COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, October 21, 2014
10:00 o'clock, a.m.
Jackson County Board of Supervisors Meeting Room
2915 Canty Street
Pascagoula, Mississippi 39568

Commission Members:

Richard Gollott, Chairman

Shelby Drummond, Vice Chairman

Steve Bosarge

Ernie Zimmerman

Also Present:

Jamie M. Miller, Executive Director DMR
Sandy Chestnut, Esq., Assistant Attorney General

COMMISSIONER GOLLOTT: I call this meeting to order. I would like to welcome everyone, and I would like to thank the folks in Pascagoula for furnishing us with this fine facility.

Let's have the Pledge of Allegiance, now.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: I would like to recognize Senator Brice Wiggins who is with us today. Welcome, sir.

BRICE WIGGINS: Thank you.

COMMISSIONER GOLLOTT: Next we have approval of the minutes.

Do we have any modifications?

(No response.)

COMMISSIONER GOLLOTT: With no modifications, do we have a motion to accept?

COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER GOLLOTT: All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: The motion passes.

We have approval of the agenda.

Do we have any modifications?

(No response.)

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

COMMISSIONER ZIMMERMAN: Motion to accept the agenda.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER BOSARGE: I'll second it.

COMMISSIONER GOLLOTT: All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next, we have the Executive Director's report.

JAMIE MILLER: Mr. Chairman, I have no report, other than mentioning there are cases that Counselor Chestnut will go through.

SANDY CHESTNUT: The first case we have are the matters of Tommy O'Brien, 013114-1, Matthew Glenn, 013114-2, Justin Bounds, 013114-3, and Robert Braun, 013114-4, and the charge is possession of Red Snapper during closed season.

On January 31st, 2014, a compliance check of commercial fishing vessel was conducted in Krebs Lake.

Four Red Snapper were discovered on top of the ice in the center-forward fish box.

Mr. O'Brien advised that they had just unloaded the day's catch at Clark's Seafood and he didn't know the red snapper were still on the boat.

Mr. Glenn stated that he had forgotten to unload the red snapper at Clark's Seafood.

Enforcement Action Reports for possession of red snapper during closed season were issued to all passengers on board.

Mr. O'Brien submitted a written response, dated March 4th, 2014, basically, saying that it was dark and that he forgot to unload the fish.

Mr. Braun submitted a written response, dated September 2nd, 2014.

Mr. Braun, I think, is here and may want to address the Commission about his response.

If you want to go ahead and come forward, sir.

ROBERT BRAUN: Yes, ma'am.

As I stated in my written response, I was invited to go on a fishing trip on a commercial charter boat, fishing boat. I had never been on one. I was told, before the trip, that I could not keep any fish, that I could only catch fish which was okay with me because I didn't want red snapper anyway.

We went fishing out in the Gulf, came back to Pascagoula and went to the fish-processing place.

I was on the back of the boat. It was very cold. I stayed on the back of the boat. The boat was unloaded.

We left that dock about, it seemed like, two hours later, pulled out, and BMR pulled up, put lights on us, and said the Captain didn't have running lights.

Then, they told the Captain, "Okay. Get some running lights. You can go ahead."

The boat pulls off and got about maybe a hundred yards and blue lights came back on.

I heard the Captain ask the BMR person, "What's wrong? You said we could go."

And he said, "Yes, you could go, but we just got a call from Biloxi, Mississippi, and they told us to stop you again."

So they stopped him, and there was a conversation going on in the bow of the boat which I didn't hear all of it, but the conservation officer got on the boat and checked the boat and found red snapper on the boat.

Well, to tell you the truth, I didn't know the snapper were there, but, if I did, I didn't know it was illegal to keep them there. I was just invited on a

fishing trip. They got me as part of the crew. I guess, since I went fishing with these people, I was part of the crew, but I didn't have anything to do with catching -- I mean, bringing snapper back, or keeping snapper.

I didn't have anything to do with unloading the boats. I was just a guest.

I mean, you can do what you want with me, but I feel that I got caught in the middle of a situation that I didn't know anything about.

I have heard rumors, from different conservation officers, that the individual I was fishing with, they were kind of on the lookout for him.

I don't know anything about the guy. I had never met him, before that day. Mr. Glenn invited me on the trip. I do know him. He was my niece's boyfriend.

I have never been in Pascagoula fishing before. I've been fishing sixty-five years in Mississippi. I have never had a citation. I fish. I have two boats. I keep both of them up with all the equipment. I get checked eight, ten, fifteen times a year. I have never had a citation, and I'm wondering why I'm being charged for something I didn't have anything to do with.

Thank you for your consideration.

SANDY CHESTNUT: Thank you.

Is there anyone else, in this case, that is here

in the audience that would like to address the Commission?

FROM THE FLOOR: (Indicating).

SANDY CHESTNUT: Come forward and state your name, please.

MATT GLENN: I'm Matt Glenn, and I hate to take the blame for everything because, you know, we did have some other people on the boat, but I was in charge of unloading the fish.

After Tom told me not to put any fish in the front hold, I had already caught four fish, threw them in the front hold, of course, and, then, I gutted all of the fish in the back, as Tom weighed them, and Bobby and Justin sat on the back.

Really, what I'm saying is that it is pretty much a hundred percent my fault. I wasn't keeping the snapper out of date, or anything like that. I don't eat snapper. I just go with Tom to help him out, and I forgot to unload them. Thank you.

COMMISSIONER BOSARGE: Excuse me, Matt.

Mr. Chairman, may I ask a question?

COMMISSIONER GOLLOTT: Sure.

COMMISSIONER BOSARGE: Just so we are all clear, in other words, you went on a Federally-permitted vessel, called in ahead of time, went out and caught the fish, called in, reported your catch, unloaded it at a specific

dealer.

I guess, my point is you had four fish aboard the vessel that you weren't supposed to have, but you actually did everything you were supposed to do that allowed you to catch those fish. So what we are dealing with is either --

MATT GLENN: (Interposing) This is really a hundred percent what happened. The four fish that were in the front were the four biggest fish that we had. At the plant that we unload at, Clark's Seafood, they like smaller fish. So we put the four fish in the front to throw in the bottom of the vat, and, then, throw all of the smaller fish on top so he won't dock Tom's pay, and I forgot to get them out. It's all my fault because I was in charge of unloading the boat and I didn't do it.

COMMISSIONER BOSARGE: I just wanted to make sure that everybody understood that you didn't actually leave the dock to go catch illegal red snapper. You were legally catching red snapper.

MATT GLENN: Yes, sir.

COMMISSIONER GOLLOTT: I'm unsure.

What is illegal here?

COMMISSIONER BOSARGE: Because they were in possession of the fish. In other words, a commercial vessel is not allowed to keep any fish. When they went

and unloaded, they had to unload every fish. When they left the unloading dock and were headed back to their dock, they were still in possession of four red snapper which is illegal. You are not allowed to have fish in your possession. In other words, you can't keep any fish. You have to bring them in and sell all of them.

MATT GLENN: We dropped them off, and I forgot to unload them myself. I don't think Bobby Braun, or Tom O'Brien, or Justin Bounds, should be paying for what I have done.

SANDY CHESTNUT: Thank you.

Is there anyone else, on this case, that is here that would like to address the Commission?

(No response.)

SANDY CHESTNUT: Seeing none, based on the documentation that was contained in the file, the Executive Director found that the allegations had merit and recommended that the Commission impose administrative penalty against Mr. O'Brien and Mr. Glenn in the amount of one thousand dollars each and an administrative penalty against Mr. Bounds and Mr. Braun in the amount of five hundred dollars each.

All the supporting documentation, including photographs of the fish, have been provided to each member of the Commission.

All the violators, in this case, have been notified that this matter will be presented today.

The Commission may accept, reject, or modify, the Executive Director's recommendation, upon motion.

COMMISSIONER BOSARGE: I know Mr. Glenn takes full responsibility, but you also have the boat owner involved.

I understand the two gentlemen that were fishing with you were just there to help.

I would like to make a motion that we fine Mr. Glenn and Mr. O'Brien five hundred dollars each and suspend the fines on the two other gentlemen that were fishing, Mr. Braun and Mr. Bounds.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER ZIMMERMAN: I'll second it.

COMMISSIONER GOLLOTT: A motion has been made and seconded.

Do we have any more discussion on this?

COMMISSIONER BOSARGE: Just one thing, Mr. Glenn, be sure you unload the fish from now on.

MATT GLENN: Yes, sir.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: The motion passes.

Thank you.

MATT GLENN: Thank you.

SANDY CHESTNUT: In the next case, on the agenda, are Shannon Poole and Archie Williams.

Sufficient notice was not sent out to these two individuals, but I understand that Mr. Williams may be here and wants to move forward.

Is that the case, sir?

ARCHIE WILLIAMS: Yes, ma'am.

SANDY CHESTNUT: So we will move forward with Mr. Williams.

Mr. Poole is not here so I would ask for a motion that we carry Mr. Poole's case over to next month.

COMMISSIONER GOLLOTT: Do we have a motion?

COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: The motion carries.

SANDY CHESTNUT: Thank you.

So we are looking at the Cause Number 101613-01 for Archie Carey Williams, and the charge is possession of red snapper during closed season.

On October 16th of 2013, during a compliance check of a recreational fishing vessel near the back of an oil tanker in federal waters, at North 30.08.091/West 88.31.010, Mr. Poole advised that they had snapper, cobia, dolphin and gag grouper on board.

Marine Patrol advised Mr. Poole that red snapper season was closed.

Mr. Poole stated that he thought the season was open, based upon what he had read and what other people had told him.

Mr. Poole and Mr. Williams were both issued an Enforcement Report for possession of red snapper during closed season.

Mr. Poole did not respond to the violation.

Mr. Williams submitted two written responses to the violation, basically, apologizing for the infraction, that he was confused about the seasons, and the written responses have been provided to the Commissioners.

Mr. Williams requested an informal settlement

conference with the Executive Director, and that took place on August the 15th, 2014.

Based upon the documentation in the file and the violator's responses, the Executive Director found that the allegations have merit and recommended that the Commission impose administrative penalties against Mr. Williams in the amount of five hundred dollars.

All supporting documentation has been provided to the Commission, Mr. Williams is here, and the Commission may accept, reject, or modify, the Executive Director's recommendation, upon motion.

Mr. Williams, you may come and address the Commission, if you would like.

ARCHIE WILLIAMS: Good morning and thank you for hearing from me.

I didn't come this morning to give an excuse, but to offer a reason. I am at fault and I was fishing, I understand, out of season, and I do apologize for that to the State and to everyone.

The reason for that -- I will just ask you to consider this -- is because I was at fault, when I didn't investigate the season extension, how long they had allowed an extension onto the State waters, from what I learned afterwards, the fact.

I didn't investigate what that meant to me and

fishing. I was guilty. I just didn't understand. I did not go fishing, knowing that the season was closed, and that's just what I will ask you to consider. I am a fisherman and a hunter mostly for a long time, and I do not violate the law knowingly and willfully.

I just ask you to consider that, when you determine my penalties for the violation.

COMMISSIONER GOLLOTT: Thank you, sir.

COMMISSIONER ZIMMERMAN: Mr. Williams, I have a question.

You signed a statement saying that you caught the four snapper.

Is that correct?

ARCHIE WILLIAMS: Yes, sir.

COMMISSIONER ZIMMERMAN: And, then, I'm looking at another one from Mr. Poole saying that he caught the four snapper.

Y'all both signed a statement saying that you did something that, evidently, couldn't have happened and be a true statement.

What is up with that?

ARCHIE WILLIAMS: I can't explain that. I don't know who caught the four snapper. We were both aboard the boat. I know that I caught some snapper, and I know that he caught some snapper, but which snapper was caught, I'm

sorry. I don't know.

COMMISSIONER ZIMMERMAN: That's just something that I saw that I questioned. It looked like both of you admitted to the same four snapper, and I just questioned that.

COMMISSIONER DRUMMOND: Which one of you wants to pay the five hundred dollars?

ARCHIE WILLIAMS: I will take that responsibility because I was in error. I should have checked and I didn't. I will assume that responsibility.

COMMISSIONER GOLLOTT: Thank you, sir. We appreciate it.

Do we have a motion on this?

COMMISSIONER BOSARGE: I have a question.

Was it your vessel?

ARCHIE WILLIAMS: No, sir.

COMMISSIONER BOSARGE: It was Mr. Poole's vessel?

ARCHIE WILLIAMS: Yes, sir. I was a guest.

SANDY CHESTNUT: If I could just clarify for Commissioner Zimmerman. Typically, when the officers go out and there are several people on a boat, they go ahead and charge them all the same offense.

COMMISSIONER ZIMMERMAN: I can accept that, but I have a statement from both of them taking

responsibility. Somebody is telling a fib here somewhere. They both signed a voluntary statement taking responsibility, and I have to find out who is responsible. That's why I'm questioning that.

SANDY CHESTNUT: Just to explain why they were both charged.

JAMIE MILLER: Counselor Chestnut, can we get some counsel from our Marine Patrol about what statements were given and what they were?

SANDY CHESTNUT: Certainly.

JAMIE MILLER: I know this was a question Commissioner Zimmerman had brought up previously about the statements that each of these gentlemen had given.

Clearly, in our packet, we got a statement from Mr. Poole, stating that he caught the four red snapper, but I don't see that same statement in our packet. I just want to make sure, before the Commission acts, that we are given all the consideration to the circumstances.

SANDY CHESTNUT: I believe Officer Southern was involved in this case and he is here.

Do you want to come forward, Rocky?

ROCKY SOUTHERN: Yes.

COMMISSIONER ZIMMERMAN: Did both fishermen, in fact, sign a voluntary statement?

ROCKY SOUTHERN: No, sir, not that I recall. It

was just the owner of the vessel, the master of the vessel. When we were doing our boarding, he was the one that signed a voluntary statement.

COMMISSIONER ZIMMERMAN: Mr. Poole did?

ROCKY SOUTHERN: Mr. Poole, yes, sir, as I recall.

COMMISSIONER ZIMMERMAN: If this man admitted to it, I have a had time pressing charges on Mr. Williams for the same offense, and that's my whole point of this.

I don't have any more questions.

COMMISSIONER GOLLOTT: What about a motion?

ROCKY SOUTHERN: May I make a recommendation?

COMMISSIONER GOLLOTT: Yes, sir.

ROCKY SOUTHERN: Just split the fine between the two gentlemen.

COMMISSIONER ZIMMERMAN: Split the five hundred dollars?

ROCKY SOUTHERN: Yes, sir, two fifty each.

COMMISSIONER ZIMMERMAN: I feel that is acceptable.

I would like to make a motion that we hold the five hundred dollar fine between the two as charged.

SANDY CHESTNUT: Since Mr. Poole is not here, we can't technically take his up, but you can go ahead and assess the fine against Mr. Williams, since he is here.

COMMISSIONER ZIMMERMAN: Mr. Williams, please come up.

Would it be okay with you if we release Mr. Poole from these charges and fine you the five hundred dollars and y'all split it?

SANDY CHESTNUT: Mr. Zimmerman, we can take Mr. Poole up at the November meeting.

COMMISSIONER ZIMMERMAN: And release him?

SANDY CHESTNUT: Well, you can do whatever you want to with it in November. Just do the two cases separately.

COMMISSIONER DRUMMOND: So we can only charge Mr. Williams two hundred and fifty dollars?

COMMISSIONER ZIMMERMAN: Right.

SANDY CHESTNUT: You can charge whatever you want. You can only charge Mr. Williams today and it can be any amount that you feel is fair.

COMMISSIONER ZIMMERMAN: I will make a motion, if I could, to charge Mr. Williams a two hundred and fifty dollar fine.

SANDY CHESTNUT: Yes.

COMMISSIONER GOLLOTT: Can I have a second?

COMMISSIONER BOSARGE: Mr. Williams, I understand you didn't intentionally do that, but, in a way, the gentleman right prior to you didn't intentionally

do that either, and, in an effort to be fair, I feel that you should have the same fine as he did. You were both, basically, ticketed for doing the same thing, possession of snapper in closed season.

I'm sorry, but I would make a secondary motion that we fine Mr. Williams the five hundred dollars for having possession of red snapper in closed season.

ARCHIE WILLIAMS: Could I say something else, please?

COMMISSIONER BOSARGE: Yes, sir.

ARCHIE WILLIAMS: I would like for you just to consider it was one day after the season closed.

You were talking in reference to me about Mr. O'Brien, or were you referencing to me about the gentleman that was just a guest on his boat?

COMMISSIONER BOSARGE: I was referencing Mr. O'Brien and Mr. Glenn.

ARCHIE WILLIAMS: I was more or less just like the other gentleman in the blue shirt that was only a guest. That's where my position was on this vessel, the same as he was on that vessel.

COMMISSIONER BOSARGE: You've got a valid point.

COMMISSIONER GOLLOTT: We've got a motion on the floor that we have to deal with, first, Ernie's motion.

Do we have a second on the motion to fine him

two hundred and fifty dollars, Mr. Williams?

(No response.)

COMMISSIONER GOLLOTT: Without a second, that motion dies.

Let me say this. You do realize this will affect you, if you get caught again on a second offense. I mean, this is not dead today. In other words, you are looking at a second, or third, offense if this compounds it.

With that, do we have a second on Mr. Bosarge's motion for a five hundred dollar fine?

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

COMMISSIONER GOLLOTT: We have a motion and it has been seconded.

All those in favor?

(Commissioner Bosarge, Commissioner Drummond, Commissioner Gollott in favor.)

COMMISSIONER GOLLOTT: Opposed?

(Commissioner Zimmerman opposed.)

COMMISSIONER GOLLOTT: Motion carries.

I would like to recognize Michael Watson, Senator Michael Watson. He just came in. Thank you for being here, sir.

MICHAEL WATSON: Thank y'all for being here.

COMMISSIONER GOLLOTT: Marine Patrol.

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

You will notice, on our report this month, we started tracking another item, fiscal year 15 and fiscal year 14 to date.

For example, the very first one, shrimp violations, shrimping in closed water, we've got three. From July to September of last year, we had ten violations for shrimp violations. This year, from July to September, we had ten. That's the way it is going to read all the way through, tracking last year with this year, year to date and within the month.

Crab violations, we had a total of seven this month.

Live bait violations, we had one that we caught before legal time.

We had one no seafood dealer's license.

We had a total of forty-four fishing violations.

We had a total of forty boat and water safety violations.

As you can tell, fiscal year 15, this year, we've already have, from July, a hundred and ninety-six, compared to last year at this time with ninety-three. We are still having problems with boat and water safety

violations.

We had one marine litter violation.

We had nine miscellaneous violations.

We are still tracking the warnings. The past month, we had fifty-five warnings given out.

Total stops for the month, two thousand eight hundred and nineteen.

The fiscal year 15, this year, we have already had a total of five thousand seven hundred and eighty-seven stops, compared to two thousand five hundred and seventy-seven last year at this time.

Boating accidents without injuries, we had two.

Then, on our JEA report, we've had a total of fourteen patrols, a hundred and seventy-nine man hours, one hundred and five contacts, zero enforcement action reports, and State citations issued were three.

Any questions?

COMMISSIONER DRUMMOND: Yes, Rusty.

Possession of red snapper during closed season, illegal possession of king mackerel, and illegal possession of cobia, was that all taken this month?

RUSTY PITTMAN: Yes, sir, that was this past month, September. That was in State waters.

COMMISSIONER DRUMMOND: Was king mackerel season illegal?

RUSTY PITTMAN: It was closed, at that time.

COMMISSIONER DRUMMOND: What about cobia?

RUSTY PITTMAN: Illegal possession of cobia. They were undersized cobia.

COMMISSIONER DRUMMOND: Thank you, Rusty.

RUSTY PITTMAN: Yes, sir.

COMMISSIONER GOLLOTT: Chief Davis.

KEITH DAVIS: Good morning Mr. Chairman, Director, other Commissioners, and Counselor.

I would like to say good morning to my friend, Michael Watson, and Senator Wiggins for being here as well.

We wanted to give you an overview of our JEA final report for the year. It is important because the report is very complimentary of the Marine Patrol for 2013.

The coordinator, Brian Mattingly -- I hope I'm pronouncing that correctly -- personally called and discussed our report and, from a percentage perspective, Mississippi is leading the southeastern district.

He is happy about our professional cases that were submitted in 2013 and the ideas that we have communicated to him on what we are going to do in the future.

As I said, comparing us to the entire region

that he oversees, percentagewise, we are leading the pack.

This is a graph that he sent us and, as you can see, Mississippi is third to Louisiana and Texas (indicating slide).

In the next slide, you will see an email that he sent out describing the percentages and the fact that we have fewer officers and our officers, compared to the area that we are responsible for, we had more activity than the two states that are in front of us, from a percentage perspective. That statement is sent from him, in an email, to our JEA coordinator.

It is important to maintain the JEA program, mainly because of the funding that NOAA gives us. It allows us to offset our cost to patrol the State waters and help us out with our yearly budget, and I'm sure our two senators here present today will appreciate that.

It also means continued strong partnership with our Federal partners in adjacent states, in helping us target and protect our marine resources.

Our future plans for larger patrols. Currently, we are working with Louisiana, Alabama, Florida, and Texas is considering joining us, but we are going to lead a large JEA patrol and, after the first one is completed, obviously, we are going to take a look at consolidating our efforts with these other states to do these larger

patrols in our waterways.

This administration's belief is, if we start showing that we are partnered with our other states and our Federal partners, it will send a strong message to those would potentially violate the regulations on marine fisheries and just help educate people that we are out there and we are serious about protecting the resource that we have.

This year's JEA program is going to be utilized more for outreach programs. We want to instill educating the public.

As this gentleman said (indicating), I strongly feel that a lot of times people don't really intend to go out there and violate the regulations that you oversee, but, if we can take a strong approach in helping educate the public through social media, websites, as well as going out into the fishing public and talking to them, from a JEA perspective where it is not costing the State, we will protect our resource and not infringe upon our fishermen as well, at the same time.

I think it is very important that we expand these education seminars to the public.

There is currently a consolidated effort underway which I talked about, with our partners in the rest of the State, as well as us internally looking at our

fleet that we have, now, our vessel fleet. We want to provide the Executive Director with a strong picture of what we have and what our needs are in the future.

By doing that -- obviously, he instructed me to do it, the first thing, but, secondly, we want to make sure that we are being good stewards of taxpayer dollars and we have the best fleet available to us to where we can do our job and do our job effectively, while increasing productivity and trying to reduce the cost to do that.

Any questions on the JEA?

COMMISSIONER BOSARGE: I have one.

You talked about joining with the other states and doing a broader patrol.

Could you give us a little insight as to what you are talking about, as far as involving states and just what you are planning to do?

KEITH DAVIS: Yes, sir.

Certainly, you are aware that NOAA, basically, gives us authority to go into Federal waters and operate as a Federal agent in Federal waters.

By consolidating our efforts, I think we reach a wider area and we, basically, create a safety net across the Mississippi Sound, the Gulf of Mexico, and, when an individual who intentionally goes out and violates marine fishery laws across the five states, when they know that

we are joined together, I think it will send a message and we will not have to write as many citations, while still protecting the fisheries that we all appreciate in the Gulf of Mexico.

I think, by doing that and continuously doing it, we create this atmosphere that our cost to the State of Mississippi will go down because we are utilizing Alabama, Louisiana, Texas and Florida, and everyone knows that we have that Federal funding behind us, as well as NOAA, saying, if you go out there and violate these laws, more than likely you are going to get caught because all of these states are working together, talking to each other more.

If you do something in Louisiana and get away with it, the likelihood of you landing that fish back in Mississippi is greater because they are working together.

COMMISSIONER BOSARGE: That's good.

You talked about the vessels you currently have, the vessels you feel you need to complete the task with the boats you have, now?

KEITH DAVIS: We have some work to do on our vessel fleet. Working with the Executive Director, I think we can get there and I think we can get there cost effectively.

COMMISSIONER BOSARGE: The reason I asked the

question is because, being from a fisheries background and years and years of Federal fisheries management which is what your JEA's are, NOAA really has never had an enforcement division so they do the JEA's and you guys act as their enforcement division.

I'm glad to see that you take your job seriously because, like you said, you don't really necessarily have to be there and write citations, as much as just be there, be seen, be out there in the area, and most people will take that for granted and abide by the rules. I'm glad to see you are there and intend to be a little more involved.

KEITH DAVIS: Yes, sir. We certainly, in a perfect world, wish we didn't have to write a ticket, but there are cases where we do have to write tickets to get people's attention, and that's where we are.

If there are no other questions about JEA, I did want to make the Commission aware that, obviously, this week we went back under the Personnel Board and the Marine Patrol was no different from the rest of the agency where we made some personnel changes, and I do want to recognize nine people who are being promoted, in the ranks of Marine Patrol.

For Senior Master Sargent, William Freeman, Jr., is being promoted, Richard T. May is being promoted, Scott Chatham is being promoted, Matthew Kasovich is being

promoted, and Jeffrey Payne, and these gentlemen certainly deserve the promotions that they have received.

To the rank of Lieutenant, Bryce Gex is being promoted and Jack Ewing is being promoted.

To the rank of Captain, Kyle Wilkerson is going to be the Patrol Commander and Christopher Caldwell is going to be in charge of investigations.

Investigation, as you know, is a new division that we have created that I think is so vitally necessary for the mission as we go forward.

I would like for you to join me in congratulating these individuals on their accomplishments in their careers.

(Applause).

KEITH DAVIS: We will be doing a pinning ceremony. The Director and I are working together to come up with a date on that, and you will get an invitation to come and join them as they are pinned with their new ranks.

Thank you.

COMMISSIONER GOLLOTT: Thank you, Chief. We appreciate it.

Now, Joe Jewell.

JOE JEWELL: Good Morning Commissioners, Director Miller, and Sandy.

I would also like to welcome Senator Watson and Senator Wiggins. It is always a pleasure to have our elected officials here.

BRICE WIGGINS: I don't know. Some would say it's not a pleasure to have us here.

JOE JEWELL: Well, Brice, it's always a pleasure to have you here.

First up, we have a couple of regulatory actions for your consideration.

Title 22 Part 2. The CMR passed the Notice of Intent, on August the 19th. The legal notice appeared in the Sun Herald, on September the 24th. Public notice appeared, on the DMR webpage, on September the 24th. Pubic comment period was September the 16th through October the 20th. That was a total of thirty-five days. There were no public comments received.

Outline of the major changes. Statement was added, in Chapter 5 Section 106, making it unlawful for any person to drag or pull a trawl, or trynet, under the water with bag tied, or untied, in territorial waters of Mississippi which are closed to shrimping.

I'm going to read those changes as they appear in the title, for the public record.

Section 106.

"It shall be unlawful for any person, firm, or

corporation, to drag or pull a trawl, or try net, under the water, with the bag tied, or untied, in any area of the territorial waters of the State of Mississippi which are closed to shrimping.

"Further, it shall be unlawful for any person, firm, or corporation, to drag or pull double or multiple rigs under the water with bags tied, or untied, in any area of the territorial waters of the State of Mississippi which are closed to the use of double rigs, or in waters which are closed to the use of that size, type, or number, of rigs."

I will need a motion to adopt the final draft.

COMMISSIONER BOSARGE: So moved.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER GOLLOTT: Any discussion?

(No response.)

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: The motion carries.

JOE JEWELL: Thank you.

The second regulatory action for your

consideration is Title 22 Part 9, Mandatory Red Snapper Reporting Program.

The CMR passed the Notice of Intent, on September the 16th, 2014. The legal notice appeared in the Sun Herald, on September the 25th, 2014. The public notice appeared, on the DMR webpage, on September the 25th, 2014. The public comment period was from September the 16th to October the 20th, 2014, for a total of thirty-five days. No public comments were received.

Outline of the major changes. Statements were added, in Part 9 in Chapter 11 Section 100, providing provisions for reporting requirements, making it mandatory for the owner, or captain, of any vessel recreationally harvesting red snapper to complete a harvest report.

I will read into the public record those changes, as they will appear in the title.

Chapter 11, Section 100.

"Persons engaged in recreational fishing in waters under the jurisdiction of the MDMR, or landing fish in Mississippi, shall be required to furnish information, including a harvest report, pertaining such fishing, to an information confidentiality officer. The owner, or caption, of any vessel recreationally harvesting red snapper is hereby required to complete a harvest report by the MDMR."

Section 101.

"Charter boat, or head boat, captains operating in Mississippi waters shall be required to complete questionnaires furnished by the MDMR for each trip. Completed questionnaires shall be furnished to an information confidentiality officer upon request."

Motion to adopt the final changes to Title 22 Part 9.

COMMISSIONER GOLLOTT: Do I have a motion?

COMMISSIONER ZIMMERMAN: I make a motion to adopt the final changes to Title 22 Part 9.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER BOSARGE: I'll second it.

COMMISSIONER GOLLOTT: Any more discussion?

(No response.)

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JOE JEWELL: Thank you, Commissioners.

Next on the agenda is an update by Mr. Bill Richardson on our Hydrological Monitoring Program.

BILL RICHARDSON: Good morning Commissioners, Director Miller, Ms. Chestnut.

I'm going to give you just a quick update on our joint effort, with the United States Geological Survey and DMR, on our Hydrological Monitoring Program.

It is a joint agreement that began in 1998.

This provides valuable real-time hydrological data which is updated every fifteen minutes. We've got salinity, gage height which is roughly tide, turbidity, and water temperature throughout the Mississippi Sound.

It is a useful tool for management of marine fisheries and it also is a useful tool for recreational and commercial fishermen, or just people interested in the weather and the water out in the Mississippi Sound.

It can be easily accessed through our website.

This is just an example. I believe it's at Point Cadet, the mechanics of one of these things. It's got an antenna, obviously a data logger, and a sensor that's in the water (indicating slide).

This is where you can go on our website, and we have just added -- if you go to the map of the DMR/USGS sites, you will come up with this map, and you can click on any one of these sites, and it will take you directly to the information (indicating slide).

Currently, we have eleven sites that DMR and

USGS manage. There are three other sites that are of use to people here on the Coast. These are paid for through other agencies (indicating slide).

This is an example of the information you can get off of there. You can get it in graph form, you can get it in number form, and you can get historical data. You can go back as long as they have been running and get information. Like I say, you've got salinity there, turbidity, and things of that nature (indicating slide).

We just recently added a site to Graveline at the boat ramp there, just right here in August (indicating slide).

Do y'all have any questions about the sites?

COMMISSIONER BOSARGE: How long have we been doing this?

BILL RICHARDSON: Since '98 for DMR.

If you go to USGS, they have sites throughout the country. They monitor all our rivers and streams.

COMMISSIONER BOSARGE: Are all of them within Mississippi State waters?

The reason I asked is that tower looks familiar and it's about nine miles offshore, the one by Ship Island.

BILL RICHARDSON: The one by Ship Island is right off the end of East Ship Island. Then, you will

notice there is one right out in the Biloxi marsh. That's not one of our sites. All of our sites are in State water.

COMMISSIONER BOSARGE: Thanks.

COMMISSIONER GOLLOTT: Thank you, Bill. Appreciate it.

BILL RICHARDSON: Thank you.

JOE JEWELL: For your final consideration today --

COMMISSIONER GOLLOTT: (Interposing) Joe, can I ask you to do something?

JOE JEWELL: Sure.

COMMISSIONER GOLLOTT: I'm very proud of the meeting we had.

Would you give us a report on the oysters, or do you want to do it at a different time?

JOE JEWELL: I'm sorry, Commissioners. There are a couple of things I meant to mention to y'all. I usually give y'all the quota updates. I apologize for that.

Of course, the red drum and spotted sea trout I reported to you last month have closed.

Flounder, the quota is seventy-four thousand pounds. We are at, right now, just over twelve thousand pounds, leaving sixty-one thousand pounds remaining.

I did want to mention we are projecting a lower than average oyster season this year, actually a very poor oyster season, and I do want to note the Commission has been very active, very proactive actually, in trying to seek out ways to remediate the poor season.

I do want to note that, on September the 25th, the entire Commission met with scientists at Gulf Coast Research Lab and held an oyster workshop where they discussed oyster management, recruitment, mortality, and over harvesting, among other things, to gain information to try and work with the DMR and GCRL to find better ways to manage our oyster resources.

Then, again, on October the 3rd, Commissioner Gollott and DMR staff and Executive Director Miller met with our FDA Regional Specialist John Veazey to discuss ways to improve area classification and explore ways to potentially open more areas to shellfish harvesting.

I do, also, want to note that last week Gulf States Marine Fisheries Commission met here on the Gulf Coast in Biloxi, and, the Technical Coordinating Committee recommended that the Oyster Subcommittee convene and compile information, rules and regulations for the Gulf states that would consist of how the Gulf states could transport oyster larvae and spat across state lines.

Then, the actual Commissioners met themselves

and discussed ways that they could seek grants to support perhaps a couple of what are called mega hatcheries where they could support the state's low production on their natural reefs.

I do want to note that the Commission has been very proactive in seeking out ways to augment the projected low harvest for this year's oyster season, and we appreciate that.

COMMISSIONER GOLLOTT: Thank you, sir.

JOE JEWELL: The final presentation is State records.

With conventional tackle, we had one State record. The new State record is Longspine Porgy, Stenotonus Caprinus. The angler is Steven Frye. The new record is fourteen point seven-two ounces.

Here is a photograph of the fish. This is a photograph of the angler (indicating slides).

Motion to adopt?

COMMISSIONER BOSARGE: Motion to adopt.

COMMISSIONER DRUMMOND: I will second that.

COMMISSIONER GOLLOTT: All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: All opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JOE JEWELL: We appreciate it.

COMMISSIONER GOLLOTT: While we are talking about oysters, at the last meeting I think it was, we had some people explain to us why the basket dredges were detrimental to our reefs.

Would the staff look into and come up with some motions on how we can exclude the basket dredges from Mississippi to keep from destroying the reefs in the future?

JOE JEWELL: We most certainly can do that.

COMMISSIONER GOLLOTT: One more thing, we are going to have a bad oyster season. It doesn't look like you are going to be able to open anything, or you said you are not going to open anything but the tonging reefs.

Do you want to lower the sack limit, or do you want to do something, maybe lower the amount of small oysters?

I think it's a ten percent toleration of small oysters.

Are there any modifications you want to make with that?

JOE JEWELL: Currently, right now, the way the regulation rules, when a law enforcement officer is measuring the legal size oyster which is three inches, seventy-five millimeters, they are allowing undersize of

approximately ten percent.

Right now, the staff is not recommending anything other than that.

Sandy, correct me if I'm wrong.

The Commission does have the legal authority, or the statutory authority, to consider, for other reasons, lowering the legal size limit under certain conditions.

Am I correct?

SANDY CHESTNUT: I would have to research that specific point.

JOE JEWELL: I think under certain conditions, like, in the stance where we open the Bonnet Carre, they are able to deplete the reef down to significant resources.

SANDY CHESTNUT: There are certain emergency provisions. Whether this circumstance would meet that, I would have to look at it further.

JOE JEWELL: Right now, Commissioner Gollott, under the conditions that we have and with the best science available, we are not recommending that. We are considering our options. We haven't made our recommendations to Executive Miller yet. We are getting very close to that. We are doing some more sampling.

COMMISSIONER GOLLOTT: So you haven't come up with any projected opening of the oyster reefs?

JOE JEWELL: We are considering several dates, right now. We are in discussions with Director Miller.

COMMISSIONER GOLLOTT: Director Miller has the authority to open it, at his discretion?

JOE JEWELL: He does.

COMMISSIONER GOLLOTT: I just wanted to clarify that.

JOE JEWELL: We have met with him two, or three, different times, now, and we are discussing several potential dates with him and several different sack limits. He is aware of several different options that we are discussing with him, but no final decision has been made yet.

COMMISSIONER GOLLOTT: I think George Storrs, a tonger, recommended we lower the sack limit to make it last longer for the fishermen, and you might want to consider that.

JOE JEWELL: I have spoken with him, and we are in agreement with that. I think we are all on the same page.

COMMISSIONER GOLLOTT: Thank you.

COMMISSIONER BOSARGE: Joe, I want to thank you for putting that meeting together with Gulf Coast Research Lab. It was very educational.

JOE JEWELL: Well, the staff appreciates and I

know Director Miller appreciates that this is an issue that is very dear to his heart. We appreciate the Commission being so energized and so proactive about this particular issue because we are projecting a very poor oyster season this year, and we do appreciate your attention to the matter.

COMMISSIONER GOLLOTT: At this time, I would like to ask Mr. George Storrs if he wants to say something. He's got a request.

George, if you would, come up and state your name.

GEORGE STORRS: Good morning. My name is George Storrs. I'm an oyster fisherman. I love this building. If they put some rocket engines on it, it would look like they are going into space.

I love you guys, too, and the senators and other people that show up for these meetings.

I would like to make an amendment to what I suggested last meeting which was eight sacks. Make it seven sacks. That's what I would do. I would cut it by one more.

We cut it from twelve to eight, but I found out that the other states -- well, one over to the west of us is going to have a six sack limit. I was thinking eight sacks is protecting this thing, but seven sacks is even

more protection, and it will last a little longer. Then, we might hit the jackpot. I doubt it, but we just don't know. Unless you guys still want to go with the eight sacks, seven sacks are fine with me, but that's the only thing I would change about it, and, then, open the season tomorrow. I would like to do that, but I know we can't.

Whenever you say it's open, fine, and with the seven sack limit is the only thing I'm saying.

Thank you for letting me speak.

COMMISSIONER GOLLOTT: Thank you, George.

JOE JEWELL: If there are no other questions, that concludes Marine Fisheries.

COMMISSIONER GOLLOTT: Thank you, Joe.

Coastal Resource Management, Mr. Jan Boyd.

JAN BOYD: Good morning Mr. Chairman, Commissioners, Director Miller, Ms. Chestnut, Senator Wiggins and Senator Watson.

Coastal has two agenda items for your consideration this morning, and Jennifer Wittmann will be our first presenter.

JENNIFER WITTMANN: Good morning.

The first item, on our agenda today, is a request for permit by the Harrison County Board of Supervisors, located on Mallini Bayou in Pass Christian. This is in a General Use District, and Covington Civil and

Environmental is the agent.

The applicant is seeking authorization to repair and enhance two existing jetties, install a low-profile bulkhead, and dredge twenty-five hundred cubic yards of material from the mouth of Mallini Bayou.

The project location is indicated by the yellow thumbtack. You can see Highway 90 and West Bayview (indicating slide).

The applicant is seeking authorization to maintenance dredge an existing channel eight hundred and thirty feet in length and twenty-five feet in width, from an existing average depth of two and a half feet below mean low water, to a proposed depth of five feet below mean low water. There will be no more than twenty-five hundred cub feet yards of material removed.

They are also seeking authorization for one hundred and ten feet of low-profile bulkhead to protect the emergent vegetation, a twenty foot extension of an existing jetty to the north, and one hundred and twenty-five feet of jetty to the south.

The applicant is also requesting a variance to Chapter 8, Section 2, Par III.D.1 of the Mississippi Coastal Program which states that vertical face structures shall be aligned no further waterward than mean high tide. this will be for the construction of a low-profile

bulkhead in front of emergent vegetation.

This picture shows the existing south jetty. It's a very dilapidated wooden structure, at this time, and this will be the north jetty. This is the emergent vegetation that will be protected by the low-profile bulkhead (indicating slides).

This is an overall project picture. You can see the channel. It is eight hundred and thirty feet in length and twenty-five feet in width. The south jetty will be just to the north of the dilapidated wooden jetty, and, then, there will be a twenty foot extension of the existing northern jetty (indicating slide).

This zooms in on the area. The low-profile bulkhead will go just waterward of the existing emergent vegetation (indicating slide).

This is a cross section of the jetty profile. This is the sheet pile for the low-profile bulkhead, and the dredging (indicating slide).

The project serves a higher public purpose by restoring safe navigational depths and providing public access to and use of the waterways.

The project is allowable within the General Use District.

The applicant has requested a variance to Chapter 8, Section 2, Part III.D.1 of the Mississippi

Coastal Program and justified that under Chapter 8, Section 2, Part I.E.2.c.iv which states that the activity requires a waterfront location, there is significant public benefit in the activity, and a public hearing has been held.

Maintenance dredging, jetties for the protection of navigation channels, and flow-through, or low-profile, bulkhead for the protection of emergent vegetation have been approved by the Commission in the past and this is not expected to set a precedent.

There are no shellfish, or FAB's, found in the area. There will be a temporary increase in turbidity during dredging; however, it should not exceed the DEQ water quality guidelines. There will be a loss of benthic organisms.

The construction of a low-profile bulkhead will protect emergent vegetation from impacts induced by increased boat traffic and the dredging operations.

The construction of the jetty will serve to protect the newly dredged channel from shoaling.

The proposed low-profile bulkhead is intended to protect the adjacent marsh vegetation from the indirect impacts, due to the proposed dredging and increased boat traffic. The applicant will be required to monitor the area, following completion of the dredging and

construction of the bulkhead and mitigate for any indirect impacts to emergent vegetation,

The repair and enhancement of the existing southern jetty will not extend any further westward than the existing wooden jetty. The jetties will serve to protect the newly dredged channel from shoaling.

The applicant explored several options. The first was taking no action. The second was dredging the channel without the installation of the bulkhead and leaving a ten-foot buffer between the marsh vegetation and the dredging. The third was dredging the channel and removing, or relocating, the marsh vegetation.

All these options were rejected because of impacts to the marsh vegetation and not being able to reach the project goals.

Had they left the ten-foot buffer between the marsh vegetation and the dredging activities, it only would have allowed for a nine-foot wide navigation channel which would not have served the purpose to allow boat traffic.

Best management practices will be utilized, during all phases of construction.

There were no alternative sites considered.

The maintenance dredging of channels and construction of jetties does require a waterfront

location.

The project will not change the location of the navigation channels.

The southern jetty will not extend any further than the existing wooden jetty and should not have an affect on the natural scenic qualities.

Notification of the project appeared in the Sun Herald, as required. There were no public comments.

A public hearing was held on October 6th. There were no public comments received.

DEQ is currently reviewing the project.

Wildlife, Fisheries and Parks has recommended best management practices.

Archives and History has no objection.

The Secretary of State's office has stated that a tidelands lease will be required.

Based on departmental review and evaluation, it has been determined that the project is consistent with the Mississippi Coastal Program because it has a higher public benefit by restoring navigational depths and providing public access to and use of the waterways.

Therefore, staff recommends approval of the applicant's variance request and approval of the project.

I'm happy to answer any questions, and Ben Benvenutti with Covington is here, if you have any

questions for him.

COMMISSIONER BOSARGE: The low-profile bulkhead, how close is the dredging going to come to it?

JENNIFER WITTMANN: It's less than ten feet, but, with the side slope, the actual dredging will probably be within four to five feet from the edge of the bulkhead. The bulkhead will be there to protect that marsh so it doesn't slough off.

COMMISSIONER BOSARGE: That's good.

COMMISSIONER GOLLOTT: Do I have a motion on this, or do we have any questions?

COMMISSIONER DRUMMOND: Jennifer, what is a temporary spoil space?

JENNIFER WITTMANN: When they dredge the area, they are going to put the dredge spoils right there next to the project location. It will be just to the south of the existing boat ramp, this area, and, then, the spoils will be trucked, most likely, to the Harrison County dredge disposal site which is on the Industrial Seaway (indicating slide).

Since it is over twenty-five hundred cubic yards of material, they are not required to do beneficial use. That will just be so the spoils can dewater before they are trucked out.

COMMISSIONER DRUMMOND: Do we follow up and note

that spoil space, if it's not taken care of?

Usually, spoil spaces are permanent.

JENNIFER WITTMANN: Usually, they are. This one will have silt fencing installed around it to make sure that none of the runoff gets back into the waterway and that no material enters the waterway.

Once the project is complete, when we do our final inspection, we can definitely check to be sure that all the dredge spoils have been removed, and, then, if the area needs to be seeded, that it is done.

COMMISSIONER DRUMMOND: Mr. Chairman, I make a motion that we approve this project for Harrison County.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: All opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JENNIFER WITTMANN: Thank you.

COMMISSIONER GOLLOTT: Thank you.

CHRIS PICKERING: Good morning.

Next up, we have a violation and a request for after-the-fact exclusion for Peter and Rochelle Johnson, File Number 140097. The location is on Bernard Bayou at 1614 Cypress Lane in Gulfport, Harrison County. It's in the General Use District and the agent is Stephen James Drennen.

You can see here, the aerial. It's on Bernard Bayou there close to Pass Road and Cowan Lorraine Road (indicating slide).

Here's a zoomed-in area. That yellow thumbtack is Johnson's property and just above that is their structure. That's the old structure actually (indicating slide).

They were permitted for a pier and a boathouse that totaled nine hundred and ninety-three square feet. Currently existing, they have piers and a boathouse that total one thousand forty-nine point two nine square feet.

Here is what they were permitted for before. The adjacent landowner did sign off on this, authorizing them to be within ten feet of the property line for this structure they were permitted for, but they are currently not in compliance with her authorization (indicating slide).

There is the current structure they have, now. There is a point on there where we drew a line twenty-five

feet out. We know that point did not move because they built that pier in the same footprint it was before. So, from that point out, they were permitted to go twenty-five feet out from there, within ten feet of the property line (indicating slide).

Currently, from that same point, they extend thirty-three point two five feet out. So they built an extra eight point two five feet within ten feet of her property line.

There is the current structure and another picture from the water. As you can see her boat, she is getting it in and out of there, but she says it is difficult (indicating slide).

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

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

On May 27th, 2014, a compliance check by DMR staff revealed that the structure was constructed out of compliance. The structure totaled one thousand one hundred and twelve square feet. Staff informed Mrs. Johnson of the violation.

On June 10th, 2014, the applicant and agent

informed staff that they would like to bring the boathouse into compliance with the GP guidelines. They were informed an after-the-fact application would be needed, since the final footprint of the structures would not match the issued GP. The agent was advised not to do any more work until the Commission approved the project, but he said he had to get his barge out of there so he went forward with it.

On June 30th, 2014, staff received an application for after-the-fact authorization of a boathouse totaling nine hundred and sixty-eight point two nine square feet.

On July 22nd, 2014, a site visit revealed a pier was not included on the new application. The structure actually totaled one thousand forty-nine point two nine square feet. The applicant was informed the structure did not meet the General Permit guidelines and would, therefore, be sent to the Coastal Program Agencies and the adjacent property owners for comments.

The project does not serve a higher public purpose.

The project is allowable within the General Use District.

Allowing the applicant to retain the unauthorized portion of the boathouse within ten feet of the property line would set a precedent.

The boathouse has already been constructed, but removal of the unauthorized portion may temporarily increase turbidity in the construction area and may result in a temporary decrease in the number of benthic organisms.

Retaining the portion of the boathouse that is within ten feet of the property line and is not authorized could affect the adjacent landowner's ability to dock their boat.

Removal of the unauthorized portion of the boathouse located within ten feet of the property line would allow the adjacent landowner more room to dock their boat.

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

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

It was sent out on public notice to the Sun Herald, on August 24th, August 31st, and September 7th, 2014.

One comment from an adjacent landowner was received, concerning the applicant proposing a boat pier and not a boathouse, the length of the pier exceeding the

original drawing and making their ability to dock their boat on the adjacent pier difficult, and the plans not including a fifteen-foot high roof.

This is actually the diagram that she signed off on. As you can see, it does show a roof. It just doesn't show the height, but, as long as they are below twenty-five feet above mean high tide, then, they are in compliance with us (indicating slide).

She was also concerned about a locked gate that does not allow them to view, or converse, with the neighbors.

As you can see, the drawing also shows -- that green line right there -- that it had a gate on it and it was labeled up at the top (indicating slide).

Staff has conducted a thorough evaluation of the situation and recommends that the Commission approve the applicant's request for after-the-fact authorization, with the following condition:

The portion of the boathouse waterward of the footprint that received approval by the adjacent property owner be modified such that a minimum distance of ten feet be maintained between the authorized structure and the projection of the adjacent property line into the waterway, unless the adjacent landowner gives approval within thirty days, in which case the pier may be retained

as constructed.

Staff also recommends that a fine be issued to the agent, in accordance with Mississippi Code 49-27-51.

The violation was discovered on May 27th, 2014, and the violation duration was thirty-five days and that was to the point when we received the after-the-fact application.

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

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

The applicant is here, and I believe the agent is here, also, but I don't believe the neighbor could make it today.

Is Ms. Brady here?

FROM THE FLOOR: She is out of town.

COMMISSIONER GOLLOTT: Does somebody want to speak on this?

FROM THE FLOOR: I would like to speak.

COMMISSIONER GOLLOTT: Yes, sir.

PETER JOHNSON: Peter Johnson. I'm the owner of the pier/dock.

Just a few days ago, I had a discussion with the adjoining landowners, the Bradys, and we are still in discussions to come to a amicable agreement of this. Within the thirty-day period, I'm quite sure that we can.

COMMISSIONER GOLLOTT: Anyone else?

(No response.)

COMMISSIONER GOLLOTT: What I would like to do is table this until next month and see if we can get these neighbors to agreement on it so we will know what is going on.

I'll make a motion that we table this until next month.

Do we have a second?

WILLA BRANTLEY: I just wanted to point out, on our recommendation, we have given thirty days for them to get that approval. If you go with our recommendation, they can keep the boathouse, if they get that approval within thirty days, and we won't have to come back here

and go through all of this again.

PETER JOHNSON: The Bradys are out of town for a week. As soon as they get back in town, we will --

COMMISSIONER GOLLOTT: (Interposing) When do you expect them back?

PETER JOHNSON: Well, she said a week. She left today. Probably, Tuesday of next week, we should be getting together.

COMMISSIONER ZIMMERMAN: Sir, you acted like you wanted to speak.

COMMISSIONER GOLLOTT: State your name, please.

STEPHEN JAMES DRENNEN: Stephen James Drennen, Breakwater Marine.

He is considering that access pier a thousand square feet, that part of it, but getting to that property, you have to have an access pier to get to it. If not, if you move that boathouse over, then, we're on this property (indicating).

You see where that gate was, that's an access pier, and I told him I said, "I don't want to move my barge. What do I need to do?"

We cut this pier all up to get underneath that thousand square foot.

If we could move it to the next meeting, my fine and everything else.

COMMISSIONER DRUMMOND: Sir, did you realize you were doing that?

STEPHEN JAMES DRENNEN: The boathouse, we moved it out too far. It's not eight foot long.

COMMISSIONER DRUMMOND: Whose problem is that?

STEPHEN JAMES DRENNEN: That was my fault. If I had moved it closer in, we would have been on the marsh. So I moved it a little bit further out, but we are still off the property line.

I'm in agreement with her. I'm going to build her something, and she is going to sign off on everything.

COMMISSIONER GOLLOTT: I would still like to table this thing until next month and we will look at it again. I don't think it's going to hurt anything. It's not going anywhere. It's not souring.

STEPHEN JAMES DRENNEN: Yes, sir. Thank you.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER ZIMMERMAN: I'll second it.

COMMISSIONER GOLLOTT: All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

COMMISSIONER ZIMMERMAN: I would like to go on the record with something, Mr. Chairman, if I may have the

floor for a second.

COMMISSIONER GOLLOTT: Yes, sir.

COMMISSIONER ZIMMERMAN: I've been on the Commission for a year and, at every meeting, we have had an after-the-fact permit, and I'm going to ask the Executive Director to look at what we can do educationwise. We've got to get people to realize you don't build a house without a permit and you don't build a pier with a permit either. It's about protecting the ecology of our State.

We need to look at that and see where we are missing the boat, why are these people not understanding these permits.

COMMISSIONER GOLLOTT: Ernie, just to say this. I've been on here for ten years, and it's been the same way for ten years. We have tried.

COMMISSIONER ZIMMERMAN: We've got to do better.

COMMISSIONER GOLLOTT: We have Office of Finance.

BILL FEIDT: Good morning everyone.

Real quickly, I will go through our financial results, as of the end of September.

Key Metrics. We have state revenue of three point four million dollars. Agency revenue total of four point one million. State net income of nine hundred and

twenty-eight thousand dollars, and, then, the operating funds have a negative balance, right now, just due to the timing of the Federal reimbursements. We have a balance of one point two million dollars which we have already drawn down and brought that back positive.

Any questions?

COMMISSIONER DRUMMOND: Are you going to get the Federal money?

BILL FEIDT: Yes. We already have it. It's just in the timing of our month end.

COMMISSIONER DRUMMOND: Are you sure?

BILL FEIDT: I'm pretty sure.

COMMISSIONER DRUMMOND: Thank you, sir.

BILL FEIDT: I can get you the checks, if you need them.

Will that help?

COMMISSIONER DRUMMOND: No.

BILL FEIDT: From a budget standpoint, we are in good shape. We have eighty-one percent of the Operating Funds budget remaining, and, then, on Tidelands, we have ninety-four percent of the budget remaining.

Any questions?

(No response.)

BILL FEIDT: Thank you very much.

COMMISSIONER GOLLOTT: Thank you, sir.

Melissa Scallan.

JASON RIDER: Good morning everyone.

Melissa couldn't make it today so I'm going to do the Public Affairs report.

The DMR was mentioned fifty-five times, in local, state, and regional media since the last Commission meeting.

Items of particular interest included oyster season and the Coastal Cleanup.

The agency participated in Gulfport's first Anchor Fest the last weekend in September. Rain cancelled the event Sunday, but hundreds of people attended on Saturday to see the wooden boat show and participate in various children's activities.

Saturday was the twenty-sixth annual Mississippi Coast Cleanup. Nearly two thousand volunteers showed up to clean the beaches, marshes, and barrier islands, from eight to eleven a.m. Volunteers collected one thousand three hundred and twenty-eight bags of trash and two hundred and seventy-five bags of recyclables. Special thanks to DMR employees, the coordinators, and the Marine Debris Task Force.

The Office of Marine Fisheries is participating in the Jackson County Fair this week. DMR employees are manning a booth for the fair and giving out information

each day.

Any questions?

(No response.)

JASON RIDER: Thank you.

COMMISSIONER GOLLOTT: Thank you, sir.

Do we have any other business?

(No response.)

COMMISSIONER GOLLOTT: With no other business, or public comments, do we have a motion to adjourn?

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

COMMISSIONER BOSARGE: Second.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor?

(All in favor.)

COMMISSIONER GOLLOTT: Any opposed?

(None opposed.)

COMMISSIONER GOLLOTT: The motion carries.

(Whereupon, at 11:25 o'clock, a.m., the October 21st, 2014, meeting of the Commission on Marine Resources was concluded.)

C E R T I F I C A T E

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the October 21, 2014, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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