. TAYLOR: They already have it.  
 25 Do we have a motion?

1 MR. BOSARGE: I make a motion that we accept  
 2 staff's recommendation and set the fine what they asked for it  
 3 to be.  
 4 MR. TAYLOR: Do I have a second?  
 5 MR. DRUMMOND: So moved.  
 6 MR. TAYLOR: Those in favor. Opposed.  
 7 MR. GOLLOTT: No.  
 8 MR. TAYLOR: Let the record show that  
 9 Commissioner Gollott opposed.  
 10 Thank you.  
 11 d. Chevron Products Company  
 12 MR. DAVIS: Next I have a request for permit  
 13 modification by Chevron Products Company. It's located at  
 14 Bayou Casotte at 250 Industrial Road in Pascagoula. It's in  
 15 the industrial development use district. And the agent is  
 16 AECOM Environment.  
 17 This is a overhead view of the project location  
 18 on Bayou Casotte. It's down here, right here on the right, and  
 19 then the Chevron Products Company refinery is in this area  
 20 here.  
 21 Project description. Previously permitted  
 22 structures in Berth 9 and 7A will not be constructed.  
 23 For fill, they were previously authorized 72.29  
 24 acres of nontidal wetlands. They are additionally requesting  
 25 2.99 acres of nontidal wetlands. And for this, the additional

1 fill is required for construction of access roads, laydown  
2 areas, and construction corridors. And total wetland fill --  
3 total nontidal wetland fill will be 75.29 acres.

4 Shoreline stabilization. A concrete mat  
5 revetment approximately 20 feet wide and up to 1,000 feet long  
6 is to be installed near Berth 7A. And they are also  
7 considering the use of concrete riprap if the material is  
8 available during time of construction.

9 Structures within Berth 9 will be 180 foot by  
10 41.7 foot roadway, a 95 foot by 60 foot platform, a four foot  
11 wide pier totaling 700 feet in length, four mooring dolphins,  
12 three berthing dolphins, two breasting dolphins, and a 14 foot  
13 by 9 foot gangway. Total square foot associated with Berth 9  
14 will be 19,988.

15 Structures proposed within Berth 7A would be a  
16 240 foot by 41.7 foot roadway, a 60 foot by 80 foot main  
17 platform, 4 foot wide piers totaling 840 feet in length, two  
18 breasting dolphins, four mooring dolphins. And total square  
19 footage associated with Berth 7A will be 23,444.

20 Total square footage associated with all  
21 structures will be 43,432. And this modification will increase  
22 the amount of over water structure by 978 square feet from the  
23 previously permitted project.

24 This is a diagram. This area here has already  
25 been permitted. They are currently dredging at the moment.

85

1 due to the proposed structure requiring close proximity to the  
2 refinery, alternatives have been deemed impractical.

3 The project is located in an industrial area and  
4 is consistent with the surrounding development.

5 And upgrading the refinery's abilities to  
6 process, ship, and store petroleum products will help meet an  
7 increasing demand for these products throughout the Southeast.

8 Public notice was ran in the Sun Herald on these  
9 dates. No comments were received.

10 Environmental Quality is currently reviewing the  
11 project.

12 Archives & History has no comments.

13 And Secretary of State is currently reviewing  
14 the project.

15 Some images of the site. This is looking out  
16 towards the Sound. The area to the left is where the concrete  
17 revetment will be placed. Then the area to the right here  
18 along the shoreline is also the area where the revetment is  
19 going to be placed.

20 And looking out where the ship is, I believe  
21 this is Berth 7A and 9.

22 Based on the results of department evaluation,  
23 it's been determined that the project is consistent with the  
24 Coastal Program because it serves a higher public purpose,  
25 upgrading the refinery's abilities to process, ship, and store

87

1 And then this would be the concrete revetment in front of Berth  
2 7A. And then the wetland fill would be along the lines in this  
3 area there.

4 Decision factors.

5 The project does serve a higher public purpose  
6 by upgrading the refinery's ability to process, ship, and store  
7 petroleum products. The project will also provide local jobs  
8 and tax revenue.

9 The project is allowable in the industrial use  
10 district.

11 Similar projects have been approved, and no  
12 precedent setting effects are anticipated.

13 There will be a temporary increase in turbidity  
14 in the area, a loss of benthic organisms, increased shading,  
15 and fill of nontidal wetlands.

16 Mitigation credits are being obtained from the  
17 Road Lake mitigation area to offset the impacts of the nontidal  
18 wetland fill.

19 Additional impacts to adjacent uplands include  
20 upgrades and expansion of the refinery process area, west tank  
21 farm, learning centers, upgrade to the wharf area, and possible  
22 roads and parking areas.

23 Best management practices will reduce any  
24 adverse impacts.

25 Offsite alternatives have been considered, but

86

1 petroleum products.

2 The project will also provide local jobs and tax  
3 revenue.

4 Therefore, staff recommends the approval of the  
5 project and it be contingent upon approval by DEQ and Secretary  
6 of State.

7 And I believe Chevron has representatives here  
8 if you have any questions.

9 MR. BOSARGE: I do have a couple of questions.

10 I understand that by the permit, are we --  
11 because they're not going to do the improvements to 7, Berth 7  
12 and --

13 MR. DAVIS: They're not doing the modification  
14 of what was approved last time. This is a different set of  
15 structures within the two berths.

16 MR. BOSARGE: And is this going to remain in the  
17 permit to be done at a later time; is that what we're doing?

18 MR. DAVIS: No, sir. They're being wiped clean.  
19 And what's proposed now is what's going to go there.

20 MR. BOSARGE: And could you put the slide back  
21 up and show us where the actual fill will be?

22 MR. DAVIS: Yes, sir. The waterway is here.  
23 The fill is going to be behind the revetment down this access  
24 road and then back towards the refinery.

25 MR. BOSARGE: And the dredging taking place now,

88

1 the revetment will stabilize that enough? Because it's going  
2 to be a pretty steep bank there.

3 MR. KENNY TAYLOR: Kenny Taylor with Chevron,  
4 Pascagoula.

5 That's the purpose for the revetment, to  
6 minimize the future maintenance dredging and shoaling that may  
7 take place if we don't do that.

8 MR. BOSARGE: I've been around there, but I  
9 didn't realize they were filling any marsh grass or whatever  
10 for a better word all the way up to the north of that project.  
11 But it looks good. Thank you.

12 MR. DAVIS: Also, the side slopes that we do  
13 require for the dredging do help minimize that material from  
14 falling back in, as well.

15 MR. BOSARGE: It's going to be steep right there  
16 at that one point.

17 MR. DAVIS: Yes, sir.

18 MR. BOSARGE: I'll make a motion that we accept  
19 the staff's recommendations.

20 MR. TAYLOR: Do we have a second?

21 MR. DRUMMOND: I second the motion.

22 MR. TAYLOR: All in favor. It passes  
23 unanimously. Thank you all.

24 e. City of Biloxi

25 MS. WITTMANN: Good morning, commissioners, Joe

89

1 Ziegler, and Sandy. I'm Jennifer Wittmann. I have coastal  
2 ecology's final agenda item for the day.

3 We have a request for permit modification by the  
4 City of Biloxi located at the commercial docking facility on  
5 the Mississippi Sound on Highway 90 in Biloxi. It is in the  
6 commercial and recreational marinas use district.

7 You can see the project location indicated by  
8 the yellow thumb tack just south of the Hard Rock Casino  
9 parking garage.

10 The applicant is seeking authorization to  
11 increase the amount of dredging within the commercial docking  
12 facility. They are currently authorized to dredge 6,000 cubic  
13 yards of material. They are requesting a 10,000 cubic yard  
14 increase for a total of 16,000 cubic yards of material. And  
15 the dredge material will be used for beneficial use if  
16 appropriate.

17 This is a diagram showing the areas that will be  
18 dredged. When the city originally got their permit, they were  
19 under the impression that the Corps of Engineers would be  
20 dredging the main areas within the harbor. But that is not the  
21 case. And so the city is having to increase.

22 So they are currently authorized to dredge  
23 underneath the piers, and they will be going in and also doing  
24 the main areas within the harbor.

25 This is a picture of the site.

90

1 The project serves a higher public purpose by  
2 restoring adequate depths to the commercial dock for the  
3 commercial shrimping fleet to return with their boats to the  
4 facility.

5 The project is allowable within the commercial  
6 and recreational marinas use district.

7 Similar projects have been approved, and no  
8 precedent setting effects are anticipated with the project.

9 There will be a temporary increase in turbidity  
10 during dredging operations, and a loss of benthic organisms.  
11 This is part of routine harbor maintenance, and adverse  
12 environmental impacts should be minimal.

13 Best management practices will be utilized  
14 during all phases of construction, including stage  
15 construction, and turbidity screens around the immediate  
16 project site.

17 This is a maintenance project, and no  
18 alternatives have been considered.

19 The project is located in an area that has  
20 historically been utilized as an industrial and commercial  
21 area.

22 Notification of the project appeared in the Sun  
23 Herald as required. No public comments were received.

24 DEQ has issued water quality certification.

25 Archives & History is reviewing the project.

91

1 The Secretary of State's Office has issued no  
2 comment.

3 The Department of Wildlife, Fisheries & Parks  
4 has recommended best management practices throughout all phases  
5 of the project.

6 And the U.S. Army Corps of Engineers is also  
7 reviewing the project.

8 The Biloxi downtown redevelopment area is  
9 included -- excuse me. The Biloxi downtown redevelopment areas  
10 including the commercial and recreational small craft harbors  
11 are designated as urban waterfronts within the special  
12 management area.

13 Staff has conducted a thorough evaluation of the  
14 project and determined that it is consistent with the  
15 Mississippi Coastal Program because it serves a higher public  
16 purpose and recommends approval of the request.

17 And there is a representative from the City of  
18 Biloxi present if you have any questions.

19 MR. GOLLOTT: Mr. Chairman, I make a motion that  
20 we accept the staff's recommendation on this permit.

21 DR. ASPER: Do I have a second?

22 MR. BOSARGE: Second.

23 DR. ASPER: All those in favor. Passes  
24 unanimously. Thank you.

25 J. Administrative Services

92

1 2. Financial Report  
 2 MR. TAYLOR: Next on the agenda is financial  
 3 report.  
 4 MS. VESA: Good morning. The budget today  
 5 reflects the status as of August 31. Our budget remained at  
 6 \$6,267,493. On that date, we had spent \$1,254,641, for a  
 7 remaining balance of \$5,012,852.  
 8 And our tidelands budget has all been obligated.  
 9 Any questions today?  
 10 DR. ASPER: Thank you.  
 11 M. Other Business  
 12 MR. TAYLOR: Okay. Under other business, M, we  
 13 have some items.  
 14 Mr. Chatagnier.  
 15 MR. CHATAGNIER: Earlier in the meeting, I  
 16 talked about Title 22 Part 4, and I might have misspoke on  
 17 taking that to public comment.  
 18 All I needed was a notice of intent to be filed  
 19 right at this point in time. I hasn't met the criteria to go  
 20 out for public comment.  
 21 I'd like clarification on that.  
 22 MS. CHESNUT: We need a motion to take this out  
 23 on notice of intent, a revised motion.  
 24 MR. GOLLOTT: I make that motion.  
 25 MR. DRUMMOND: I'll second the motion.

1 MS. CHESNUT: Still have to publish it as open  
 2 meeting.  
 3 MR. TAYLOR: And does the meeting have to be  
 4 open when we discuss it?  
 5 MS. CHESNUT: Yes.  
 6 MR. TAYLOR: Just let us know.  
 7 Do I have a motion to adjourn?  
 8 MR. DRUMMOND: I make a motion we adjourn.  
 9 MR. GOLLOTT: Second.  
 10 MR. TAYLOR: It passes.  
 11 (Meeting adjourned 11:30 a.m.)

1 MR. TAYLOR: All those in favor. Opposed.  
 2 Carries unanimously.  
 3 You have a question?  
 4 MR. BOSARGE: No, I don't have a question. I  
 5 have another issue to bring up. I'm through with you.  
 6 MR. CHATAGNIER: Let me get out of the way,  
 7 then.  
 8 MR. BOSARGE: Mr. Chairman, I believe, it's my  
 9 understanding in Robert's Rules of Meetings that when there is  
 10 a alternate motion made, the alternate motion is voted on  
 11 first. I would like staff to look into that, and if that is  
 12 the case, then I'd like to bring the issue of the trip tickets  
 13 back to the board again next month.  
 14 But in the meantime, see if we can't get the  
 15 staff to put together a meeting with the rest of the  
 16 commissioners to try and iron out some of these details.  
 17 But if I could get the staff to look into that,  
 18 see if that is correct.  
 19 MR. TAYLOR: Thank you.  
 20 If we do that, do we have to publish it? If we  
 21 have a meeting with more than two commissioners, do we have to  
 22 publish it as a public meeting?  
 23 MS. CHESNUT: Yes, you have to notice it as an  
 24 open meeting.  
 25 MR. GOLLOTT: Can we do it it as a workshop?

1 BEFORE THE COMMISSION ON MARINE RESOURCES  
 2  
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 5  
 6 COURT REPORTER'S CERTIFICATE  
 7  
 8 I, Norma Jean Ladner Soroe, Certified Shorthand  
 9 Reporter, do hereby certify that to the best of my skill and  
 10 ability I have reported the meeting of the Commission on Marine  
 11 Resources and that the foregoing 95 pages constitute a true  
 12 transcription of said meeting held on the 20th day of September  
 13 2011.  
 14 I do further certify that my certificate annexed  
 15 hereto applies only to the original and certified transcript.  
 16 The undersigned assumes no responsibility for the accuracy of  
 17 any reproduced copies not made under my control and direction.  
 18 Witness my signature this the 5th day of October  
 19 2011.

  
 Norma Jean Ladner Soroe, CSR #1297  
 Certified Shorthand Reporter