

# *Compressed Transcript*



COMMISSION ON MARINE RESOURCES

## COMMISSION MEETING

September 18, 2012

**N.J. Soroe, CSR, P.O. Box 2102, Bay St. Louis, MS 39521  
(228) 467-2199**



1 COMMISSION ON MARINE RESOURCES  
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4 September 18, 2012  
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7 TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT  
8 BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW  
9 AVENUE, BILOXI, MISSISSIPPI, ON THE 18TH DAY OF SEPTEMBER 2012  
10 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER  
11 SOROE, CERTIFIED SHORTHAND REPORTER.  
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14 COMMISSION MEMBERS PRESENT:  
15  
16 DR. VERNON ASPER, Chairman  
17 RICHARD GOLLOTT  
18 SHELBY DRUMMOND  
19 STEVE BOSARGE  
20 JIMMY TAYLOR  
21  
22 ALSO PRESENT:  
23  
24 DR. WILLIAM WALKER, Executive Director DMR  
25 JOSEPH R. RUNNELS, ESQ., Asst. Attorney General  
SANDY CHESNUT, ESQ., Asst. Attorney General

1 A. Call to Order  
2 DR. ASPER: Good morning. I'd like to welcome  
3 everybody to the regular September meeting of the Mississippi  
4 Commission on Marine Resources. We have a period of time  
5 coming up that we welcome public comments. However, we do  
6 request that you fill out a little form so we have a record of  
7 who's been here and so on. If you intend to speak during the  
8 public comments section but have not yet filled out one of  
9 these forms, please do so and get it to us up here.  
10 I'd like to start off by welcoming Senator Brice  
11 Wiggins. Good to have you here.  
12 SENATOR WIGGINS: Appreciate it.  
13 B. Approval of Minutes  
14 DR. ASPER: The first item is to approve our  
15 minutes from the previous meeting that was distributed in the  
16 packet. Is there a motion to approve as distributed, or are  
17 there modifications?  
18 MR. DRUMMOND: So moved, Mr. Chairman.  
19 MR. GOLLOTT: Second, Mr. Chairman.  
20 DR. ASPER: Those in favor say aye. The minutes  
21 are approved.  
22 C. Approval of Agenda  
23 DR. ASPER: We have an agenda before us. Are  
24 there any changes to the agenda?  
25 DR. WALKER: No, sir.

1 DR. ASPER: Is there a motion to approve as  
2 distributed?  
3 MR. GOLLOTT: So moved, Mr. Chairman.  
4 MR. DRUMMOND: I second the motion.  
5 DR. ASPER: Those in favor say aye. The agenda  
6 is approved.  
7 D. Public Comments  
8 DR. ASPER: Now we come to our period of public  
9 comments. I'll call you one at a time. We have four people  
10 that want to speak. Please limit your comments to three to  
11 four or five minutes. Come to the podium and state your name  
12 for the record.  
13 The first person is Beth Ashley.  
14 MS. ASHLEY: Hi. My name is Beth Ashley. And I  
15 live in Ocean Springs. And I just wanted to make comment on I  
16 understand there's a proposal from the Jackson County Board of  
17 Supervisors to turn the now current boat barn into green space  
18 and parking. And I would just like to say that I'm in big time  
19 favor of this. I'm not in favor of a swap for land in Ocean  
20 Springs for Biloxi to continue a boat barn and possible  
21 restaurant in Ocean Springs and would like to see the area used  
22 for parking. I think we desperately need parking and need to  
23 get rid of that eyesore.  
24 And that's what I have to say. And I hope the  
25 board will take that into consideration.

1 DR. ASPER: Okay. Thank you.  
2 Amanda Kennedy.  
3 MS. KENNEDY: Before I begin, I'd like to give  
4 you a picture of my subject matter.  
5 I took this picture during the height of  
6 Hurricane Isaac.  
7 I'm Amanda Kennedy, an Ocean Springs harbor  
8 resident since 1982. And I just wanted to share I attended an  
9 Ocean Springs Harbor Commission meeting for our restoration,  
10 public use, and management plan for the property purchased by  
11 DMR December 8, 2010, with funds obtained through a grant  
12 contract with the Bureau of Ocean Energy Management Regulation  
13 and Enforcement.  
14 This grant for the \$3.75 million purchase in  
15 2010 was awarded under certain conditions and restrictions  
16 required to qualify for the coastal impact assistance program.  
17 The grant money was used to purchase the  
18 property in Ocean Springs harbor known as Harbor Landing.  
19 I have read and strongly approve of the terms  
20 and conditions under which this funding for the purchase was  
21 obtained.  
22 The responsibility of the DMR to be aware of and  
23 comply with these terms and conditions would in my opinion be  
24 well served with the adoption by your agency of the plan  
25 proposed by the harbor commission and approved by the Jackson

1 County Board of Supervisors on September 10.

2 If I understand it correctly, by December 2010  
3 y'all as good stewards of the property must have a restoration,  
4 public use, and management plan in place for CIAP compliance.

5 The proposal by the harbor commission to manage  
6 the ten boat slips, provide parking for trucks and trailers,  
7 provide access to the waterfront for customers of the shrimp  
8 fleet and sell dockside, provide a green space with native  
9 plants and grasses, and restore some native habitat I believe  
10 would be in accordance with the contractual provisions required  
11 by CIAP.

12 If the goal of your project is as stated in your  
13 project description to acquire private land to protect it from  
14 potentially adverse development that would be allowed under  
15 current land use regulations, Harbor Landing was an excellent  
16 choice.

17 As described in your plan, Harbor Landing is in  
18 a flood prone area. I look down on it from across the harbor.

19 We hope you all will consider, adopt, and  
20 support this plan, including your commitment to remove all  
21 buildings and restore this property to waterfront green space  
22 by removing the hazards from the velocity zone, a goal of the  
23 project.

24 I believe the harbor commission will manage your  
25 property consistent with the purposes for which it was entered

5

1 into under CIAP and will provide as promised an area much  
2 better suited for public use and enjoyment on this ecologically  
3 important site.

4 Thank you for your time.

5 DR. ASPER: Okay. Thank you.

6 Next is Thomas Weaver.

7 MR. WEAVER: Good morning. My name is Thomas  
8 Weaver. I reside at 202 General Pershing Avenue in Ocean  
9 Springs. My wife and I have lived there for many years. My  
10 parents built the home in 1957 at which time I started  
11 overlooking the Ocean Springs harbor.

12 And I'm here this morning in support of the  
13 Ocean Springs Harbor Commissioners, Dr. Thomas McIlwain as  
14 being chairman of the commission. They put forth a proposal to  
15 manage and restore, help restore the Harbor Landing property.  
16 It was approved unanimously by the Jackson County Board of  
17 Supervisors.

18 I'm here to publicly go on record that I do  
19 support this. And I think it would be an extremely good use  
20 for the space.

21 The building, the boat barn, the metal boat barn  
22 building that is currently there, in removal of that, there can  
23 be some help in that with respect to the steel in it can be  
24 recycled. It's very valuable as a recyclable. The outside  
25 building, the one over the water, I don't know if maybe the

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1 Department of Marine Resources would have some use for that or  
2 not. That would be negotiable.

3 However, I am in support of using this as a  
4 green space, increased parking, help along with traffic and  
5 everything else along the harbor there.

6 We have looked at this harbor, when I first  
7 moved into our home in '57, I could sit on General Pershing  
8 Avenue from our dining room window and see all the way to Deer  
9 Island. Of course, trees, the growth, prevents -- is a natural  
10 occurring item.

11 But in promoting the use of this space, it is an  
12 advantage to the velocity zone and decreasing all items that  
13 will end up in the harbor, will create more of an eyesore, and  
14 a very costly restoration project.

15 There are funds now for restoration that would  
16 help in restoring the property back to green space and/or  
17 parking and use for public -- for the general public.

18 And I thank you for your time.

19 DR. ASPER: Thank you.

20 And finally, Bruce Duckett.

21 MR. DUCKETT: Good morning. I'm Bruce Duckett  
22 from Ocean Springs. We've lived at 1406 Helmer's Lane which is  
23 on the harbor for about 50 years. And I'm here this morning in  
24 support of the proposal from the Jackson County Board of  
25 Supervisors and the Ocean Springs Harbor Commission to use this

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1 space known as Harbor Landing for green space and much needed  
2 parking.

3 There are about 50 property owners who live  
4 around the Ocean Springs harbor in an organization called The  
5 Friends of the Ocean Springs Harbor. And we as a group have  
6 opposed the illegal development in this harbor from the very  
7 beginning, and we pursued it all the way up to the Mississippi  
8 Supreme Court where the Court agreed that the businesses that  
9 were allowed to be established there were against the zoning  
10 laws for that area for Ocean Springs.

11 We were delighted that DMR acquired this  
12 property with the plan, to quote from the grant, protecting it  
13 in perpetuity for conservation and restoration and restricting  
14 development and any use inconsistent with conservation of the  
15 property and restore the property to waterfront green space,  
16 open space, and restore the viewshed and remove the hazards  
17 from the velocity zone.

18 We wholeheartedly support what this grant is  
19 saying.

20 We are appalled that our city politicians are  
21 supporting a land swap of some wetlands here in Biloxi in an  
22 attempt to keep these illegal businesses in operation.

23 To me, this proposed land swap flies in the face  
24 of the stated plan in the CIAP funding and is extremely  
25 disappointing to us.

8

1 Such a swap in my mind may constitute a breach  
2 of the terms of the grant and will certainly create a breach of  
3 trust between the citizens and the government.

4 We urge you to follow proposal of the Ocean  
5 Springs Harbor Commission and the Jackson County Board of  
6 Supervisors and allow the property to be used for green space  
7 and much needed parking for the benefit of the citizens of the  
8 surrounding area.

9 Thank you so much for your time.

10 DR. ASPER: Okay. Thank you.

11 And we want to express our thanks again to  
12 everybody who comes and shares you comments. That's really  
13 important for us to hear from you and hear what your  
14 perspectives are on each one of these issues.

15 Next item on our agenda is the executive  
16 director's report.

17 E. Executive Director's Report

18 DR. WALKER: Thank you, Mr. Chairman.

19 Chief Chatagnier is going to talk about some of  
20 this in his report, but I just want to make a comment about our  
21 marine patrol officers and the services they provided during  
22 Hurricane Isaac.

23 They were out in the middle of the storm putting  
24 themselves at risk to rescue people from rooftops, cars, out of  
25 the attics, and various places like that.

1 So I just want this commission to know that our  
2 officers are out there serving the communities in times of  
3 peril like hurricanes and storms.

4 Thank you.  
5 (Applause.)

6 DR. ASPER: Thank you. Sometimes we hear more  
7 about what the Coast Guard is doing. And I think our own  
8 patrol people do not get enough credit because you're right  
9 there in the thick of things.

10 And it's time now for our marine patrol report.

11 F. Marine Patrol

12 2. Marine Patrol Report

13 MR. CHATAGNIER: Good morning, Mr. Chairman,  
14 commissioners, Dr. Walker, legal.

15 As Dr. Walker said, we have been very busy for  
16 this last month.

17 You can look at the marine patrol report with  
18 these no saltwater fishing license. We started putting the  
19 states on here for these people, and by far the biggest  
20 violators are from our own state.

21 I don't have the reason why, other than the fact  
22 they'd rather pay \$175 to the Court than \$10 to Wal-Mart.

23 But crabs, we had a few violations with crabs.

24 And, of course, you can see all the saltwater fishing  
25 violations. Had a lot of undersized redbfish violations, a few

1 speckled trout, but some of these redbfish violations, I mean,  
2 they're keeping fish nine inches long. Ten inch redbfish, nine  
3 inch redbfish. I mean, that's not even big enough to make a  
4 sandwich.

5 Get over to the gray snapper. There's quite a  
6 few gray snapper violations. Some of the gray snapper go down  
7 as far as seven inches, eight inches, seven and a half inches.  
8 There's no sense in this.

9 We had some possession of fillets, people out on  
10 piers filleting their fish and got caught.

11 Sharks and heads -- with the heads and tails  
12 removed so we couldn't measure them.

13 Our boat and water safety violations are down.  
14 Of course, there was a few days it wasn't pleasant enough to be  
15 out on the water.

16 Our marine litter charge, this is kind of  
17 strange. But the person was warned to stop doing it, and he  
18 just insulted the officer and continued to do it. But for some  
19 reason, right before the storm hit, this guy decided to go  
20 practice his golf out on the beach, and he was driving golf  
21 balls out into the water. And he was told to quit hitting the  
22 plastic and rubber golf balls out in the water, and he insulted  
23 the officer and continued to keep hitting them. So he got  
24 charged for that.

25 The boating accidents with injuries, there was

1 five of them. They had one at the D'Iberville boat launch hit  
2 another boat. A vessel hit the dredge pipe at Deer Island.  
3 And vessel came loose and capsized in Gulfport Lake. One hit  
4 the Popp's Ferry Bridge, and one hit the dock at the Gulfport  
5 harbor.

6 Hurricane Isaac, let me just start out by  
7 telling you what we did. The EOCs, all your EOCs of your  
8 counties, Harrison, Hancock, and Jackson County, Lieutenant  
9 Levine set up his EOC commander which was Mario Christina and  
10 Chris Mask to man the EOCs. And the county would task us to do  
11 something, and they would contact us and we would go out.

12 We rescued nine people -- or they rescued. I  
13 didn't rescue anybody. They rescued nine people stranded at  
14 home from the rising water. They assisted AMR medical with  
15 getting six victims from houses and bringing them up to the  
16 road. The ambulance people would not get in the boat with us,  
17 so they had to go get the patients and bring them to the  
18 ambulance.

19 Possible looting with gunshots, we had some  
20 officers respond to that down in Pearlington.

21 We checked on a couple of people in homes and  
22 one in a boat. Of course, the one that made the TV was  
23 Lieutenant Hester, Leo DeGeorge, Dwayne Armes, Donicia  
24 Thompson, and Richard Peterson, they're the ones that rescued  
25 the two intoxicated drivers off the hood -- or the roof of

1 their truck after they decided to disregard the barricades  
2 because they thought they could go mud riding and got swept  
3 down the river.

4 They took one man back home, back to his family,  
5 because he had no way to get in there to help his family.

6 And we had one kayaker was stuck in the marsh,  
7 but he refused help. He was out there to take pictures of the  
8 raccoons during the hurricane. And he wouldn't leave the  
9 marsh, and he wanted to make sure he got his raccoon pictures.

10 We delivered meals to people in homes that were  
11 trapped in their homes.

12 We delivered oxygen tanks to some nursing homes  
13 that were running out of oxygen that were trapped by water.

14 We investigated some oil in Ansley and a boat  
15 leaking.

16 And all these officers put in a lot of effort  
17 and a lot of time. They worked 12 hour shifts. Some of them  
18 even worked later.

19 Our dispatchers, Amy Taylor is our chief  
20 communications officer. She took her three dispatchers,  
21 Michelle and Mickey, and they stayed out at the Hatchery 24  
22 hours a day until the storm was over with. So they stayed at  
23 the Hatchery and did that.

24 And then, of course, we did do some JEA patrols  
25 that you see on the list. And we ended up with eight federal

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1 reports and 18 state citations issued.

2 So we stayed pretty busy. And it's good to  
3 report the only damage that we incurred to our equipment was  
4 one officer hit a tree that fell down in front of him when he  
5 was responding to the looting, and he busted two rims and tires  
6 on the truck. We had no boat damage. And that was it. Nobody  
7 got injured.

8 So that's what we did.

9 DR. ASPER: Okay. Thanks a lot.

10 There's one charge here that I don't know if  
11 I've ever seen on our list before. Over the limit of spotted  
12 seatrout. I'm just wondering if you happen to know offhand  
13 where he was fishing.

14 MR. CHATAGNIER: I think somebody wants some  
15 inside information on where to go.

16 I'm not sure where that -- but that can happen  
17 anywhere.

18 MR. GOLLOTT: Chief, I just want to beg to  
19 differ with you on one point. That nine inch redfish would  
20 make a child's plate.

21 MR. CHATAGNIER: Well, it will make a foldover.  
22 It won't make a poboy, at least not my poboy, anyway.

23 DR. ASPER: Any other questions? All right.  
24 Thanks a lot, and thanks to all your officers for great  
25 support.

14

1 Next move to fisheries.

2 G. Marine Fisheries

3 MR. JEWELL: Good morning, commissioners, Dr.  
4 Walker, and Sandy.

5 Dale sends his apologies and regrets. He was  
6 called away representing the agency on business.

7 I want to update the commission on a couple of  
8 items before I get started with my presentation this morning on  
9 the agenda.

10 First up, as you all may be aware, NOAA, the  
11 Department of Commerce, has approved our request for a federal  
12 fisheries disaster in association with the historic Mississippi  
13 River floods and the opening of the Bonnet Carre Spillway for  
14 the oyster and blue crab fisheries.

15 It was not approved for the shrimp fisheries.

16 So that is a good opening step for recovery for  
17 these two industries.

18 But I want to emphasize that this is just one  
19 step in a protracted process. Of course, now is funding from  
20 Congress, so that's the process. It's been a prolonged  
21 protracted process so far. And, of course, the most important  
22 step now is to receive funding for that disaster.

23 But the good news is that it has been approved  
24 and acknowledged that it's a federal fisheries disaster.

25 Next up, I wanted to give to you a brief

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1 overview of Hurricane Isaac impacts on our marine resources.  
2 Of course, Walter gave you a little overview of marine patrol  
3 and their efforts with the marine resources and our coastal  
4 community here.

5 Our agency did really well during this disaster.  
6 We began preparing and prepared well throughout, before,  
7 during, and after.

8 We started actually preparing with our equipment  
9 securing the facility the Thursday before as we watched the  
10 approach of Isaac as it began strengthening out and move  
11 further in towards the Gulf of Mexico. So we began  
12 preparations pretty early on with this storm.

13 So our equipment and facility did really well.

14 Our shellfish resources, of course, we're in the  
15 preliminary assessment stage. That's ongoing. Scott is going  
16 to give a little more detail. But overall, the initial  
17 indications are that it was a light to moderate impact to those  
18 resources. And like I said, Scott will give a little more  
19 detail on that.

20 Seafood technology, most of our dealers and  
21 processors, most of them are located here on the Gulf Coast,  
22 though we have those scattered throughout the State of  
23 Mississippi. They did light to moderate damage. Of course,  
24 most of those that are located on or adjacent to water were the  
25 ones that had the most impact.

16

1 Of the 46, we've inspected about 30 of them  
2 right now. Six are reporting light to moderate damage with one  
3 facility would be considered moderate to heavy. But all of  
4 them are up and running right now.

5 Our shrimp and crab bureau, most of the damage  
6 being reported right now was very light. There were a few crab  
7 things in our industry that because of the timing of the storm,  
8 unfortunately left some of their gear out in the water that was  
9 impacted or lost. Most of the damage we received to our live  
10 bait industry, it was light to moderate, depending on where the  
11 facilities were located at. And most of it was to the actual  
12 onshore facilities. Most of the vessels and vehicles did well.  
13 But most of these are back up and running.

14 Our artificial reefs, again, the reefs, the 14  
15 that are located offshore, we're in the preliminary stage of  
16 assessment of both our inshore and offshore reefs. Five of  
17 them have been assessed so far, the 14 offshore. There have  
18 been little to light damage to those. They fared very well.

19 As you might be aware, the ones that were  
20 inshore, our inshore reefs were the ones that suffered the  
21 most, and those that are located to the west from about the  
22 middle of Harrison County to the west, are the ones that were  
23 impacted the most. And we have about 67 of our inshore reefs,  
24 and about 25 of those suffered moderate to heavy damage. And  
25 again, as you move further to the west, about the middle of

17

1 Harrison County into Hancock County, especially the ones in  
2 Hancock County suffered the most damage.

3 And I'd like to mention also that, you know, we  
4 had several keys out in the Sound, and you may have been aware  
5 and saw some of the photographs of those. Those suffered heavy  
6 to severe damage. We are still ongoing assessing those. But I  
7 do want to point out that all of them are well marked and  
8 lighted. Of course, the one that suffered the worst was Pass  
9 Christian reef, Pass Christian key.

10 Finfish, we are still out doing preliminary  
11 assessments.

12 There was a lot of damage to our infrastructure.  
13 Piers, docks, boat ramps, marinas. So far we've assessed about  
14 76 of those. Of those, 25 of those suffered heavy to moderate  
15 damage. And again, as you move from about the middle of  
16 Harrison County off to the west, Hancock County, that's where  
17 the majority of the damage suffered. But even in Jackson  
18 County and even in eastern Harrison County, there's moderate to  
19 light damage. A good example of that would be the Forest  
20 Street boat ramp right here, you know, it was underway of  
21 repair, and the two finger piers were completely lifted off and  
22 tossed up here onto the road.

23 So depending on where you were at, how long you  
24 wee, this was a long storm that lasted here a long time.

25 And again, as you might have been aware watching

18

1 the news that our beaches suffered moderate to very heavy  
2 damage. A lot of debris up on the beach, nutria rats in  
3 Hancock County, and those beaches are still in the phase of  
4 recovery. There are only certain sections of them open right  
5 now.

6 Are there any questions?

7 MR. GOLLOTT: Joe, what about the oyster reefs?  
8 Did I miss that? Did you --

9 MR. JEWELL: I did give you a little update on  
10 that. What I said was that we're in preliminary assessments.  
11 Oyster reefs, the really impacts, we won't really know those  
12 for a couple of weeks after an event like this. We have done  
13 preliminary assessments, and indications are to light to  
14 moderate damage. There wasn't -- the early assessment  
15 reflected there wasn't a tremendous amount.

16 But oysters, we really won't know for a while.  
17 It takes a little while for them. They get down, they get  
18 stressed, and they reflect that stress, it takes a period of  
19 time for that to show.

20 So we're going to be doing ongoing assessments  
21 of those over a period of weeks. And Scott's going to give you  
22 a little bit more information on that during his presentation.

23 MR. DRUMMOND: Did that environmental lab in  
24 east Jackson County suffer any damage?

25 MR. JEWELL: Very little. The NOAA facility

19

1 you're talking about?

2 MR. DRUMMOND: Yes.

3 MR. JEWELL: The water came up over the docks  
4 and onto the grounds, but they suffered very light to moderate  
5 damage. They had removed all of their vessels and equipment  
6 off of the ground, so they did very well.

7 MR. BOSARGE: Joe, what about the barrier  
8 islands? Have you had any reports on that?

9 MR. JEWELL: The barrier islands did relatively  
10 well. Of course, the ones that were not in good condition to  
11 start with, like Ship Island, suffered the most damage. But  
12 the barrier islands, like Horn Island, did reasonably well.

13 3. Title 22 Part 17 Final Notice

14 MR. JEWELL: Next up on the agenda is -- of  
15 course, last commission meeting I brought before y'all notice  
16 of intent for Title 22 Part 17. And today I bring before you  
17 the final adoption.

18 I think we're having a little bit of equipment  
19 problem. I think this needs to warm up just a minute.

20 DR. ASPER: It actually overheated. It's had a  
21 warning up there.

22 MR. JEWELL: And I bring before you today the  
23 notice for final adoption.

24 Like I said on the last commission meeting on  
25 August 21, I brought before you the notice of intent. We did a

20

1 news release on August 21 per the Administrative Procedures  
2 Act. We did the legal notice in the Sun Herald on August 31.

3 In addition to the requirements for a public  
4 notice about that, we did an additional news release on  
5 September 6.

6 Additionally, we posted this notice for public  
7 comment on our web page on September 4.

8 The public comment period was August 23 through  
9 September 18. And to date, we have received no public  
10 comments.

11 I also wanted to point out that according to the  
12 Administrative Procedures Act, there were three things that  
13 would elicit a public hearing. A political subdivision, an  
14 agency could request it, or ten or more people from the public  
15 could request a public hearing.

16 None of those three options occurred for us to  
17 conduct a public hearing.

18 And in just a minute, Buck Buchanan will also  
19 give a final notice presentation for Part 7. And these three  
20 things also pertain to his, and none of those occurred for him.

21 I want to give a brief reminder of what the  
22 changes were for Title 22 Part 17.

23 First, we inserted molluscan throughout the  
24 document wherever shellfish occurred.

25 There were minor editorial changes that occurred

1 MR. BUCHANAN: Good morning, commissioners, Dr.  
2 Walker, Sandy. I'm Mike Buchanan with the finfish bureau.

3 At the last commission meeting, we had Title 22  
4 Part 7 brought up for notice of intent. And since that time,  
5 as Joe said, we passed the notice of intent, sent out the  
6 public notices.

7 We have received no public comments to date.

8 And just a little reminder of what it was.

9 Basically it was taking the spotted seatrout going from  
10 February to September with two four-month seasons at 50,000  
11 pounds.

12 And this is up for final adoption with y'all's  
13 approval.

14 DR. ASPER: Is there a motion?

15 MR. GOLLOTT: So moved, Mr. Chairman.

16 DR. ASPER: The motion is made. Is there a  
17 second?

18 MR. DRUMMOND: I second the motion.

19 DR. ASPER: Any further discussion? Those in  
20 favor say aye. Carries unanimously. Thank you, Buck.

21 5. Definition of Commercial Fisherman

22 MR. BUCHANAN: The next thing on the agenda is  
23 commercial fishing license requirement for spotted seatrout.

24 I guess -- I know it says defines commercial  
25 fisherman on your thing, but I was a little confused at the

1 throughout that didn't impact the substance of the document  
2 anywhere. There are primarily a couple of statute references  
3 that were incomplete that we completely defined. We added the  
4 definition of molluscan shellfish versus before where it was  
5 just shellfish. And we corrected a couple of grammar issues.  
6 And then there were sections where we deleted options or added  
7 options, and those sections had to be redone.

8 And the third change which was primarily the  
9 reason for this change was we incorporated the time temperature  
10 changes that were adopted by ISSC NSSP model ordinance.

11 And with that being said, we need a motion for  
12 final adoption.

13 DR. ASPER: Okay. Are there any questions? Are  
14 you ready for a motion?

15 MR. GOLLOTT: I'll make a motion, Mr. Chairman,  
16 that we adopt it.

17 DR. ASPER: A motion to adopt the changes to  
18 Title 22 Part 17. Is there a second?

19 MR. DRUMMOND: Second the motion, Mr. Chairman.

20 DR. ASPER: Further discussion? Those in favor  
21 say aye. Carried unanimously. Thank you, Joe.

22 MR. JEWELL: Thank you.

23 Next up is Buck Buchanan, and he's going to be  
24 giving the final notice presentation for Title 22 Part 7.

25 4. Title 22 Part 7 Final Notice

1 time.

2 So anyway, so this was brought up at the last  
3 commission meeting to have some options or recommendations on  
4 who qualifies as a commercial fisher for spotted seatrout.

5 And the first one is status quo. This is the  
6 stat for option at the moment.

7 There are some other options that could be  
8 considered.

9 Requires spotted seatrout species endorsement.  
10 Just if you're going to have a cost associated with it, it will  
11 have to go through legislation, essentially be another license.

12 Require a license holder to have a commercial  
13 license for the last license year, last one, two, three license  
14 years. I don't think there's any sort of other things that you  
15 could apply there.

16 And Option 4 is a means test in which you  
17 require a commercial fisher to present proof that some  
18 percentage of his income or some portion of his income came  
19 from commercial fishing activities with some portion of the --  
20 you know, some last one, two, three of his license years or he  
21 earned a certain percentage of his income from commercial  
22 fishing activities.

23 The proof would be in the form of completed tax  
24 license preparer possessing a PTIN, preparer tax identification  
25 number. This would have to be notarized and submitted to the

1 department for review.

2 And these are some of the options that could be  
3 considered.

4 We would ask that on the means test that you set  
5 the standard fairly low -- this is not a huge fishery -- if  
6 this this is what you really wanted to do. But this will  
7 impact quite a few people, some people that are retired that do  
8 this kind of thing on the side, that kind of a deal.

9 MR. TAYLOR: Mr. Chairman, I make a motion that  
10 we adopt Number 4 and that we use the means test of ten percent  
11 in any one of the three years preceding this year.

12 DR. ASPER: Okay. So just to clarify the  
13 process from here in, I think we would probably need to draft  
14 something a little bit more formally and then at the next  
15 meeting perhaps take it out for public comment because this is  
16 something that we want to get some input in. Is that correct,  
17 Buck?

18 MR. BUCHANAN: Yeah, you would. It's going to  
19 require an economic impact statement. I don't know how long  
20 that takes.

21 DR. ASPER: So your motion would be that we  
22 pursue that one, rather than adopt, let's use the word pursue,  
23 and then we would work with the staff to come up with something  
24 with a little more detail and can include the specifics of your  
25 game plan.

25

1 that we pursue Item 4 which is a means test that would apply  
2 only to commercial fishermen pursuing speckled trout. Is that  
3 correct?

4 MR. TAYLOR: Yes.

5 DR. ASPER: Okay. And that one of the  
6 requirements would be that they demonstrate that ten percent of  
7 their annual income was acquired through commercial fishing  
8 activities, ten percent for the previous year.

9 MR. TAYLOR: No. Ten percent in any of the  
10 three previous years.

11 DR. ASPER: Any of three previous years.

12 MR. TAYLOR: Yes. And it can be just so long as  
13 he makes -- it doesn't have to be speckled trout fishing,  
14 oystering, shrimping, whatever, crabbing, you know, commercial  
15 fisherman.

16 DR. ASPER: Okay.

17 MR. GOLLOTT: Commissioner Taylor, would you  
18 consider leaving that one, two, and three years out and just  
19 letting it be, you know, just one year, just that ten percent  
20 of their income is commercial fishing?

21 DR. ASPER: What he's proposing, though, is  
22 actually laxer than that. He's saying ten percent in any of  
23 the three previous years.

24 MR. GOLLOTT: Suppose somebody was coming in and  
25 they didn't have a commercial license, they're retiring, they

27

1 MR. TAYLOR: Yes.

2 DR. ASPER: Is there a second to his motion?

3 MR. BOSARGE: I second the motion.

4 DR. ASPER: Any discussion?

5 MR. GOLLOTT: Mr. Chairman, I think this is very  
6 necessary. It's been abused for quite sometime, recreational  
7 fishermen selling their catch, and it goes against the quota  
8 that the commercial fisherman is allowed.

9 I'm just wondering if ten percent is high  
10 enough.

11 What do you think, Mr. Taylor?

12 MR. TAYLOR: I think it's a starting place. We  
13 can always change it. You know, I think as a starting place  
14 it's good and going on Buck's recommendation.

15 MR. BUCHANAN: My recommendation is status quo.

16 MR. GOLLOTT: How many years have they had to  
17 have a commercial license to do this?

18 MR. DRUMMOND: Only one year, I think.

19 MR. BUCHANAN: That's what's in there. I mean,  
20 that's up for...

21 MR. GOLLOTT: That would block anybody that's  
22 retiring next year that wants to do a little of this, it would  
23 block them. They would have to have a commercial license.

24 MR. BUCHANAN: That would be correct.

25 DR. ASPER: Okay. So the motion as it stands is

26

1 want to do a little bit of this, it's going to block them.

2 MR. TAYLOR: We're not voting to set the law  
3 today. We are voting to pursue it; right?

4 Okay. Is there wording that we can use for  
5 someone entering the fishery? Because we don't -- you know,  
6 just like any other fishery, people are going to die, you know,  
7 and look at our shrimp industry through attrition, you know.

8 MR. GOLLOTT: Leave that one, two, three year  
9 license year out, wouldn't that take care of it?

10 DR. ASPER: Well, then it has to be ten percent  
11 over some period of time, ten percent.

12 MR. GOLLOTT: That kind of messes you up.

13 DR. ASPER: It kind of removes the entire means  
14 test if don't do that.

15 MR. JEWELL: Let me understand the motion. The  
16 motion is for us to do those evaluations and then to evaluate  
17 the information for it to go -- for a notice of intent to bring  
18 that before you for the next commission meeting; is that  
19 correct?

20 DR. ASPER: Yes, that's correct.

21 Okay. So we have a motion made and seconded  
22 that would be requiring ten percent of the person's income over  
23 any of the three previous years. That's how it stands right  
24 now.

25 So if this motion is approved, we would bring

28

1 that back next month to bring it out for public comment.  
2 Any further discussion? Those in favor say aye.  
3 Carries unanimously.

4 MR. JEWELL: Our next agenda item is an update  
5 of the oyster season by Mr. Scott Gordon.

6 6. Oyster Season Update

7 MR. GORDON: Good morning, Mr. Chairman,  
8 commissioners, Dr. Walker, Ms. Chesnut.

9 There's no action being asked of the commission  
10 today. I just wanted to update you on some of the different  
11 activities that we have going on and a little bit on the  
12 condition of the resource itself.

13 First off, we have no notable improvements over  
14 last year. I wish I had some better prospects. But we are  
15 seeing that the hook mussel problem is continuing.

16 We are planning some cultch plants. In fact,  
17 the first cultch plants oil spill disaster is set to kick off  
18 as early as this weekend. And that's going to be I think one  
19 of the first at the larger scale restoration projects, and so  
20 we will be real happy to see that get underway.

21 With Hurricane Isaac, we are doing resource  
22 assessments. And that is continuing. And as Joe was stating,  
23 we did find some mortality in some areas, but it is still an  
24 early process to look at.

25 We have found in a few of the locations oysters

1 We are continuing our fecal coliform and harmful  
2 algal bloom sampling.

3 I'm happy to report that we're investigating the  
4 possibility of utilizing oysters from some other areas. We're  
5 looking into the amount of the resource and the effects from  
6 Isaac and also trying to get an area reclassified. Now, this  
7 is an area up in Jackson County, so Commissioner Drummond  
8 should be pleased with that.

9 I don't want to put the cart before the horse  
10 and promise everything, but we are looking very hard at this,  
11 and if we can get this area opened up in the future, I'm hoping  
12 that we are going to be able to do so.

13 We are continuing to work on a proposal for some  
14 NRDA restoration activities, and some of those have been  
15 previously reported in newsletters to the commission and also  
16 to the oyster industry.

17 Do you have any questions on what I have gone  
18 over so far?

19 And there is one little personal thing I would  
20 like to add.

21 MR. BOSARGE: Yes, Scott, I have one question.  
22 You talked about Jackson County. And I didn't quite maybe  
23 comprehend everything you said. Are you talking about  
24 qualifying some places to take oysters to move or to actually  
25 open up?

1 that were dead in the shell. But we are going to continue to  
2 try to get a better handle on that.

3 But it still looks like mortalities are at least  
4 preliminarily are not as high as what we had feared.

5 And also, as Joe had mentioned, we received this  
6 word last week about the disaster declaration from the Bonnet  
7 Carre Spillway by NOAA, and we are awaiting some word from  
8 Congress if they are going to approve some funding for that.

9 And there will be planning on what sort of  
10 activities will be involved should we receive those funds.

11 We are also planning on having an oyster task  
12 force meeting on the reef or a day on the Sound or maybe a  
13 couple days on the Sound with some of the commercial fishing  
14 industry to look around at various locations that we have.

15 With our sampling activities, we can't go everywhere, so this  
16 is an opportunity to take the oyster fishermen out and see  
17 firsthand for themselves the condition of the reefs.

18 So typically, what we will do is take them out  
19 on The CONSERVATIONIST, and we'll ask them where would you like  
20 to go take a look at, and we'll go there, and we'll look at it.

21 And I think based on that and some of our other  
22 sampling, we may come to the commission next month and ask for  
23 -- to take some action.

24 You know, we're still having some internal staff  
25 discussions on this, as well.

1 MR. GORDON: Actually for direct harvest. We're  
2 looking at -- it's not a very large area. We're still doing  
3 our assessment of that area. And the area would have to be  
4 reclassified, so we're looking at the water quality standards.  
5 We would have to establish a management plan for that area.  
6 And we have been working with the U.S. Food & Drug  
7 Administration on this.

8 It's not some of the popular areas that has been  
9 brought up before in the past, but I'm hoping that we will be  
10 able to do something with that.

11 MR. BOSARGE: Good. We appreciate all the help  
12 we can get over that way.

13 MR. GORDON: Well, I need all the help I can  
14 get.

15 MR. DRUMMOND: Scott, just a comment. Scott and  
16 Dale and I perused the area over in Jackson County a while  
17 back. And we went over most of the sampling areas where they  
18 are conducting samples for bacteria over there, coliform. And  
19 we found an area or then they found an area up in the north end  
20 of Bangs Lake. I don't know whether any of you know about  
21 Banks Lake, but it's full of oysters, but most of them are  
22 polluted evidently.

23 But there's just a massive area over in east  
24 Jackson County that's just full of oysters. I mean, you can  
25 stick a pole in the substrate just about anywhere over there

1 and hit shell.

2           So it's an area that needs to be closely looked  
3 at because we don't really know how it's being polluted. Maybe  
4 the animals over there occupying the marsh pollute it. But I  
5 don't believe that.

6           But anyway, Scott, I just wanted to make a  
7 comment. I appreciate you taking me over there and looking at  
8 the area. Thank you.

9           MR. GORDON: I'm glad that we had that  
10 opportunity. And I guess I could remind you that one of the  
11 locations that we have looked at where we had seen the water  
12 sample station go bad after Hurricane Katrina, I think it was  
13 possibly due to some erosion of one of the islands or sand bars  
14 that the birds and the pelicans especially love to stand around  
15 there. And when we were there we had pelicans that were  
16 soaking their toes in the water. But normally, at the low  
17 tide, that's going to be out of the water. And then whenever  
18 the water comes up, then that's affecting that area around  
19 there.

20           But we will continue to monitor that.

21           Are there any other questions?

22           Just one other thing that I would like to bring  
23 up is I've been in communication contact with one of our  
24 employees, Mr. Roy Lipscomb. He's a fisheries technician in  
25 fisheries. He works both with the shellfish and with the

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1 shrimp and crab bureau and also closely with the turtles.

2           Anyway, he is deployed with the Mississippi Army  
3 National Guard in Afghanistan, and he's been recently training  
4 the Afghan national army. And he sent a picture about last  
5 week of him and about 19 of these guys. And I got a text  
6 message from him yesterday that five of those guys, they were  
7 out on an independent mission, and they were killed in action  
8 due to an IED and ambush.

9           So if you could keep him and all those folks in  
10 your prayers, I would appreciate it.

11           Thank you.

12           DR. ASPER: Thank you, Scott.

13           We certainly will keep them in our thoughts and  
14 prayers, as we do all of our servicemen. It's a very difficult  
15 situation.

16           Moving on to the state records.

#### 17       7. State Records

18           MR. PORCHE: Good morning. I have three records  
19 to submit for your approval today. All three of them are  
20 conventional tackle records.

21           The first one is for Squirrelfish. It will be a  
22 new record. *Holocentrus adscensionis*. It's a new record of 1  
23 pound 3 ounces caught by Hannah Walker. The Squirrelfish and  
24 Ms. Walker.

25           The second is for Great Barracuda, *Sphyraena*

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1 barracuda. The old record was 50 pounds 1 ounce. The new  
2 record will be 52 pounds 6 ounces caught by Matt Glenn.

3           And the third one will be for Greater Amberjack,  
4 *Seriola dumerili*. The old record was 114 pounds 3.2 ounces.  
5 The new record will be 124 pounds 4 ounces caught by Mike  
6 Jimerson.

7           Any questions?

8           MR. DRUMMOND: Nice *Seriola dumerili*.

9           MR. GOLLOTT: Mr. Chairman, I make a motion we  
10 accept those records.

11           DR. ASPER: Is there a second?

12           MR. BOSARGE: Second.

13           DR. ASPER: Those in favor say aye.

14           Thanks a lot, Erick.

15           MR. PORCHE: Thank you.

16           MR. JEWELL: That's it for marine fisheries if  
17 there are no questions.

18           DR. ASPER: Okay. Thank you very much, Joe, and  
19 everybody.

20           Move on to coastal ecology. Jan.

#### 21 H. Coastal Ecology

22           MR. BOYD: Good morning, Mr. Chairman,  
23 commissioners, Dr. Walker, Ms. Chesnut.

24           Coastal ecology has two action items for your  
25 consideration this morning.

35

1           But before we get to that, I just wanted to give  
2 you a short update. After Hurricane Isaac, we put a public  
3 notice out to allow people to rebuild damaged structures back  
4 to the permitted footprint. They do have to fill out a permit,  
5 but what we're doing is waiving the application fees.

6           Any questions?

7           MR. DRUMMOND: All they have to do is submit an  
8 application?

9           MR. BOYD: Yes, sir. They don't have to pay the  
10 fees.

11           MR. DRUMMOND: You will notify them that that's  
12 approved?

13           MR. BOYD: We put that in the paper, yes, sir.

14           MR. DRUMMOND: Thank you.

#### 15       3. Bureau of Wetlands Permitting

##### 16       a. VT Halter, Inc.

17           MR. CHRISTODOULOU: Okay. I have a permit  
18 modification by VT Halter Marine, Incorporated, located at 900  
19 Bayou Casotte Parkway in Pascagoula. It's in the industrial  
20 development use district.

21           Project location. Okay. No pointer. It's in  
22 this area here if you follow the cursor, the mouse, it's the  
23 yellow thumb tack. Highway 90 is here. Bayou Casotte here.  
24 VT Halter, Signal, Mississippi Phosphates, Chevron.

25           Structures for this project proposed are a 1600

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1 foot of replacement bulkhead, 410 feet of new bulkhead,  
2 dredging within a keyhole slip to a depth of 41 feet below mean  
3 low water. And it's approximately 261,000 cubic yards of  
4 material that's been approved for beneficial use.

5 There's also an adjustment to the previously  
6 permitted dredging that was allowed from the last permit. And  
7 that's to add another 25,369 cubic yards. That also, too, has  
8 been approved for beneficial use. And then there's an area of  
9 the keyhole slip they would like to widen. And that would be  
10 50,503 cubic yards. And since this material isn't actual  
11 dredge material, it's not subject to the beneficial use  
12 statute.

13 There's also 10,000 square feet of state owned  
14 fill of waterbottoms, waterbottom fill. And also there's a  
15 large previously storage spoil material that has been tested  
16 previously for beneficial use suitability and has been found to  
17 be suitable for beneficial use. And what they would like to do  
18 with this material is place it in that keyhole slip to where it  
19 would be easier to facilitate pumping out to the Round Island  
20 beneficial use site.

21 The Round Island beneficial use site has been  
22 approved for 200 acres of expansion, and there's attempts now  
23 to get it expanded up to 800 acres.

24 Here's a diagram of the project. Different  
25 areas are labeled. The yellow area here is the previously

1 They need to request two variances for this  
2 project with regard to filling of coastal wetlands and also  
3 that vertical face structures shall be aligned no farther  
4 waterward than mean high tide.

5 The justification submitted for the variances is  
6 that the activity requires a waterfront location, there's a  
7 significant public benefit in the activity, and a public  
8 hearing has been held.

9 Obviously, shipbuilding is waterfront industry.  
10 The significant public benefit for the activity is that I  
11 believe Halter has guaranteed at least 400 jobs with the  
12 project. And we did hold a public hearing last Wednesday on  
13 the project.

14 Similar projects have been approved by the  
15 commission, so this shouldn't set a negative precedent.

16 There will be a temporary increase in turbidity  
17 and a decrease in number of benthic organisms associated with  
18 the project. All the material for dredging has been tested and  
19 approved for beneficial use. There will be permanent filling  
20 of approximately 10,075 square feet of state owned  
21 waterbottoms.

22 The applicant is widening the keyhole slip to  
23 create waterbottoms; however, those waterbottoms would not be  
24 state owned. They would still be used for the applicant.

25 So since they are not state owned waterbottoms,

1 permitted dredging, this outlined area in the dotted area.  
2 There's a thousand linear feet of bulkhead that was also  
3 approved from the last project.

4 The new action that's required this time is the  
5 dredging to 41 feet within the keyhole slip. That's going to  
6 be in purple here. The blue is the widening of the keyhole  
7 slip, so that would be the excavation. There's also some  
8 dredging associated with the previous permit, and that's to add  
9 the slope that was left out in the previous permit to go down  
10 to the 62 and a half feet depth that was approved. And there's  
11 an area of fill that was not taken into account for the last  
12 permit that they need to request permission for this time.  
13 This is the 10,000 square feet that they're requesting  
14 permission for now.

15 Here's some pictures of the project area. This  
16 is looking to the south and east in Bayou Casotte from the top  
17 of the spoil mound.

18 Here's a shot from the back of the keyhole slip.  
19 And you can see here that the bulkhead is starting to fall in  
20 on one side.

21 Public benefits of the project include increased  
22 employment opportunities for the project and from contracts  
23 received by the applicant to service vessels.

24 The project is allowable with the industrial  
25 development use district.

1 we have to have a mitigation plan for the project. And what  
2 we've had in the past, the commission has allowed in the past  
3 for the casinos more specifically is for a payment to the DMR  
4 Coastal Preserves Program in this case. And the number that we  
5 have come up with for the impacts associated with this project  
6 in comparison with some of the previous casino projects would  
7 be \$29,639.18.

8 If you may remember, approximately a year ago  
9 the commission approved the IP Casino's dry docking, and that  
10 was almost two acres. And that mitigation for that was  
11 approximately \$250,000. So that's where that number came from.

12 Best management practices will reduce any  
13 adverse impacts.

14 An alternative design to filling the  
15 waterbottoms was to use a pier obviously. But that design was  
16 rejected due to the way the cranes need to service the vessels  
17 at the dry dock.

18 No additional sites were considered. The area  
19 in question is currently being undeveloped and serves as a  
20 dredge material disposal area, and all the other areas on the  
21 yard are being used for service and repair for vessels.

22 The area is an industrial area. There's  
23 shipbuilding industry to the south, and to the east there's  
24 industrial, chemical, and refinery.

25 And Halter is contracted to construct and

1 service vessels that support the U.S. Military and companies  
2 essential to the Nation's energy policy.

3 Public notice was placed in both the Sun Herald  
4 and the Mississippi Press as required.

5 We did have a public hearing for the project  
6 last Wednesday, September 12. We had a couple of public  
7 comments at the public hearing.

8 First about noise and the effect on wildlife.  
9 The area is in an industrial area. It's a shipbuilding  
10 activity. It's a fairly noisy area as it is. They will not be  
11 doing any pile driving in association with the bulkhead. It  
12 will be sheet pile, and they will be vibrated in. So there  
13 won't be a constant pounding that some are worried about.

14 The other concern was that the dredge material  
15 be thoroughly tested. A lot of concerns that it is Bayou  
16 Casotte, it's an industrial area. But all the tests have been  
17 done on the material, both the material that's in the water and  
18 the material that's on land being stockpiled. And it's passed  
19 DEQ's testing procedures. So that's what we have to go by.

20 Archives & History has no objections.

21 DEQ is reviewing the project.

22 Secretary of State will require a tidelands  
23 lease.

24 And Wildlife, Fisheries & Parks has recommended  
25 that best management practices be implemented.

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1 disposal with trucks running back and forth up towards Hurley  
2 or Vancleave, somewhere like that.

3 MR. BOSARGE: Lot of material.

4 DR. ASPER: Is there a motion?

5 MR. DRUMMOND: I make a motion, Mr. Chairman,  
6 the commission approve this variance request for VT Halter.

7 DR. ASPER: And issue the permit?

8 MR. DRUMMOND: And issue the permit.

9 DR. ASPER: Is there a second?

10 MR. BOSARGE: I'll second.

11 DR. ASPER: Any further discussion? Those in  
12 favor say aye. Carries unanimously.

13 We have one more item on the agenda, but I've  
14 just been informed that one of us needs a quick break. So  
15 let's take a quick break, back in five minutes.

16 (Off the record.)

17 DR. ASPER: I'd like to call this meeting back  
18 to order. We have one more item on the agenda for coastal  
19 ecology. Willa.

20 b. Emmett Zimmerman

21 MS. BRANTLEY: Good morning. My name is Willa  
22 Brantley. We don't have a presentation this morning. If you  
23 notice, you didn't get a mailout. We didn't have any new  
24 information to present. I really just want to kind of give an  
25 update.

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1 And staff's recommendation is that the project  
2 will help construct and service vessels for the U.S. Military  
3 and the country's energy policy. It's a water-dependent  
4 activity. And there will be public benefit by increasing local  
5 tax base and improving the economy. So staff recommends  
6 approval of the applicant's variance request and issuance of  
7 the requested permit contingent on approval by DEQ.

8 DR. ASPER: Are there any questions?

9 MR. BOSARGE: I have one question. Just  
10 curious. They're going to take the material that's in the  
11 dredge spoil area now that they intend to utilize and put it  
12 back in the keyhole slip?

13 MR. CHRISTODOULOU: They want to put it in the  
14 keyhole slip because I believe, and Mr. Foster can answer that  
15 question if you would like him to, the planning there is  
16 instead of offloading it to a barge and then taking multiple  
17 barge loads back and forth to Round Island, that it might be  
18 easier to actually pipe that material out to Round Island  
19 instead of taking numerous barge loads out to the site.

20 MR. BOSARGE: Okay, that's fine. I just found  
21 it curious.

22 MR. CHRISTODOULOU: I think ultimately it will  
23 be dictated on cost. But it seems like that might be a less  
24 expensive way to do it rather than taking multiple barge loads  
25 back and forth. Obviously, it's a lot cheaper than upland

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1 Some of the commissioners suggested last month  
2 that Dr. Zimmerman look into quotes for moving the enclosed  
3 portion of the boathouse over land.

4 I've spoken to his agent, Mickey Lagasse, and  
5 they are in the process of getting that.

6 Some issues with Isaac coming in unexpectedly  
7 and some personal issues, it's just been kind of slowed down.  
8 They don't really have those quotes to present to us today.

9 So that's where it stands.

10 And the agent, Mickey Lagasse, is here. And I  
11 understand that Dr. Zimmerman actually has come, as well, if  
12 you have any questions for them.

13 MR. TAYLOR: Mr. Chairman, I'd like to talk.

14 This has been a real difficult situation for us here, what to  
15 do, how to do it and all. And I want to make some comments in  
16 regard to the Emmett Zimmerman project.

17 In 2011, Mr. Zimmerman submitted an application  
18 for a boathouse and boat launch to be constructed adjacent to  
19 his property in Hancock County.

20 Prior to the issuance of the permit, Mr.  
21 Zimmerman commenced construction on the boathouse.

22 On December 20, 2011, the commission issued Mr.  
23 Zimmerman a permit for the boathouse and boat launch and fined  
24 him \$500 for commencing construction without the required  
25 permit.

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1 The application submitted by Mr. Zimmerman  
2 should have placed the coastal ecology staff of MDMR on notice  
3 that Mr. Zimmerman was proposing to build an enclosed structure  
4 over the water.

5 The coastal ecology personnel assigned to the  
6 Zimmerman project did not verbally inform Mr. Zimmerman or his  
7 agent that enclosed structures are not permitted over coastal  
8 wetlands.

9 The actual permit issued to Mr. Zimmerman  
10 contained the standard language requiring the boathouse to be  
11 open-sided, restricting the total height of the structure to be  
12 no more than 25 feet above high tide.

13 Despite the language of the permit, Mr.  
14 Zimmerman proceeded to build a boathouse that exceeded 25 feet  
15 in height restriction and was enclosed.

16 It is clear to me that Mississippi Department of  
17 Marine Resources and Mr. Zimmerman and/or his agent to  
18 adequately communicate and adhere to accepted protocols,  
19 guidelines, and permit conditions usually followed in the  
20 handling of these projects within the jurisdiction of the  
21 commission.

22 The Zimmerman property and the situation  
23 confronting the commission are somewhat unique, therefore does  
24 not appear that any adjacent landowner will be adversely  
25 affected by the height violation of the enclosed structures,

1 And that's my motion, Mr. Chairman.

2 DR. ASPER: Is there a second?

3 MR. GOLIOTT: I'll second it, Mr. Chairman.

4 DR. ASPER: Is there any further discussion?

5 Those in favor say aye. Anybody opposed? Okay. Carries  
6 unanimously.

7 MS. BRANTLEY: Thank you.

8 DR. ASPER: Thank you.

9 Move on to our financial report. Kara.

10 J. Administrative Services

11 2. Financial Report

12 MS. VESA: Good morning. Today's report is as  
13 of August 31, 2012 for Fiscal Year 2013. Our budget was  
14 \$6,152,176. We had spent \$1,255,451 as of August 31, leaving a  
15 remaining balance of \$4,896,725.

16 And our tidelands funds are all obligated.

17 Are there any questions today?

18 DR. ASPER: Thank you, Kara.

19 With that, I think we have concluded our agenda.

20 Is there a motion to adjourn?

21 MR. DRUMMOND: I make a motion we adjourn.

22 MR. BOSARGE: Second.

23 DR. ASPER: We're adjourned.

24 (Meeting adjourned 10:20 a.m.)

1 and I left since members of his family own all the adjacent  
2 property.

3 Based on this, Mr. Chairman, I want to make the  
4 following motion:

5 That the commission adopt the aforementioned  
6 observations as findings in this matter and issue an  
7 after-the-fact permit to Mr. Zimmerman allowing him to keep the  
8 boathouse 31 foot enclosed structure over waters, coastal  
9 wetlands, contingent on the following:

10 One, Mr. Zimmerman obtain adjacent owner  
11 authorization for noncompliant structure.

12 Two, no sewage facilities are located within any  
13 part of the structure.

14 Three, no living quarters are located within the  
15 boathouse.

16 If the enclosed structure is destroyed or  
17 receives more than 50 percent damage, the structure may not be  
18 rebuilt as an enclosed structure.

19 And five, the permit with these conditions is  
20 filed with Mr. Zimmerman in the land records for the property  
21 so that future owners will be aware of these conditions.

22 And assess a fine against Mr. Zimmerman for  
23 building a noncompliant boathouse in the amount of \$500.

24 And number seven, the filing in the land records  
25 and payment of the fine are to be completed within 60 days.

1 COMMISSION ON MARINE RESOURCES

2  
3  
4 COURT REPORTER'S CERTIFICATE

5  
6 I, Norma Jean Ladner Soroe, Certified Shorthand  
7 Reporter, do hereby certify that to the best of my skill and  
8 ability I have reported the meeting of the Commission on Marine  
9 Resources and that the foregoing 47 pages constitute a true and  
10 correct transcription of said meeting held on the 18th day of  
11 September 2012.

12 I do further certify that my certificate annexed  
13 hereto applies only to the original and certified transcript.  
14 The undersigned assumes no responsibility for the accuracy of  
15 any reproduced copies not made under my control and direction.

16 Witness my signature this the 1st day of October  
17 2012.

18  
19  
20  
21 

22 NORMA JEAN LADNER SOROE, CSR #1297  
23 Certified Shorthand Reporter  
24  
25