

COMMISSION ON MARINE RESOURCES
COMMISSION MEETING

Tuesday, February 18, 2014
 9:00 o'clock, a.m.
 Bolton State Building Auditorium
 1141 Bayview Avenue
 Biloxi, Mississippi 39530

Commission Members:

- Mr. Jimmy Taylor, Chairman
- Mr. Richard Gollott, Vice Chairman
- Mr. Steve Bosarge
- Mr. Shelby Drummond
- Mr. Ernie Zimmerman

Executive Director:

- Mr. Jamie M. Miller

Attorney:

- Ms. Sandy Chestnut

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Chris Pickering	Harvey Felts, requesting after-the-fact authorization for bulkhead 7 proposing construction of pier.	
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COMMISSIONER TAYLOR: I would like to call the February meeting of the Commission on Marine Resources to order.

If you want to make a comment, we have a public comment section. We need you to fill out one of these that you will find in the rear and give it to one of the staff, and they will bring it forward to us (indicating document).

If it's an agenda item -- I notice we have one person that wants to speak, on an agenda item, during the public comment -- we ask that you hold off and speak during the action item that you are going to talk about so it will be fresh in everybody's memory.

First on the agenda is approval of the minutes.
 COMMISSIONER ZIMMERMAN: I make the motion we approve.

COMMISSIONER TAYLOR: Motion is made.

Do I have a second?

COMMISSIONER GOLLOTT: Second.

COMMISSIONER TAYLOR: All those in favor? (All in favor).

COMMISSIONER TAYLOR: It passes unanimously. Next up is approval of the agenda.

Are there any changes?

COMMISSIONER ZIMMERMAN: Mr. Chairman, I would

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like to put something under Other Business, Item J. I have submitted, to the Commission, a request change to the handbook, and I would like to talk about it in other business, please.

COMMISSIONER TAYLOR: Do I have a second?

COMMISSIONER GOLLOTT: Second.

COMMISSIONER TAYLOR: All those in favor? (All in favor).

COMMISSIONER TAYLOR: It passes unanimously.

JAMIE MILLER: Mr. Chairman, I've got one other change.

COMMISSIONER TAYLOR: Okay.

JAMIE MILLER: We need to remove numbers three and four, under Item E, from the agenda.

COMMISSIONER TAYLOR: Do I have a motion to that effect?

COMMISSIONER ZIMMERMAN: I'll make a motion to remove numbers three and four, under Item E.

COMMISSIONER TAYLOR: Is there a second?

COMMISSIONER GOLLOTT: Second.

COMMISSIONER TAYLOR: All those in favor? (All in favor).

COMMISSIONER TAYLOR: It passes unanimously.

Executive Director's report, Jamie.

JAMIE MILLER: Thank you, Chairman Taylor. I've

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1 got a few items. Some of this is an update and, also,
2 some items, I want to make y'all aware of moving forward.

3 The last meeting I brought up the issue of
4 emergency procurement. We lost a chiller and needed to
5 follow some emergency procurement procedures to quickly
6 hire a contractor to replace the chiller.

7 We did receive bids. We awarded a bid to JEM,
8 LLC, Contractors out of Waveland, Mississippi. We
9 anticipated the cost of this was going to be in the sixty
10 to sixty-five thousand dollar range. We have contracted
11 for fifty-four thousand seven hundred and seventy dollars.

12 We just recently had a bid opening to extend
13 Katrina Key. As you are aware, Grand Casino is tearing
14 down some of the infrastructure from the old
15 Margaritaville site in Biloxi. We have partnered with
16 them, and we will be deploying columns, at the end of that
17 demolition, but we received six bids, and our staff is
18 reviewing those bid packets, now, to make a
19 recommendation, and we anticipate having a contract in
20 place by the end of March.

21 Also, I would like to give you a quick
22 legislative session update. We have three bills currently
23 working their way through the capitol that will have some
24 impact on our agency.

25 First is Senate Bill 2579. It's DMR

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1 Accountability and Reorganization Act. It has passed out
2 of the Senate and has been referred to the House Marine
3 Resources Committee.

4 Next is Senate Bill 2068 which would allow
5 restaurants to serve recreationally legally caught marine
6 fin fish to the person who caught the fish. This bill has
7 also passed out of the Senate and has been referred to the
8 House Marine Resources Committee.

9 Next is HB941. This would increase the time for
10 which an applicant can request an extension for a Coastal
11 Wetlands permit. This has passed out of the House and
12 been referred to the Senate Ports and Marine Resources
13 Committee.

14 Next are a few personnel announcements. We have
15 just recently completed a series of interviews for the
16 Director of our Marine Fisheries Office, and I'm happy to
17 report that we made an offer to Joe Jewel and he has
18 accepted that offer. Joe is now the permanent Director of
19 our Marine Fisheries Office. I feel very fortunate to
20 have Joe on staff and we look forward to working with him,
21 as he leads that office.

22 We are also currently in the interview process
23 for two other positions, Director of Finance and the
24 Bureau Director of Grants and Federal Compliance. We have
25 initiated these interviews and will continue to interview

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1 candidates and make some recommendations, hopefully, by
2 the end of February.

3 Next is announcement for the Marine Patrol
4 officer of the quarter, for the second quarter of fiscal
5 year 2014. The way we nominate officers is the officers
6 themselves nominate a candidate from the east side and the
7 west side. This quarter the east side lieutenants have
8 nominated Master Sergeant Matt Kasovich and the west side
9 lieutenants have nominated Master Sergeant Scott Anderson.

10 Both of these gentlemen are in the back of the
11 room. Let me just say that both of these officers are
12 well-deserving of the honor, and I wish we could give it
13 to both of them. However, we can only choose one officer.
14 They are both very deserving. I would like to give both
15 of them a hand, before we announce who the actual officer
16 of the quarter is.

17 The officer of the quarter for the second
18 quarter of fiscal year 2014 is Master Sergeant Matt
19 Kasovich. Come on up, Matt.

20 Officer Kasovich began his career with Marine
21 Patrol, December 19, 2005. He has done a great job, in
22 the enforcement of the Marine Conservation Laws of the
23 State of Mississippi.

24 Officer Kasovich is a member of our Marine
25 Patrol Dive Team, and has participated in several search

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1 and recovery dives across the Coast.

2 Matt has also been instrumental, in the training
3 of our officers for dive team membership, over the last
4 couple of years.

5 Officer Kasovich was placed on our uniform
6 committee last year and was very helpful in choosing a new
7 style of work and dress uniform for Marine Patrol, and was
8 responsible for the new design of the uniform patch for
9 the dress and work uniforms.

10 Matt, I would like to present you with a
11 certificate for Officer of the Quarter.

12 MATT KASOVICH: Thank you very much.

13 JAMIE MILLER: Thank you.

14 COMMISSIONER TAYLOR: I want to make a comment
15 about our Marine Patrol officers. I've been a
16 Commissioner for eight years. This is my eighth year.

17 As a Commissioner, people call you when there
18 are issues, problems, and, in the eight years, of all the
19 people I've talked to that have gotten tickets, or been
20 stopped, I've had one incident where the person said the
21 officer was discourteous, wasn't professional, and I think
22 it's a tribute to all of our people and Rusty and all the
23 officers of the Marine Patrol to demand that these people
24 do a job like they are doing with the professionalism and
25 the courtesy that so many of our boaters have come to

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1 expect. Thank all of you.

2 JAMIE MILLER: Thank you. That concludes my
3 report, Mr. Chairman.

4 COMMISSIONER TAYLOR: Next is Office of Marine
5 Patrol, Interim Chief Rusty Pittman.

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

8 We will go over the violation report, first,
9 and, then, we will go into something we have on the
10 computer.

11 We had a few cases for oysters this year, as you
12 can see; a couple of closed area, a few cull cases, and
13 some illegal oysters. We also had one live bait violation
14 this past month. A couple of commercial fishing
15 violations; fishing in a closed area north of CSX, and,
16 then, possession of Spotted Seatrout during closed season.

17 Recreational fishing violations are down, due to
18 the weather I'm sure.

19 Boat and water safety violations are down which
20 is actually real good. We like to see that, but I'm sure
21 that was due to the weather, not many people enjoying it.

22 We had one boating accident without injury. No
23 fatalities.

24 No dive report.

25 On our JEA total for January, we had ten

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1 patrols, a hundred and thirty-four total man hours, forty-
2 five contacts, one enforcement action report, and four
3 State citations issued.

4 Last month, Commissioner Zimmerman asked if we
5 would come back with some report on the airboats in the
6 Hancock County marsh, and we do have some pictures we
7 would like to show y'all.

8 This area through here is where a lot of the
9 airboat traffic has been going. It's hard to tell, in
10 this picture, but, in the next picture, you will see the
11 different tracks.

12 This is Grand Plains. As you can see through
13 here, these are some airboat tracks. Here are some more
14 airboat tracks through here (indicating photograph).

15 This is a structure that is off of Mulatto
16 Bayou, at the end of Frenchman's. This was put up when
17 the gentleman that owned this marshland, they were doing a
18 survey. They had a scientist with them. They got a
19 permit through the Mississippi Museum. They were tracking
20 the migration of hogs, wild hogs, where they would put a
21 collar on them and use GPS satellite (indicating
22 photograph).

23 There is a feeder, in this area right over here,
24 that they set up. They have been putting corn out for the
25 last several months. Right up there is where the feeder

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1 is, and you can tell that all the marsh is gone away from
2 it where the hogs have been gathering (indicating
3 photograph).

4 Their study was to track the migration of the
5 hogs. Well, I can tell you this, if I was a hog in the
6 marsh, I wouldn't migrate very far from a corn feeder.
7 That's probably where I would be staying, and the tracks,
8 about a quarter of a mile away is as far as they went
9 (indicating photograph).

10 The second picture is from 2010. We can't zoom
11 in, but this is in Lanier in Jackson County. As you can
12 see, there are tracks all through here, airboat tracks.
13 That's when BP was working, during the oil spill. In
14 2012, the tracks are still there.

15 The consensus that you hear is that airboat
16 tracks go away. Well, as you can tell by these pictures,
17 most of them stay.

18 We are going to go to the slide show of our
19 penalties. This is under Title 22 Part 19, Airboat Damage
20 to Wetlands. I'm not going to read all of this, but this
21 explains the Coastal preserves, also the marshlands, and
22 the rules not allowing airboats, motorized vehicles, ATV's
23 to be in the marsh.

24 The penalties, Statutes 49-15-63. First offense
25 no more than five hundred. Second offense not less than

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1 five hundred, no more than a thousand. Third, or
2 subsequent offense, not less than two thousand, no more
3 than four thousand, or imprisonment in county jail for a
4 period not exceeding thirty days (indicating slide).

5 On the definition, your coastal wetlands,
6 anywhere where the ebb and flow of the tide crosses that
7 marsh, normal high tide is your coastal wetlands
8 (indicating slide).

9 We do have an airboat. Captain Armes was out
10 Friday, cross training a couple of officers in the
11 airboat, and they went out to that area in Hancock County.
12 No airboats were seen, at that time.

13 I will say that two weeks ago we had a meeting
14 with this group. Since that meeting, they haven't been
15 back out there. So that structure is still out in the
16 marsh and so is that feeder which is all on State
17 property, now. We were talking to Jan Boyd over in
18 Coastal Preserves and we were talking about going out and
19 removing that, getting it out of the marsh.

20 COMMISSIONER ZIMMERMAN: Rusty, with what you
21 found, it is evident that this is a problem in the marsh?
22 RUSTY PITTMAN: It is a problem.

23 COMMISSIONER ZIMMERMAN: That section south of
24 Grand Plains that you put up is owned by the State of
25 Mississippi.

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1 RUSTY PITTMAN: Right.
 2 COMMISSIONER ZIMMERMAN: And these guys are
 3 running airboats on it.
 4 RUSTY PITTMAN: That's the old Baldwin
 5 (phonetic) property.
 6 COMMISSIONER ZIMMERMAN: I feel that we need to
 7 educate the public that it's unacceptable, and, then, we
 8 have to enforce the law.
 9 RUSTY PITTMAN: There was one airboat out there
 10 about a week ago. They launched at Port Bienville. As a
 11 matter of fact, the gentleman works at Port Bienville, but
 12 he operated the airboat the way you are supposed to,
 13 running in the water through the shallow areas, but he
 14 didn't get on the marsh.
 15 That's what Captain Armes has instructed the
 16 officers that he is training in that. We try to stay off
 17 that marsh area, but run in the shallow areas of lagoons,
 18 the ditches and keep water under you. You run over the
 19 grass in the water, it is going to pop back up.
 20 As you can see with the pictures that we had,
 21 you run across that dry marsh and the cane breaks, lays
 22 down.
 23 COMMISSIONER ZIMMERMAN: That's what I had seen,
 24 when I went and looked. Where it hits it, it just breaks
 25 at the root ball.

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1 RUSTY PITTMAN: Since dredging season stopped,
 2 we have been able to have an officer to two officers out
 3 there every day patrolling that area, in case we run
 4 across this group again. If they are caught on State
 5 property, they will be issued citations. Being out of
 6 state, sometimes they may be taken to jail and made to
 7 bond out, but, right now, we haven't had that problem,
 8 since the meeting that we had two weeks ago.
 9 COMMISSIONER ZIMMERMAN: Thank you.
 10 RUSTY PITTMAN: Yes, sir.
 11 COMMISSIONER GOLLOTT: Rusty, why should we have
 12 to remove the hog structure and all that?
 13 Why can't we make these people do it that put it
 14 there?
 15 RUSTY PITTMAN: Well, it's on State property,
 16 now, and I know what they would probably do is try to use
 17 their airboats to go out there again. They have asked us.
 18 The scientist that was doing this study would like to go
 19 back out there and try to find the hogs that he put the
 20 collars on, and we haven't come to an agreement yet on
 21 that. We have been talking. It definitely won't be in an
 22 airboat. If they are going to that, they are going to
 23 have to go in on foot.
 24 Now, where that structure was, on high tide,
 25 they can take an airboat in there, but the way it was the

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1 other day when Donny was out there, Friday, you can walk
 2 into it; pull up right there and walk into that area which
 3 is a pretty good way. On Friday, there was no water in
 4 Frenchman's. We call that Frenchman's lagoon, but there
 5 is a little ditch right there, or you can go this way,
 6 and, then, walk from there into it (indicating
 7 photograph).
 8 The feeder, now, according to Captain Armes,
 9 instead of up here, is over this way (indicating
 10 photograph).
 11 I think it would be better for us to go out --
 12 we have talked with Jan -- and get this material off of
 13 there ourselves and get it out of there.
 14 COMMISSIONER GOLLOTT: If you catch a strong
 15 tide, you can actually go in there in an airboat?
 16 RUSTY PITTMAN: You can actually go in there by
 17 airboat, if you get a real high tide which would be a lot
 18 easier.
 19 COMMISSIONER TAYLOR: Rusty, one of the things
 20 that you are showing here is the damage done by feral
 21 hogs, also. This seems to be a problem not just here, but
 22 all over the country with the hogs.
 23 Do you have any suggestions about maybe hunting
 24 them, or something?
 25 I know that would probably make a lot of people

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1 mad, but they are doing a tremendous amount of damage to
 2 the marsh and everywhere they multiply.
 3 RUSTY PITTMAN: Actually, you can hunt hogs with
 4 a weapon, with a gun, when there is another season on guns
 5 open. There have been a couple of hunters out there the
 6 last couple of weekends in boats that have been hunting
 7 hogs. I hate to say it, but that may be one way to
 8 eradicate the problem.
 9 We didn't really have this problem. I've been
 10 in that area for thirty years, hunting and fishing. About
 11 thirty years ago, when the Russian boars were brought over
 12 in that marsh and released, they were put in there so they
 13 could hunt them with dogs, and it has just gotten out of
 14 hand, now.
 15 COMMISSIONER ZIMMERMAN: Thank you.
 16 RUSTY PITTMAN: Thank you.
 17 That ends our report.
 18 COMMISSIONER TAYLOR: Thank you, Rusty.
 19 RUSTY PITTMAN: Yes, sir.
 20 COMMISSIONER TAYLOR: Next up is Joe Jewel,
 21 Office of Marine Fisheries.
 22 JOE JEWELL: Good morning Commissioners,
 23 Director Miller, Sandy.
 24 Before we get into the agenda items, I would
 25 like to give a brief update on the oyster season.

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1 To date, we have harvested just over seventy-one
 2 thousand sacks. Market value at dockside, that's about
 3 two point six million dollars. That's an average per sack
 4 of about thirty-six dollars. They vary at dockside about
 5 thirty-five to forty dollars. So I give an average of
 6 about thirty-six dollars a sack.

7 Currently, we have everything shut down, due to
 8 river stage. We will be reopening for tonging, as soon as
 9 the water samples come back that will allow us to do so.
 10 We reopen on river stage. We are expecting it to crest
 11 somewhere around Thursday.

12 Do y'all have any questions on that?

13 (No response.)

14 JOE JEWELL: If not, I'll go into our one agenda
 15 item.

16 FROM THE FLOOR: I have a question.

17 Is it okay for me to ask a question?

18 COMMISSIONER TAYLOR: Are you on the agenda?

19 FROM THE FLOOR: We are on the agenda, probably,
 20 with the oysters.

21 COMMISSIONER TAYLOR: Do you have a comment
 22 sheet (indicating document)?

23 FROM THE FLOOR: Yes, we had that sheet.

24 He says the tonging season --

25 COMMISSIONER TAYLOR: (Interposing) Hold on.

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1 what is your name, sir?

2 RICKY MITCHELL: I'm Ricky Mitchell.

3 COMMISSIONER TAYLOR: I'm looking for your
 4 sheet. I don't have one (indicating documents).

5 RICKY MITCHELL: Look underneath --

6 JOE JEWELL: (Interposing) The Commission has
 7 to recognize the audience members.

8 COMMISSIONER TAYLOR: You've got to have a
 9 sheet. Go in the rear and fill one out and bring it to
 10 one of the staff.

11 Go ahead, Joe.

12 JOE JEWELL: The next agenda item we have is
 13 Title 22 Part 5, Reconsideration of Degradable Net
 14 Material. Mr. Matt Hill will be handling that item.

15 MATT HILL: Good morning Commissioners, Director
 16 Miller, Ms. Chestnut.

17 We were approached in December. A couple of
 18 fishermen had voiced their opinion on a reconsideration of
 19 our Degradable Net Material Regulation, and the Commission
 20 tasked the staff with thoroughly reviewing Title 22 Part
 21 5. There are two sections in there that specifically deal
 22 with this, and this is the report that we have come up
 23 with.

24 Current regulations pertaining to this
 25 particular issue are found in Title 22 Part 5 Rules and

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1 Regulations that establish restrictions governing the use
 2 of nets, fish traps, and pods within the territorial
 3 waters of the State of Mississippi and establishing
 4 certain catch limitations and quotas.

5 As I said, there are two sections, in this
 6 particular regulation, that pertain to the material which
 7 fishermen may construct their gill nets and trammel nets
 8 of, and I'm going to read them as they are in our
 9 regulation.

10 The first is found in chapter three, the
 11 Definitions, Section 103, and it defines what an approved
 12 degradable material is:

13 "It shall be defined as a material which after
 14 one year of immersion in water loses at least fifty
 15 percent of its tensile strength and for which a field test
 16 must be available to analyze the material for
 17 authenticity, or the net must have a placard issued by the
 18 Mississippi Department of Marine Resources which will be
 19 permanently attached to the net, certifying that the net
 20 is made of an approved degradable material. Any material
 21 previously approved by the Mississippi Commission on
 22 Marine Resources under Title 22 Part 5, shall be deemed an
 23 'approved degradable material' for purposes of this Title
 24 22 Part 5, regardless of whether the material meets the
 25 fifty percent loss in tensile strength after one year of

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1 immersion in water."

2 The second instance where it pertains to the
 3 material which may be used is in chapter five, Additional
 4 Gill and Trammel Net Restrictions, Section 100.08:

5 "On and after January 1st, 1997, all gill and
 6 trammel nets must be constructed of an approved degradable
 7 material. An approved degradable materials list will be
 8 on file with the Executive Director of the MDMR, or his
 9 designee. Any material that has not been approved by the
 10 MCMR by the October 15th, 1996, MCMR meeting, must meet the
 11 requirements of the approved degradable materials
 12 definition."

13 So the approach that we took is we contacted Dr.
 14 Jeff Wiggins. He is the Interim Director and Associate
 15 Professor at the University of Southern Mississippi School
 16 of Polymers and High Performance Materials. We went
 17 straight to the experts.

18 We sent them a list. This is not a complete
 19 list. I wanted to give some examples of what we sent
 20 them. We broke it down into synthetic netting materials
 21 which consist of monofilament, nylon, polyethylene,
 22 polyester, and there are some others -- I didn't list them
 23 all -- and some natural netting materials, cotton/linen
 24 which currently is the only approved material we have,
 25 sisal, jute and manila.

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1 We had an extensive conversation with Dr.
2 Wiggins about this subject, and we asked him to form a
3 letter of opinion for us. I'm going to read word-for-word
4 what he gave us.

5 "Dear Kelly and Matt,

6 "I enjoyed our conversation on Friday, in
7 regards to degradation of fishing nets and lines
8 associated with marine concerns in the Mississippi Gulf
9 Coast. We all share the same concerns regarding ghost-
10 nets and the long-term impacts upon our natural sea-life.
11 This is an important problem that not only impacts our
12 waterways and sea-life, but also the livelihood of so many
13 families in South Mississippi. I have been studying the
14 hydrolytic degradation of polymers for over twenty years,
15 and appended to this letter a series of my publications on
16 the topic of hydrolytic degradation. In addition, I have
17 worked with the Office of Naval Research on this topic for
18 numerous years.

19 "My initial thoughts and responses are as
20 follows:

21 "One. Degradation of polymers in seawater is a
22 challenging problem that needs careful and judicious
23 rationale in decisions. Balancing the lifecycle
24 performance requirements of products and economics with
25 the degradation rates of immersion is crucial.

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1 Degradation begins once materials are immersed. So,
2 lifecycle of products diminishes during intended use
3 conditions.

4 "Two. Not all seawater environments are the
5 same. Depth, sunlight, temperature, salinity, and et
6 cetera will all influence the rate of degradation.

7 "Three. The polymers you provided as current
8 net construction materials are not considered degradable.

9 "Four. Testing and analysis of polymer
10 degradation for various materials in seawater conditions
11 requires careful consideration. Testing must be conducted
12 in a controlled manner, in order to understand the
13 statistical significance of results.

14 "Five. Careful consideration of degradation
15 byproducts needs careful consideration. As polymer
16 materials degrade, they release a variety of by-products
17 into the natural environment. It is important to assure
18 the degradation by-products released are environmentally
19 benign.

20 "These are some of my initial thoughts and
21 responses. Please let me know if you require additional
22 information.

23 "Sincerely, Jeffrey S. Wiggins, Interim Director
24 and Associate Professor."

25 We had a follow-up question for him and we

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1 didn't beat around the bush. We just asked him.

2 "Jeff,

3 "Thank you for taking the time to respond to our
4 questions. The letter of opinion contains valuable
5 information which will help us moving forward.

6 "I would like to ask you though, do you know of
7 any materials currently available that would meet the
8 standards in our regulations?"

9 He was quite clear, as to what we meant when we
10 said "any". That included synthetics and natural
11 materials, not just the polymers he was referring to
12 earlier.

13 His answer.

14 "This is a very difficult question.

15 "The technical answer is 'yes', but I doubt
16 these materials would be useful in the application. The
17 family of materials used as 'degradable sutures', for
18 example, used in the medical community would meet the
19 standard, but they are expensive and have relatively rapid
20 degradation rates.

21 "The practical answer is 'no', since the
22 application is water based. Economics have to be a factor
23 in the fishing community, and these materials are not
24 currently commercialized for this purpose.

25 "I'm guessing this is an unsatisfactory

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1 response. There could certainly be some new technology I
2 am not aware of, and I know this issue for fishing
3 applications is not new. The scientific community has
4 been aware of this quagmire for decades, and I have not
5 seen a reasonable solution to date."

6 That brings us back to the two parts in our
7 regulations, Title 22 Part 5, where it establishes what
8 can and cannot be used for the netting material and,
9 currently, the only approved material, by the Commission,
10 is cotton/linen.

11 The options, as the staff sees it, are status
12 quo. Leave the regulation as it remains.

13 Number two would be to modify Title 22 Part 5 to
14 include additional approved materials for gill and trammel
15 nets.

16 Option three. Modify Title 22 Part 5 to include
17 additional restrictions and limitations for the gill and
18 trammel net fishery.

19 Option four. A combination of options two and
20 three. Come up with some new materials and add further
21 restrictions and limitations for the use of these
22 materials.

23 Just for reference, I put up the other gulf
24 states' regulations (indicating slide).

25 Texas currently does not allow gill nets, or

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1 trammel nets, in coastal waters.

2 I'm paraphrasing Louisiana and Alabama because
3 they have a list about as long as ours. Limited entry.
4 Area restrictions. However, there are no material
5 restrictions.

6 Alabama. Limited entry. Area restrictions.
7 However, there are no material restrictions.

8 Currently, Florida does not allow gill nets, or
9 trammel nets, in coastal waters. However, that decision
10 has been overturned, and we do not have a decision on that
11 yet.

12 Any questions?

13 COMMISSIONER BOSARGE: I'll start it off. As I
14 see it, according to the doctor's opinion, we actually
15 don't have any material that meets the standards. Even
16 the cotton/linen, according to what he said, does not meet
17 the requirements.

18 Correct?

19 MATT HILL: According to his opinion, that is a
20 correct statement.

21 COMMISSIONER BOSARGE: what we aim to do here is
22 to, basically, change the restrictions and allow nylon.
23 That is what I would like to see.

24 MATT HILL: What we discussed, in the December
25 meeting, was to look into allowing untreated nylon.

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1 COMMISSIONER BOSARGE: I guess to kind of go
2 back and look, do you recall, since the trip tickets have
3 been in place, the number of fish caught with gill nets?

4 MATT HILL: In 2013, there was less than two
5 thousand pounds total of fish landed, and those ranged
6 from striped mullet to southern king fish, a handful of
7 red drum and speckled trout, but the total pounds was no
8 more than two thousand pounds.

9 In 2012, it was less than that. I don't believe
10 it even added up to be a thousand pounds, in the gill net
11 fishery.

12 COMMISSIONER BOSARGE: And, basically, those are
13 the fish that would be going to the restaurants for our
14 tourists to eat, when they come down and want seafood from
15 Mississippi.

16 I guess my question to you is, do you see this
17 nylon as being something that is going to create a
18 drastic, crazy problem?

19 MATT HILL: As long as there are stipulations
20 and some requirements put in place that we can manage the
21 resources that we have with the use of nylon gill nets,
22 but we are going to have to be assured that we have the
23 right people in the fishery, the right people that are
24 allowed to come into the fishery, and we are going to have
25 to have ways to get people out of the fishery that are

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1 repeat offenders so it does not ruin it for the rest of
2 them, and we are going to have to make some other changes,
3 in Part 5, to accommodate some of the problems that came
4 along with gill netting in the past.

5 In my opinion, are we going to have a flood of
6 people come in here, no, we're not. Nylon is an extremely
7 difficult material to use. It's not monofilament. A lot
8 of guys will probably be done with it, to be honest with
9 you. There are a handful that do have the experience and
10 capability to use it.

11 COMMISSIONER BOSARGE: I agree.

12 COMMISSIONER TAYLOR: Matt, we have talked about
13 this, since the last meeting, and we have given some
14 suggestions on certain things.

15 Do y'all have some suggestions on how to manage
16 this?

17 Would this be a good time for y'all to talk
18 about that, some of the things?

19 MATT HILL: Give me one second. Let me get it
20 out.

21 COMMISSIONER GOLLOTT: Mr. Chairman, I have a
22 motion and that may clear up a lot of things. I've looked
23 at this thing pretty heavily.

24 why don't you let me make my motion, and, then,
25 we can go from there?

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1 COMMISSIONER TAYLOR: Go ahead.

2 COMMISSIONER GOLLOTT: I would like to make a
3 motion that the staff take Title 22 Part 5 out for Notice
4 of Intent and make the following changes in the
5 appropriate places:

6 All gill and trammel nets shall be tagged
7 annually.

8 All gill and trammel net license holders must be
9 on the licensed vessel.

10 Only one gill net, or trammel net, shall be
11 allowed on the vessel at any given time.

12 The net tag will be assigned a net boat license
13 number.

14 Any additional entries into the gill, or
15 trammel, net fishery will have to petition the CMR for a
16 license.

17 A sunset provision for the repeal of these
18 provisions. A sunset clause providing for the repeal of
19 these provisions on and after two years from
20 implementation date.

21 Provide for limited entry into the fishery and
22 for the administrative removal of repeat offenders from
23 the fishery by the Commission.

24 If a DMR-tagged net is lost, fishermen will not
25 be allowed back into the fishery without the approval of

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1 the Commission.

2 Gill net and trammel net fishermen must call
3 into Marine Patrol daily, prior to deploying their nets.

4 I don't see a problem with this. There will not
5 be any more fish landed. The only thing we are changing
6 is the material the net is made out of. We will still
7 have the same amount of fishermen. They will probably
8 still catch the same amount of fish. We do have quotas on
9 the fish where they can't over fish.

10 Mr. Chairman, that's my motion.

11 COMMISSIONER TAYLOR: Do I have a second?

12 COMMISSIONER BOSARGE: I'll second his motion.

13 COMMISSIONER TAYLOR: I'm going to open it up
14 for discussion for the other Commissioners and, also, we
15 have Mr. Steve Shippard (phonetic) that filled out a form,
16 and he would like to speak on this.

17 Steve, if you will come to the podium, I will
18 let you speak.

19 STEVE SHIPPARD: I am the Gulf Coast Group Chair
20 of the Sierra Club. The Sierra Club objects to changing
21 from a biodegradable rule.

22 Even if a tagged net is produced yearly by gill
23 netters, I can see ways around protecting our water from
24 non-biodegradable material getting into the water. For
25 example, a section cut out of a net.

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1 How is anybody going to keep track of that?

2 I'm hearing the notion that you are going to
3 actually have these really, really honest gill netters and
4 only really, really honest gill netters gill netting.

5 The only really honest gill netter I ever knew
6 passed away. The rest of them would put the net right
7 around the wharf right in front of you. You call the
8 Marine Patrol. They can't get there.

9 I think this opens up a non-biodegradable rule
10 that is going to open up a lot of activity, a lot of
11 fishing activity.

12 Now, when we fought this before, one of the
13 biggest arguments the gill netters made was that if gill
14 nets were taken out of Mississippi waters -- and the
15 biodegradable rule has virtually eliminated gill nets from
16 Mississippi waters -- that there would be no fish in the
17 seafood markets.

18 I remember, at those hearings that we went to,
19 that our fisheries' biologist stood up there and showed
20 records of speckled trout landings from the forties to the
21 nineties, and the amount brought in every year was forty
22 thousand pounds, and that's why a quota was set at forty
23 thousand pounds.

24 I found it interesting that after the gill nets
25 were taken out of the water, the quota was often filled in

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1 June, in the nineties. I don't know when it is filled,
2 now, but I've been at these meetings lately, and I
3 understand that the speckled trout quota was filled by
4 November.

5 So we don't need the gill nets and we don't need
6 them to keep the seafood markets supplied. We do it with
7 cast nets and hook and line.

8 I was laughed at, at those meetings, by the gill
9 netters, when I stood up and said, "A cast net can catch
10 an awful lot of mullet." The gill netters practically
11 laughed me out of the room, and I'm telling you that as
12 soon as it became inconvenient to gill net, I saw some of
13 those very gill netters that laughed at me out there
14 throwing their cast nets and catching nice big catches of
15 mullet, during the roe season and year round.

16 There is even a photo of one of our former gill
17 netters on the BP commercials, throwing his cast net off
18 the bow of his boat, bragging about how wonderful BP is,
19 and pulling up this net full of mullet.

20 These are very skilled fishermen, the ones that
21 I know. They don't need a gill net. They know how to
22 fish and they know how to fish with cast net and hood and
23 line.

24 The Sierra Club believes that the water should
25 be equal to all, not ultimately perfectly equal, but I do

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1 think everybody ought to have the same equipment out
2 there, and, then, the skilled ones can sell the fish
3 because they catch more than they can eat, and the
4 unskilled ones have a chance to catch fish.

5 Of course, my other point, I had made a written
6 statement. I would also want to make the point that gill
7 nets are very damaging, particularly to red fish and also
8 to Gulf of Mexico Sturgeon.

9 Back when the biodegradable rule was arrived at,
10 I produced a photo. Unfortunately, I haven't been able to
11 find the photo lately. I've been asking around to see if
12 anybody still has one, but I caught a five-and-a-half foot
13 sturgeon, when I was working at the research lab, with a
14 gill net that had a six-inch square multi filament nylon,
15 the exact kind we are getting ready to legalize, this kind
16 of mesh from a gill net caught on its face, and it had
17 grown into the skull, and blinded the fish, and rendered
18 it unable to eat, and there is a risk. There is a risk of
19 that happening again.

20 If anybody goes out there with their multi
21 filament nylon net and they get a section of net that they
22 don't like and they cut it out and plan to sew another
23 section in, if they throw that overboard, who is going to
24 be looking for little pieces of thrown-over net.

25 That's what happened to that sturgeon, just a little

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1 piece and it ended up deforming and preventing an
2 endangered species from reproducing. That was a non-
3 reproductive adult. That's a danger.

4 COMMISSIONER TAYLOR: Thank you very much.
5 Next is Johnny Marquez.

6 JOHNNY MARQUEZ: My name is Johnny Marquez. I'm
7 the Executive Director for the Coastal Conservation
8 Association here in Mississippi. I appreciate the
9 opportunity to give some comments on this.

10 As you know, the gill net issue has been a quite
11 divisive issue across the Gulf for many years, and in
12 Mississippi -- although it was a bit before I was engaged
13 -- when this issue was really in the heat of things back
14 in the nineties, the degradable net material was entered
15 as sort of a last-minute compromise, rather than banning
16 the nets entirely, and it has been a very effective
17 provision, as far as we are concerned. It reduced the
18 number of nets that were out there, and we believe that
19 the fisheries have responded very well to that.

20 We don't believe that the nets are necessary.
21 This is evidenced by some of the data that was given here
22 today. If there are only two thousand pounds of fish that
23 are being landed, this is not really what is fueling our
24 tourism industry down here. We have a robust hook-and-
25 line fishery for trout, for red fish, and for other

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1 fisheries.

2 As a general matter, the CCA supports the
3 degradable material rules that we have right now.

4 When this issue came up, we did think that
5 perhaps there was some opportunity to look at what we
6 might do; is there a compromise?

7 As much as we like the use of degradable
8 materials, we would like to see some regulations where we
9 perhaps ultimately sunset this gear, perhaps provide some
10 relief to the guys that are fishing right now, but see a
11 retirement of the gill net gear, entanglement net gear
12 over time.

13 That is not what we heard, in this proposal
14 today from Commissioner Gollott. While we like a lot of
15 the provisions that were addressed here, there is nothing
16 in here that addresses the materials, and there is nothing
17 that limits the expansion of the fishery.

18 What we don't want to see is a change to some
19 non-degradable materials that encourages others to come
20 back into the fishery.

21 We believe, if there is to be any sort of a
22 change, it needs to be limited to those who are
23 participating in the fishery, now, who have a valid
24 license, who have sold fish under the trip ticket program
25 and can evidence that over the last couple of years, and,

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1 then, there should be further restrictions along the lines
2 of what you have here.

3 We don't want to see something that throws open
4 the regulations to encourage participation in this fishery
5 again and go back to the days of old where we had a lot of
6 controversy pitting commercial against recreational.

7 I appreciate your consideration of our comments,
8 and we will continue to work with you as best we can.
9 Thank you.

10 COMMISSIONER TAYLOR: Shelby, or Ernie, do y'all
11 have some comments?

12 COMMISSIONER DRUMMOND: I do.

13 COMMISSIONER TAYLOR: Shelby.

14 COMMISSIONER DRUMMOND: Mr. Chairman, we are
15 talking about what we discussed recently. We were talking
16 about two types of nets. We were talking about gill nets
17 and we were talking about trammel nets. They are
18 different nets, really, and I thought we were proposing to
19 use trammel nets only.

20 Another thing I would back up and say is that
21 there are only eight fishermen that have a license to use
22 these nets.

23 COMMISSIONER TAYLOR: Only three of them are
24 active.

25 Right?

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1 COMMISSIONER DRUMMOND: Yes, three are active,
2 right now.

3 Do you have something to say?

4 MATT HILL: I want to clear up that comment.

5 There are more fishermen that have licenses, the net boat
6 license, and they can use the gear. Only eight of them
7 have chosen to come and get a biodegradable net tag. We
8 have eight nets in existence today. As best we can tell,
9 anywhere from three to four of them are active, but,
10 without annual tagging, there is no way to know that, but
11 there are more than eight fishermen.

12 A lot of these fishermen have swapped to using
13 other nets, cast nets and other types of gear besides the
14 gill net because of the material restrictions that have
15 been put on them, but we do have other net fishermen.

16 COMMISSIONER DRUMMOND: Other net fishermen,
17 meaning you've got more gill net fishermen than eight?

18 MATT HILL: We have eight people that currently
19 have a net tag, but I could tag more, if they constructed
20 them. We have sold other net boat licenses. They just
21 choose to use a different type of net.

22 COMMISSIONER GOLLOTT: Well, let me say this,
23 Matt. It was my intention to limit this to the eight that
24 have gill net licenses, now. No matter what net they
25 have, it would be limited to the eight. We might have to

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1 modify our motion.
 2 COMMISSIONER TAYLOR: Richard, in your motion, I
 3 have some concerns about what we talked about.
 4 One of my concerns is this person that has a
 5 license, if he passes away, or loses his net, that license
 6 is gone.
 7 MATT HILL: Correct. One of the provisions that
 8 we did ask for, with the annual tagging, is if a fisherman
 9 comes and gets his license and he brings a net, and he
 10 cannot produce his tags from the year before and the net -
 11 - the tag is still on the net -- he will no longer be
 12 allowed into the fishery and we will not issue him tags
 13 for a new net.
 14 COMMISSIONER TAYLOR: But there will not be a
 15 license issued, in that replacement.
 16 Am I correct?
 17 That's got to be in the motion.
 18 MATT HILL: What you're talking about, now, is a
 19 grandfather clause.
 20 COMMISSIONER TAYLOR: That was one of the things
 21 that I wanted. If you die, or if you lose your net, that
 22 license is gone.
 23 COMMISSIONER DRUMMOND: Matt, what we were
 24 talking about essentially is that we had proposed some
 25 regulations that would eventually eliminate this issue so

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1 it would be over with in I don't know how many years,
 2 whoever dies off of the eight licenses. What we had
 3 proposed regulations to do is completely end this fishing.
 4 MATT HILL: Well, the motion that I have heard
 5 and that was read does not contain only allowing the
 6 fishermen that currently have tagged nets, and that is one
 7 thing we are going to have to be clear on is exactly what
 8 would be the entry into this fishery, and, if there is
 9 going to be a sunset clause, if there is going to be a
 10 grandfather clause, that is something that I have not
 11 seen. I have heard it, but I have not seen it in writing.
 12 COMMISSIONER BOSARGE: And I'm not absolutely
 13 sure that most fishermen in the state -- if they had a
 14 choice between continuing with things the way they are, or
 15 allowing nylon for two years, and, then, the whole fishery
 16 go away, I'm not sure they would be for that.
 17 COMMISSIONER GOLLOTT: Well, one of the things
 18 we are doing, in sending this out for public hearing, is
 19 that it can be changed, after it goes out and we find out
 20 what everybody wants and how to modify it.
 21 Am I correct, Matt?
 22 MATT HILL: If you request a public hearing, we
 23 will send it out for a public hearing, but I have not
 24 heard a public hearing be requested as of yet.
 25 COMMISSIONER GOLLOTT: We do need a public

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1 hearing on this.
 2 COMMISSIONER ZIMMERMAN: Well, Richard, when you
 3 started making your motion, you asked for public hearings,
 4 and, then, you later said --
 5 COMMISSIONER GOLLOTT: (Interposing) I would
 6 like to make a motion that the staff take Title 22 Part 5
 7 out for Notice of Intent.
 8 Isn't that the public hearing?
 9 JOE JEWELL: Commissioners, you would have to
 10 specifically request a public hearing because, once the
 11 Notice of Intent is filed, after that filing, if you
 12 request it, you would have to specifically request a
 13 public hearing. After the Notice of Intent has been
 14 filed, twenty days following that, we would conduct the
 15 public hearing.
 16 COMMISSIONER GOLLOTT: Well, let me modify my
 17 motion. Let's take this out. Just add that on, to take
 18 it out for public hearing.
 19 COMMISSIONER TAYLOR: Or do you have to have a
 20 separate motion?
 21 JOE JEWELL: Have to have a separate motion.
 22 COMMISSIONER BOSARGE: Commissioner Gollott, I
 23 think you need to modify your motion to add number ten. I
 24 like everything you have in your motion. Number ten would
 25 allow untreated nylon as an approved material. That was

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1 the only thing that was not in the motion.
 2 MATT HILL: That is correct. The motion dealt
 3 with the restrictions, but it did not deal with the
 4 materials that would be allowed.
 5 COMMISSIONER GOLLOTT: Okay. Untreated nylon
 6 and let's leave cotton in there. If somebody wants to
 7 stay with cotton, that's fine. Untreated nylon, or
 8 cotton, as approved materials.
 9 MATT HILL: Currently, cotton/linen is a
 10 approved material. So there would not have to be any
 11 changes to that.
 12 COMMISSIONER TAYLOR: If this goes out to public
 13 hearing and some of the things I talked about are to be in
 14 the regulation, they can be done when we come back, or is
 15 just stuff that...?
 16 COMMISSIONER GOLLOTT: My understanding is it
 17 can be modified, once it goes out for public hearing.
 18 SANDY CHESTNUT: It can be modified, but, if
 19 there are any major modifications made, it is going to
 20 have to go back out.
 21 What the prudent thing might be to do is let the
 22 staff write the language, bring it back to your meeting
 23 next month, let you guys look at the language, see if that
 24 is exactly what you want it to say, before you take it out
 25 on public notice.

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1 COMMISSIONER TAYLOR: Are the Commissioners okay
2 with that?

3 COMMISSIONER GOLLOTT: I'm okay with that.

4 JOE JEWELL: That might be the wise thing to do
5 because currently, in Title 22 Part 5, there are three
6 pages of restrictions for gill net and trammel net
7 operations that the staff would have to modify, with the
8 motion that is on the table, right now.

9 COMMISSIONER TAYLOR: Do we need a motion to do
10 that, Sandy, to do what we are asking?

11 SANDY CHESTNUT: Yes.

12 COMMISSIONER TAYLOR: Richard, would you
13 withdraw your motion, and, then, make the motion?

14 COMMISSIONER GOLLOTT: I withdraw my previous
15 motion, and make a new motion to get the staff to come
16 forward with the recommendations on how to modify the gill
17 net ordinance and bring it back to us at the next meeting.

18 COMMISSIONER TAYLOR: Do I have a second?

19 COMMISSIONER BOSARGE: I'll second the motion.

20 COMMISSIONER TAYLOR: All those in favor?

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

23 COMMISSIONER TAYLOR: All those opposed?

24 (Commissioner Zimmerman opposed).

25 COMMISSIONER TAYLOR: Gollott, Drummond and

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1 Bosarge in favor. Zimmerman opposed.

2 Thank you very much. It's a difficult subject
3 that we have dealt with in the state and every state,
4 since I was a young man. Trying to get a balance between
5 commercial and recreational and environmental issues is a
6 continuing task, and we appreciate y'all's work on it.

7 COMMISSIONER BOSARGE: One thing that most
8 people need to understand is we are making regulations and
9 making changes to regulations that affect people's
10 livelihood. It's not like they are out there for the fun
11 of it. They are out there to make a living. So what we
12 do affects how they live their lives. Thank you.

13 COMMISSIONER TAYLOR: Next up is Jan Boyd,
14 Office of Coastal Zone Management.

15 JAN BOYD: Good Morning Mr. Chairman,
16 Commissioners, Director Miller, and Ms. Chestnut.

17 Office of Coastal Zone Management has two action
18 items for your consideration this morning. Willa Brantley
19 will be giving you a 2013 program update, before we get to
20 that.

21 WILLA BRANTLEY: Good Morning Commissioners,
22 Director Miller, and Sandy.

23 I just wanted to give you a quick update, before
24 we get into our action items, on the activities we have
25 done, in the Permitting Bureau, for the calendar year

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1 2013.

2 This is just a chart. Don't worry too much
3 about all these numbers. This is just a chart that shows
4 you all of the different kinds of activities that we go
5 through. As you can see, it takes up two pages to list
6 all those different kinds of activities (indicating
7 slide).

8 The important number is right down here. Six
9 hundred and fifty-five actions were taken, by the
10 permitting staff, during the calendar year 2013.

11 This column right here is the number of
12 applications that were denied, and I just want to make
13 sure that you understand that those two that were denied
14 were denied without prejudice, due to lack of information.
15 This just means that we requested further information to
16 be able to make our decision, and the applicant did not
17 submit that.

18 We usually give them several months to submit
19 that, and, then, we give them a warning that if they don't
20 get it into us within ten days, it will be denied. So
21 those decisions were made based not on the projects that
22 were proposed, but just because we didn't have enough
23 information to make those decisions.

24 A few of our significant projects that we
25 permitted through the past year:

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1 Signet Maritime Corporation wanted to expand
2 their operations and they created a new boat slip. They
3 needed a significant amount of bulkhead and maintenance
4 dredging.

5 We also had Jackson County Board of Supervisors
6 who got new permits to maintenance dredge Simmons Bayou
7 and Lake Yazoo Canal. They also have several ten-year
8 dredging permits for different bayous and waterways
9 throughout the county. They came in with, approximately,
10 sixteen of those that they hold ten-year permits for and
11 got approvals for maintenance dredging in those. So there
12 is a lot of maintenance dredging planned for Jackson
13 County, after Hurricane Issac.

14 We've also got V. T. Halter Marine. They wanted
15 to dredge to support launching larger vessels and
16 expansion of their operations.

17 Then, Vice Construction Company created a barge
18 staging area. Vice Construction actually required a use
19 plan change that was approved.

20 We've got a lot of staff activities we wanted to
21 tell you about, just to let you know what we are involved
22 in beyond the paperwork and evaluation of the permitting.

23 We have a Mitigation Interagency Review Team
24 that two of our staff participate in. Like it says, it's
25 an interagency group of both State and Federal agencies,

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1 and they meet, I believe, once a month. What they do is
2 they go over the proposed mitigation banks for the State
3 for our area and they approve those. Then, they go out
4 actually to the sites and look at how the work is being
5 done, and they approve, or disapprove, release of
6 mitigation credits for those banks.

7 We also participate with the Beneficial Use
8 Group that George Ramseur works on. This is also an
9 interagency review team that reviews the proposed
10 beneficial use sites. We participate and help out just
11 with advice on permitting and how to get those through the
12 permitting process quickly.

13 We conducted, approximately, fifty pre-
14 application meetings this past year. Those are really
15 helpful, when we get the other agencies involved and we
16 all get together, and that makes sure that when we get the
17 applications, we can get those through smoothly and
18 quickly.

19 I went to Mobile and presented a short
20 presentation about the permitting process of the Deep
21 Draft PA Training Course. That is training for Corps of
22 Engineers' employees who work with engineering their large
23 maintenance dredging projects. For example, the
24 Pascagoula navigation channel and the Port of Gulfport's
25 navigation channels.

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1 James Davis went to an MDOT environmental
2 partnering meeting. This is where MDOT invited all of the
3 State agencies to come and participate, and talk about
4 ways we can help MDOT get their projects through quickly,
5 and educate them on what is needed with the permitting
6 process and best management practices and things like
7 that.

8 Several of us attended the Coastal States
9 Organization annual meeting and the NOAA Coastal Zone
10 Management annual meeting in Washington, D.C., last
11 February. That gives us a chance to talk to not only our
12 NOAA representatives face-to-face which we don't get that
13 often, but it also gives us a chance for them to let us
14 know new regulations that are coming. We have to report
15 to them every six months on our grant. So that gives us a
16 chance to learn what they expect from us and what we can
17 do to better our reporting.

18 Jennifer and Greg who serve on the Mitigation
19 Bank Team went to the National Mitigation Banking
20 Conference. It was in New Orleans, and they were able to
21 learn a lot more about the mitigation banking process.

22 We also attended some training on environmental
23 communication across cultures. This is basically training
24 on how to communicate with people who have English as a
25 second language, how to make it understandable to them and

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1 get across to them what our regulations mean in more
2 simple English that can be more easily understood.

3 Chris Pickering attended Wetland Delineation
4 training. We have more of that coming up this year.

5 Robin Zantow was able to go and get grant
6 proposal preparation training which is good. We are
7 hoping to look for some more grants, possibly to help us
8 with our data base, make that a little better this year.

9 We put on a general permit workshop. There are
10 a lot of changes to our general permits that we issue on
11 behalf of the Corps this year. So we held a permit
12 workshop here for contractors and anyone who wanted to
13 attend to understand those changes a little bit better.

14 James Davis was able to attend Invasive Species
15 Control training and he was able to join the dive team
16 this year, and that will help us. He will be able to help
17 the dive team, if they need extra help, but it will also
18 help us because a lot of the work for the piers and things
19 goes on under the water. So, if we need him to go out and
20 check for fill that has gone into the water that we can't
21 see from the surface and things like that, he can get the
22 dive team to come help us with that, too.

23 Then, the last thing I have is some living
24 shorelines initiatives. We get a grant from NOAA every
25 several years. This was a three-year grant that started

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1 two years ago. We are about to go into the third year of
2 the grant cycle.

3 The first year we had a company go out and do
4 some evaluations of how much of our shoreline, in
5 Mississippi, has been armored. They focus not on the
6 manmade canals, but only on the public trust tidelands,
7 the areas that are actually owned by the State.

8 I think George Ramseur is going to take that and
9 try to give us a percentage. So we will have a percentage
10 of how much of our natural shoreline has been altered to
11 harden it.

12 Then, the second year that we just completed,
13 we've had some materials created. This is a booklet of
14 research findings. The first step was that they went to
15 all the other Coastal states to see how they permit living
16 shorelines and bulkheads (indicating document).

17 From that, they produced some materials that we
18 can give out to the public. This is an Alternative
19 Shoreline Management Guidebook. It covers not only living
20 shorelines, but the hardened structures, as well. It kind
21 of has some charts and graphs in here and checklists to
22 help the homeowners go through here and look and choose
23 which one might be best. In some cases, the bulkhead is
24 the only way they can control their erosion, but it helps
25 them see if the living shorelines might be an option

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1 (indicating document).

2 Then, we have two brochures that we will be able
3 to hand out at fishing rodeos and things like that.
4 Permitting has traditionally not have any material that we
5 could hand out at these events. So we haven't
6 participated very much. Look for us to participate a lot
7 more (indicating document).

8 Shoreline Management covers hardened structures
9 and living shorelines, and, once somebody decides that
10 they really do want to do a living shoreline instead of a
11 bulkhead, or riprap, this gives them more information
12 (indicating documents).

13 Then, of course, if they really got into it, we
14 would give them the guidebook, and it has information
15 about where you can get the plants that you need, where
16 you can get the geotextiles and things that would armor
17 this shoreline, but do it in a natural way (indicating
18 document).

19 Hopefully, we will get those printed this next
20 month, and I will have some that I can share with y'all
21 next month at the meeting. If you would like to have any
22 more information about that, just let me know.

23 That's all I have, unless you have any
24 questions.

25 COMMISSIONER DRUMMOND: Are those pamphlets for

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1 public distribution?

2 WILLA BRANTLEY: Yes -- they are not yet. We
3 don't have them printed, but we plan to get them printed
4 this month.

5 COMMISSIONER TAYLOR: Thank you.

6 WILLA BRANTLEY: Thank you.

7 COMMISSIONER BOSARGE: Mr. Chairman.

8 COMMISSIONER TAYLOR: Yes.

9 COMMISSIONER BOSARGE: I think I have a permit
10 coming up here that actually involves my business and my
11 company, and I'm going to recuse myself from the vote.
12 I'm actually going to leave the room. That way, you guys
13 can feel free to ask any questions you want, and I do have
14 a representative from our company here who can answer any
15 questions.

16 COMMISSIONER TAYLOR: Thank you.

17 Please note that.

18 JAMES DAVIS: Good Morning. I'm James Davis. I
19 will be presenting the next item on the agenda.

20 We have a request for permit by Bosarge Boats,
21 Incorporated. It's located on Bayou Casotte on Petit Bois
22 Street in Pascagoula. It's in the General Use District,
23 and the agent is Compton Engineering.

24 As you see here, the location of the project is
25 on the northern end of Bayou Casotte (indicating slide).

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1 This is a more zoomed-in location. This is
2 Pandle Paving here and Bosarge Diving just to the south.
3 Across the way is Mississippi Phosphates (indicating
4 slide).

5 Our description. We have some dredging, twenty-
6 five hundred cubic yards. Eight hundred and seventy feet
7 in length. Varying in width from thirty to eighty feet.
8 The current depth is zero to four feet below mean low
9 water, and we are going to a final depth from three to ten
10 feet below mean low water.

11 Proposed structures. Eight hundred and seventy
12 linear feet of bulkhead. Two hundred and twelve linear
13 feet of flow-through bulkhead, and one mooring piling.

14 We have ten thousand six hundred and fifteen
15 square feet of unvegetated tidal waterbottoms to be
16 filled. A hundred and six square feet of tidal marsh to
17 be filled. Sixteen hundred and eighty square feet of non-
18 tidal wetlands to be filled.

19 We are looking at eighteen hundred and twenty-
20 five square feet of tidal marsh to be excavated and turned
21 into waterbottoms, and sixteen hundred and eighty square
22 feet of vegetated non-tidal wetlands to be excavated and
23 turned into waterbottom.

24 The applicant is proposing to create a minimum
25 of fifty-three hundred square feet of tidal marsh to

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1 offset the impacts to vegetated tidal wetlands.

2 The project, also, as proposed will result in a
3 net gain of waterbottoms. So no mitigation for the filled
4 waterbottoms will be required.

5 Because the area is currently in a General Use
6 District, the applicant is also requesting a change in the
7 Coastal Wetlands Use Plan to an Industrial Development
8 District.

9 The applicant has also requested variances to
10 the following chapters of the Mississippi Coastal Program
11 (indicating slide).

12 Here is a diagram of the project. The bulkhead
13 will be this straight line here. Then, all this area
14 between will be dredging. The flow-through bulkhead is
15 going to be right here, and what this is going to do is
16 protect the tidal marsh here from boat traffic coming in
17 and out of this channel. Dredge disposal area here, and,
18 then, you can see this is where our tidal marsh creation
19 is going to be on the northern end of the property.

20 Some pictures of the property. This is from the
21 southern end looking north. The bulkhead is going to be
22 in this vicinity here, and, then, this area is going to be
23 waterbottoms. This is the area where we are going to have
24 waterbottom fill. There is also some tidal fringe marsh
25 that is going to be filled. In the northern end of the

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1 property, we are going to have some dredging out here, and
2 this is going to be excavated to be waterbottoms as well
3 (indicating photographs).

4 Public benefits of the project include increased
5 employment opportunities for the construction of the
6 mooring facility, a safe area for the mooring and
7 deployment of commercial vessels, and the expansion of the
8 applicant's business.

9 The proposed project will require a use plan
10 change from General to Industrial Development. This has
11 been justified in accordance with Chapter VIII, Section 2,
12 Part I.E.2.b.ii, of the Coastal Program, based on the
13 assertion that there are significant public and
14 environmental benefits in the activity, impacts to public
15 access and adverse environmental impacts have been
16 minimized, the general public as well as governmental
17 entities were notified of the project, and a public
18 hearing was held.

19 Justifying the use plan change, this is Bosarge
20 Boats, Incorporated, property here. This area is the
21 General Use District, and this line south is the
22 Industrial Use District (indicating sketch).

23 They have requested variances of these chapters
24 in the Coastal Program. These were all in y'all's mail
25 outs. Those were justified by Chapter 8, Section 2, Part

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1 I.E.2.c.iv, which states the activity requires waterfront
2 location, there is a significant public benefit in the
3 activity, and a public hearing was held.

4 One other variance was requested. This was
5 justified under Chapter 8, Section 2, Part I.E.2.c.iii,
6 which states no feasible, alternative sites, or
7 construction techniques were available, there is a public
8 benefit in the activity, and a public hearing was held.

9 The filling of state-owned waterbottoms and
10 tidal wetlands has been approved in the past for projects
11 with higher public purpose and water-dependent industries.
12 So the project is not expected to set a precedent.

13 The proposed bulkhead and channel construction
14 and fill would result in the permanent loss of fifteen
15 thousand nine hundred and six square feet of wetlands and
16 waterbottoms, of which twelve thousand five hundred and
17 forty-six square feet are public trust tidelands. If the
18 appropriate mitigation for this impact is completed, the
19 overall effects should be minimized, or eliminated. There
20 will also be a loss to benthic organisms during the
21 dredging activities.

22 We will note that this area is in a heavily
23 industrialized area and the marsh is not of extremely high
24 quality.

25 There will be an increase in boat traffic in the

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1 immediate area, as well as an increase in discharge from
2 vessels. There will also be an increase to impervious
3 surfaces adjacent to public trust tidelands.

4 Best management practices will reduce any
5 adverse impacts. Modifications to the initial project
6 have greatly reduced the amount of impacts to tidal
7 waterbodies and wetlands. The applicant is also
8 installing a flow-through bulkhead between the project
9 site and adjacent marsh to reduce future impacts to tidal
10 wetlands.

11 Offsite alternatives were considered, but, due
12 to the mooring space requirements, proximity to navigable
13 water, and environmental impacts, these alternatives have
14 been deemed impracticable.

15 The construction of a vessel mooring facility
16 does require a waterfront location.

17 The site is located in an industrial area with
18 other industrial facilities located adjacent to the site,
19 and scenic qualities should not be impaired by the
20 proposed project.

21 Required public notice. The project did run in
22 the Sun Herald and Mississippi Press on these days, as
23 well as appeared on our website on these dates (indicating
24 slide).

25 We did receive two public comments:

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1 A letter from one adjacent landowner states that
2 the project will negatively impact their ability to use an
3 existing easement to the water.

4 The applicant responded and provided
5 documentation that the adjacent landowner will not be
6 impacted by the project. The documentation showed that
7 the existing easement does not give the operation water
8 access and that the project will not interfere with their
9 operations.

10 A letter from another adjacent landowner stated
11 that the project will negatively impact their ability to
12 operate the business.

13 The applicant responded that the project will
14 take place within and east of their property and will not
15 impede operations, or access, to the adjacent facility.

16 The adjacent landowner commented that the
17 project would impede. His property is here, and, then, we
18 have a diagram showing the easement that was in question,
19 and, then, the land line right here shows that he has no
20 access to water, at the moment (indicating sketch).

21 Then, the other facility directly to the south
22 should not be impacted by anything going on to the north,
23 aside from some increased boat traffic (indicating
24 sketch).

25 Public hearing was held on February 12, 2014.

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1 One comment was received. That was from the adjacent
2 landowner to the south, and he withdrew his objection to
3 the project, after reviewing modifications that were made
4 in response to his initial objection.

5 DEQ is currently reviewing the project.

6 Archives and History has no objections.

7 Secretary of State says the project will require
8 a Tidelands lease.

9 Wildlife, Fisheries and Parks comments that
10 dredging operations occur during seasons when gulf
11 sturgeon are least likely to be moving through the area,
12 and best management practices be properly implemented.

13 We have had documentation from U.S. Fish and
14 wildlife Service stating that this project is not within
15 gulf sturgeon critical habitat. So we are not going to be
16 recommending that this guideline be followed.

17 Based on departmental review and evaluation,
18 staff recommends the Commission approve the project,
19 variance request, and use plan change.

20 COMMISSIONER DRUMMOND: Mr. Chairman.

21 COMMISSIONER TAYLOR: Yes.

22 COMMISSIONER DRUMMOND: I make a motion that the
23 Commission approve this project, according to the staff
24 recommendation.

25 COMMISSIONER TAYLOR: Do I have a second?

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1 COMMISSIONER GOLLOTT: I'll second that, Mr.
2 Chairman.

3 COMMISSIONER TAYLOR: Under discussion, I have a
4 question for you, James.

5 JAMES DAVIS: Yes, sir.

6 COMMISSIONER TAYLOR: Is this not suitable, or
7 is it too far upriver, for beneficial use?

8 JAMES DAVIS: A lot of the material is going to
9 come from public trust Tidelands, the area they are
10 digging out of their own property, plus this project meets
11 the twenty-five hundred cubic yards, or less, that we
12 require for beneficial use.

13 COMMISSIONER TAYLOR: Okay. Thanks. I just was
14 curious.

15 JAMES DAVIS: Yes, sir.

16 COMMISSIONER TAYLOR: We have a motion and
17 second.

18 Any other comments?

19 (No response.)

20 COMMISSIONER TAYLOR: All those in favor?

21 (All in favor).

22 COMMISSIONER TAYLOR: It passes unanimously.

23 Thank you, James.

24 JAMES DAVIS: Thank you.
25

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1 COMMISSIONER TAYLOR: Let Mr. Bosarge know he
2 can return.

3 Chris Pickering has the next item.

4 CHRIS PICKERING: Good Morning.

5 The next action item is a violation/after-the-
6 fact waiver by Mr. Harvey Felts, DMR number 140160.

7 It is located in a unnamed canal adjacent to the
8 Mississippi Sound at 612 Martin Street in Pascagoula,
9 Jackson County, Mississippi. It is in the General Use
10 District, and the agent is Shoreline Construction.

11 This is an aerial, and you can see Bayou
12 Casotte, Highway 90, and I-10 (indicating slide).

13 On this zoomed-in aerial, you can see he had a
14 bulkhead, existing boat lift, and an old derelict pier
15 (indicating slide).

16 On September 19, 2013, a violation was reported.
17 Staff visited the site and found construction of a
18 bulkhead had begun. A cease and desist notice was posted
19 at the project location.

20 On October the 11th, the agent called staff about
21 the cease and desist notice. He was told to stop work and
22 to fill out an application for the bulkhead

23 On November 27th, staff received an application
24 for the construction of the bulkhead.

25 On December 30th, staff spoke with the agent and

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1 he said he had stopped work, when the cease and desist was
2 posted. A site visit, by DMR staff, revealed that the
3 bulkhead construction had continued, after the cease and
4 desist was posted.

5 On January 14, 2014, staff spoke with the
6 landowner and agent, and notified them that an after-the-
7 fact application would be required.

8 On February 3rd, staff met with the landowner
9 onsite. The landowner requested to have additional
10 structures included in the application.

11 Here are the structures. As of now, he has an
12 unauthorized bulkhead one hundred feet long. He is
13 proposing a pier thirty-five feet by four feet, he is
14 proposing another pier fifteen feet by two feet, and he
15 has an existing boat lift fifteen feet by fourteen feet
16 (indicating slide).

17 Here is a diagram. This is the proposed pier
18 that he is wanting to construct in the same footprint that
19 he had before. This is the unauthorized bulkhead, and the
20 other proposed pier fifteen feet by two feet, and his
21 existing boat lift (indicating slide).

22 This is when we first went out, when the
23 violation was reported, and put the cease and desist
24 notice up. As you can see, there is no bulkhead here,
25 right now. These are the old bulkhead pilings and the old

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1 pier (indicating photograph).

2 This was a few months later, after the cease and
3 desist notice. This was the day we talked to the agent,
4 and he said he had stopped work (indicating photograph).

5 The project does not serve a higher public
6 purpose.

7 The proposed project is allowable in a General
8 Use District.

9 Similar projects have been approved by the
10 Commission, and this is not expected to set any precedent.

11 Bulkhead construction and piling installation
12 may temporarily increase turbidity in the construction
13 area and may result in a temporary decrease in number of
14 benthic organisms.

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

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

21 A bulkhead and pier do require a waterfront
22 location.

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

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1 A copy of the application was sent to the
2 Coastal Program Agencies and the adjacent landowners, on
3 January 14th, 2014. We received no comments from the
4 adjacent landowners.

5 DEQ is reviewing the project.

6 Archives and History has no objections.

7 Secretary of State says the project is not
8 Public Trust Tidelands.

9 wildlife, Fisheries and Parks recommend best
10 management practices.

11 Based upon departmental review and evaluation,
12 it is determined that the project is consistent with the
13 Mississippi Coastal Program. Staff recommends issuance of
14 a certificate, a waiver, and a fine, in accordance with
15 Mississippi Code 49-27-51.

16 The violation was discovered on September 19,
17 2013. The violation duration is a hundred and fifty-three
18 days. The maximum potential fine is seventy-six thousand
19 five hundred dollars. The recommended fine is a thousand
20 dollars issued to Shoreline Construction.

21 The contractor was issued a permit in 2008. So
22 he is aware of the permitting process. The contractor
23 continued working after the cease and desist notice was
24 posted. The landowner does not live on site and was not
25 aware a permit was needed.

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1 COMMISSIONER GOLLOTT: What does cease and
2 desist mean?

3 When you tell somebody to stop, are we going to
4 fine him a thousand dollars?

5 That is ridiculous.

6 CHRIS PICKERING: There is a number on there for
7 them to call, and they are supposed to call us as soon as
8 they see the cease and desist notice, and it was posted on
9 site for -- it was over a month, before he contacted us
10 back about it.

11 COMMISSIONER TAYLOR: So you are asking to fine
12 the contractor, not the landowner?

13 CHRIS PICKERING: Yes.

14 COMMISSIONER TAYLOR: I don't think a thousand
15 is enough.

16 COMMISSIONER GOLLOTT: Seventy-six thousand
17 sounds better to me.

18 COMMISSIONER BOSARGE: Or make him pull the
19 bulkhead up.

20 COMMISSIONER TAYLOR: Has this person had a
21 violation before?

22 CHRIS PICKERING: Not that we know of.
23 He was asked to be here.

24 Is Mr. Linten (phonetic) here?

25 MR. LINTEN: Yes.

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1 COMMISSIONER GOLLOTT: Would you come to the
2 podium and explain to us why you didn't do a cease and
3 desist?

4 MR. LINTEN: Well, by the time I shut the crew
5 down, they had started on the bulkhead. They didn't get
6 finished with it, but they did start on the bulkhead.

7 COMMISSIONER GOLLOTT: Sir, it looks like you
8 pretty well finished the bulkhead, from the after shots,
9 to me. It was more than a day, or two.

10 MR. LINTEN: Well, it was about three days worth
11 of work. There's probably about twenty feet left to that
12 hundred foot, original figure.

13 COMMISSIONER TAYLOR: Any other questions?

14 (No response.)

15 COMMISSIONER TAYLOR: Do I have a motion from
16 the Commission?

17 COMMISSIONER GOLLOTT: Mr. Chairman, I think we
18 ought to table this until the next meeting and consider
19 the seventy-six thousand dollars, or either make them pull
20 the bulkhead up. Let's put it on hold and think about it,
21 and come back with it the next meeting.

22 COMMISSIONER TAYLOR: Do I have a second?

23 COMMISSIONER BOSARGE: I will second the motion.

24 COMMISSIONER TAYLOR: All those in favor?

25 (All in favor).

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1 COMMISSIONER TAYLOR: It passes unanimously.
 2 Thank you.
 3 CHRIS PICKERING: Thank you.
 4 COMMISSIONER TAYLOR: Up next is Bill Feidt,
 5 Office of Finance and Administration.
 6 BILL FEIDT: Good morning everyone.
 7 I have been talking a couple of months, now,
 8 about improving our financial reports, and this month is
 9 when I'm going to start this in motion. A couple of
 10 things to note. I expect to improve this, as we improve
 11 the visibility and we have additional questions we need to
 12 address.
 13 The information I have presented, I have tried
 14 to be consistent with what is publicly available already,
 15 and I try to make sure that the reports are consistent
 16 with each other to give you a full picture of how the
 17 agency is performing.
 18 I want to start off real quickly with our cash
 19 position. We have seven treasury accounts. They fall
 20 into three general categories.
 21 The first one I'll call Operating Accounts, and
 22 I will come back to this in a subsequent report. It
 23 involves the money we get from the State, as well as the
 24 money we receive from the Federal Government on any of our
 25 grants, as well as a little bit of money we have left from

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1 the BP Oil Spill Fund.
 2 The second category is our Tidelands Trust Fund.
 3 This is our largest balance, as you will see in a second.
 4 I will just remind everyone that these funds are committed
 5 as soon as the State provides them to us.
 6 Then, we have four bond proceeds that we have
 7 received over the years, and that is the third category.
 8 At the beginning of this fiscal year, we had
 9 thirty-seven million dollars in the three categories,
 10 Operating Accounts, Tidelands, and Bonds. As of January
 11 31st, that balance was up to forty-four point five million
 12 dollars (indicating slide).
 13 As I mentioned, the majority of these funds are
 14 obligated; Tidelands, BP, Artificial Reef, and Coastal
 15 Preserves.
 16 One other thing I will note is this large
 17 negative amount in the Federal Clearing Account. This is
 18 based on the way we receive reimbursement from the Federal
 19 Government (indicating slide).
 20 We have set up this account as a control so that
 21 anything we are paying on Federal grants will get paid out
 22 of this account, and, then, when we get reimbursed from
 23 the Federal Government, it goes back into this account.
 24 We will always have a negative balance, but it should be
 25 as small as possible, if we are recovering the funds

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1 quickly enough from the Federal Government (indicating
 2 slide).
 3 Any questions on this?
 4 (No response.)
 5 BILL FEIDT: The next two reports, I just want
 6 to give a little bit of background.
 7 Transparency.ms.gov has a wealth of public
 8 information today, and we have tried to line all our
 9 reports to be consistent with it. You can see a wealth of
 10 information about all the State agencies, including ours.
 11 It gives the current budget amount, how we are performing
 12 against budget, and you can drill down into specific
 13 contracts, expenditures. It is about as transparent a
 14 view of the State as you will probably find anywhere. As
 15 I mentioned, all the reports I have prepared, I have tried
 16 to be consistent with this baseline (indicating slide).
 17 The Income Statement, I'm going to start
 18 reporting on ongoing. This is a very busy slide. So I
 19 will give you a quick snapshot at some of the piece parts
 20 here.
 21 I mentioned our Operating Funds earlier. That's
 22 the first three columns. It's our State money received,
 23 the Federal, and Operating subtotal. It is going to be a
 24 work in progress because we created this Federal Clearing
 25 Fund this year. We started out the year clearing Federal

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1 grants through our State Fund, and we have moved to
 2 clearing everything through our Federal Fund, now. Next
 3 year, it will be a very clear delineation between the two
 4 (indicating slide).
 5 Tidelands is very straight forward. This is
 6 money that is all spoken for, when we receive the check,
 7 and, then, this is our total DMR picture (indicating
 8 slide).
 9 Income. This is all the revenue we have
 10 received to fund the agency. We get most of our State
 11 money up front, in both our appropriations and off-road
 12 fuel tax, and, then, we receive Federal grant money, and,
 13 then, we have sales of licenses, permits, fines and fees
 14 (indicating slide).
 15 Expenditures are the next category, and this is
 16 exactly what it sounds like. It is what we have spent
 17 this year. I will highlight this number, this thirteen
 18 five seven nine. That matches what you would find on
 19 transparency.ms.gov, and, then, this is our net line.
 20 Year to date we are net positive almost ten million
 21 dollars (indicating slide).
 22 That's a good position to be in, but, again,
 23 most of our money is obligated to specific purposes.
 24 Then, this is prior year budget activity. This
 25 is to help tie back to our cash reports. This is in July

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1 and August where we clear previous year's expenditures
2 and, basically, close the books. All of the State
3 agencies follow this process, as well (indicating slide).

4 This is our budget comparison. Again, this is
5 on transparency.ms.gov. The first section is our actual
6 year-to-date expenditures. The thirteen point five
7 million dollars is consistent with the previous report,
8 and, again, you would see that on transparency.ms.gov
9 (indicating slide).

10 This is our total budget for the year, thirty-
11 four point eight million dollars, in the different
12 categories, and this matches the amount you will find on
13 transparency.ms.gov (indicating slide).

14 Here is our percent remaining for the year. We
15 are a little over halfway, and we still have about sixty-
16 one percent of our budget. So we are underneath what we
17 budgeted for this year which is a good position to be in
18 (indicating slide).

19 Any questions about this?

20 (No response.)

21 BILL FEIDT: Thank you very much.

22 COMMISSIONER TAYLOR: Thank you.

23 Next up is CIAP update, Jennifer Wagner.

24 JENNIFER WAGNER: Good morning Commissioners,
25 Director Miller, and Ms. Chestnut.

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1 the county level, detailing individual projects and the
2 expenditures for each.

3 Over the course of the years, the Federal
4 program has shifted from MMS to BOEMRE and, now, to the
5 Fish and Wildlife Service (indicating slide).

6 For Mississippi, out of that one billion dollar
7 total allocation, Mississippi received about a hundred and
8 nine million. As I said, it is split sixty-five percent
9 between the State, administered by the DMR, and thirty-
10 five percent between the three coastal counties.

11 As of the end of the year, you can see that the
12 State funding, about fifty-five percent has been spent.
13 At the county level, it's a little bit lower. I would
14 tell you that is consistent with all of the coastal
15 states, that the counties have struggled to spend their
16 money a little bit more so than the states have.

17 In terms of the time line for Mississippi, the
18 State plan was approved in June of 2010, leaving a total
19 of seventy-seven months to spend all of the money. The
20 congressional appropriation requires that all money be
21 spent and the grants be closed by December 31, 2016.

22 Right now, we've got about thirty-four months
23 left. We have spent about forty-five percent of the total
24 funding, in about fifty-five percent of the time. So, if
25 you go on a percent complete, we are about ten percent

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1 I will give you a little bit of history on CIAP.
2 The DMR advertised a Request for Proposals, on July 31st of
3 last year, for the administration of the CIAP Program to
4 run through December 31st of 2016.

5 We received three proposals, and they were
6 evaluated and scored. CSRS was the highest ranking. This
7 was submitted to the Personnel Services Contract Review
8 Board for the State of Mississippi who approved said
9 contract, at their regular scheduled meeting, on September
10 7th, 2013.

11 I have this morning, CSRS, who is going to give
12 you the update on our Coastal Impact Assistant Program and
13 where we are.

14 TRAVIS WOODARD: Good morning everyone. My name
15 is Travis Woodard. I'm the principle at CSRS, and I'm
16 here to give you a brief update on the CIAP Program.

17 Going back to the legislation, congress created
18 the CIAP Program in 2007. It's about a billion dollars
19 total split between the six coastal states.

20 The appropriation designated that sixty-five
21 percent of the funding was given to each state. Thirty-
22 five percent was given to the Coastal counties, or
23 parishes, as the case may be.

24 Each state was required to submit a plan on how
25 that money was going to be spent, both at the state and

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1 behind. So far twenty-two percent of Mississippi's one
2 hundred and six projects, state and county projects, have
3 been completed and closed (indicating slide).

4 This is pretty much where we would expect to be,
5 at this point in time. As we move through the program, we
6 will begin to see heavier expenditures, as well as a
7 number of projects begin to close out all at the same
8 time.

9 In terms of the projects themselves, there were
10 twenty-nine land acquisition projects, thirty-five
11 construction projects being anything from shoreline
12 protection, hardening, beach restoration, and, then,
13 forty-two non-construction projects. Those range from any
14 number of research proposals, invasive species monitoring,
15 any number of things.

16 Like I said, it's a hundred and six total
17 projects. If you took an average, it's about a million
18 dollars per project for Mississippi.

19 A brief update on the status, and I know the
20 legend is a little bit hard to see, but I can tell you
21 blue is great, green is good, red is not good (indicating
22 slide).

23 At the DMR level, we've got four projects that
24 we are a little slower than we would hope, in terms of
25 spending. We are watching those closely.

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1 For Hancock County, they have done well
2 executing their projects, and, then, Harrison and Jackson
3 counties, there are a couple of projects in each that we
4 are monitoring closely to make sure that those funds are,
5 in fact, expended.

6 From our standpoint, a couple of the challenges
7 we see; any funds that are not expended at that December
8 31, 2016, time line go back to Washington. So we are
9 keenly watching well ahead of that schedule to make sure
10 that the projects are moving along at the pace they need
11 to, in order to make sure the funds get expended.

12 We are working closely with the coastal
13 counties, as well as some of the other grant sub-
14 recipients, to make sure that they are, in fact, closing
15 out the grant paperwork as the projects complete, that
16 there is not a lag between that time.

17 We are also working to reprogram some of the
18 fund balances to projects that have additional needs. As
19 I said, we have identified some projects that either have
20 overruns, or we think they are going to struggle to spend
21 the money in the time line allowed in the CIAP
22 legislation. So we are going to move those funds to other
23 projects that have additional needs that have not been met
24 with CIAP.

25 Then, finally, we are working with DMR with some

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1 of the coastal counties and the grant recipients to
2 implement management plans for some of the properties that
3 have been acquired through the CIAP program.

4 Like I said, this is just a brief update, at
5 this time, and we will take any questions.

6 COMMISSIONER DRUMMOND: Why are the counties
7 having so much trouble spending their money?

8 TRAVIS WOODARD: We've been on several calls
9 over the years with other coastal states that have
10 received this, and what we have found is, for the most
11 part, the state agencies are used to delivering projects,
12 managing grant programs of this nature.

13 A lot of the counties are smaller places and
14 they are not really used to this sort of funding level,
15 and it just takes them a little longer to get geared up
16 and implement these projects. Because it's Federal
17 grants, there are some procurement regulations that not
18 all the counties are aware of, and it takes them a little
19 while to develop those regulations.

20 Like I said, what we have seen here is not
21 uncommon, and our team is very well aware of it and
22 working with the counties to make sure that they know the
23 rules, they follow the rules, and they get the money spent
24 in a way that is fiscally responsible.

25 COMMISSIONER GOLLOTT: Can you give us an

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1 example of some of the projects?

2 TRAVIS WOODARD: Sure. Just across the board, I
3 can tell you the Pass Christian harbor expansion and Long
4 Beach harbor expansion. There are some sewer projects.
5 The bottlenose dolphin surveillance team in the
6 Mississippi Sound. The Striped Bass restoration project.
7 Point Clark Development. There's a Blue wave project on
8 the Tchoutacabouffa. It's really a wide variety.

9 COMMISSIONER GOLLOTT: Thank you.

10 COMMISSIONER DRUMMOND: Is it hard to reprogram
11 CIAP funds?

12 TRAVIS WOODARD: It's not difficult. There is
13 just a process to go through with the grant paperwork, as
14 long as the projects that the funds are being reprogrammed
15 into are part of the approved CIAP plan. At this point,
16 the plans can't be amended anymore. There was a point in
17 time in which that could happen, but that has since passed
18 a few years back.

19 COMMISSIONER DRUMMOND: Is there a deadline on
20 reprogramming funds each year?

21 TRAVIS WOODARD: No. We've got up until the end
22 of the program. It's just making sure that the funds get
23 moved and spent, prior to that December 31, 2016,
24 deadline. The challenge there is making sure that the
25 funds are moved.

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1 COMMISSIONER DRUMMOND: That requires a lot of
2 oversight, I would say.

3 TRAVIS WOODARD: Yes, sir. It is quite an
4 exercise, in making sure that the grants are administered
5 properly, that grant amendments for each project -- every
6 time you move money, or change the amount of funding for a
7 project, a new grant amendment is required.

8 COMMISSIONER DRUMMOND: Do you think it would be
9 a good idea to intensify the oversight because of what has
10 happened to DMR in the past?

11 COMMISSIONER BOSARGE: 2016 will end this CIAP
12 program?

13 TRAVIS WOODARD: Yes, sir. That is the sunset.

14 COMMISSIONER BOSARGE: Do you foresee any other
15 programs as such, in the future?

16 TRAVIS WOODARD: There has been discussion.
17 This is actually the second round of CIAP. There has been
18 discussion of a third one, but it would require
19 congressional appropriation. Who knows?

20 COMMISSIONER BOSARGE: Thank you.

21 COMMISSIONER TAYLOR: Thank you very much.

22 TRAVIS WOODARD: Thank y'all.

23 COMMISSIONER TAYLOR: Next up is Melissa
24 Scallan, Public Affairs.

25 MELISSA SCALLAN: Good morning Commissioners,

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1 Director Miller, and Sandy.

2 Since the meeting in January, the DMR has been
3 mentioned, your report says, thirty times. We actually
4 got a few mentions over the weekend. So it's probably
5 about thirty-four, or thirty-five, in the press, on radio,
6 on TV, and newspapers across the region.

7 We still get a lot of press out of our oysters.
8 Everybody is interested in oyster reefs opening and
9 closing and that kind of thing. We get a lot of questions
10 about that.

11 Two days after our meeting in January, we went
12 to the capitol and participated in Capitol Day which was
13 very successful. We had myself and employees from
14 Fisheries, Joe Jewell, Rusty, Matt, and Christina from
15 Marine Patrol, Jennifer Buchanan from NERR and Ali from
16 Coastal Preserves. We set up tables. We talked to
17 legislators and visitors about the agency and what we do,
18 and gave out calendars and cookbooks and posters and
19 things like that. Our cookies were popular, too. They
20 liked that.

21 The following week, we were supposed to go back
22 for a legislative event which got cancelled because of the
23 bad weather. We are going to try to reschedule that.

24 We also participated this past weekend in
25 History Week at the Biloxi Visitors Center.

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1 Later this week, we will be going up for another
2 legislative and media reception and dinner to which you
3 are all invited, and I think you guys are going to come
4 join us for that.

5 There are not as many events, right now, but we
6 are about to kick off, when the weather gets warmer. We
7 will have fishing rodeos and boat and yacht shows, and we
8 will be participating, and we will keep everyone informed
9 about those.

10 Any questions?

11 (No response.)

12 COMMISSIONER TAYLOR: Thank you.

13 MELISSA SCALLAN: Thank you.

14 COMMISSIONER TAYLOR: Next is other business.

15 Mr. Zimmerman.

16 COMMISSIONER ZIMMERMAN: Yes. I'm proposing to
17 change the administrative handbook of CMR. Section 56
18 states a tentative agenda and copies of document to be
19 considered by the Commission shall be sent to the
20 Commissioners no later than ten days prior to each regular
21 scheduled meeting of the Commission.

22 with that said, Section 512 states, "Request to
23 be placed on Commission agenda must be made in writing and
24 must be received by the Executive Director ten days in
25 advance of the Commission meeting."

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1 It's unable to happen. Jamie can't take people
2 that want to get on the agenda until 5:00 o'clock today
3 and meet the requirement of accepting those requests to
4 get on the agenda and get the agenda out in the same time
5 frame.

6 What I'm making a request to do is to change
7 Section 56 to read, "The tentative agenda and copies of
8 documents that will be considered by the Commission shall
9 be sent to each of the Commissioners not later than seven
10 days prior to each regularly scheduled meeting of the
11 Commission."

12 This will allow Jamie and his staff three days
13 to get the agenda together and get it in the mail to the
14 Commissioners.

15 COMMISSIONER TAYLOR: Is that in the form of a
16 motion?

17 COMMISSIONER ZIMMERMAN: The way I understand it
18 we have to take it as advisement and vote on it at the
19 next meeting, if that's acceptable.

20 Do you need a motion to carry it to the next
21 meeting?

22 COMMISSIONER TAYLOR: Yes.

23 Would you make a motion?

24 COMMISSIONER ZIMMERMAN: I would like to make
25 the motion that we carry this over to the next meeting for

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1 a vote.

2 COMMISSIONER TAYLOR: Do I have a second?

3 COMMISSIONER GOLLOTT: Second, Mr. Chairman.

4 COMMISSIONER TAYLOR: All those in favor?

5 (All in favor).

6 COMMISSIONER TAYLOR: It passes unanimously.

7 Thank you, Ernie.

8 COMMISSIONER TAYLOR: Next are the public
9 comments. This is where we take your comments on certain
10 things that are not on the agenda. I'm just going to go
11 in the order that I have them. It looks like most of them
12 are about the oyster reefs.

13 When you come to the podium, state your name,
14 and I will give you a signal when your time is up.

15 COMMISSIONER ZIMMERMAN: Mr. Chairman.

16 COMMISSIONER TAYLOR: Yes.

17 COMMISSIONER ZIMMERMAN: I request a small
18 break, before we go into public comment.

19 COMMISSIONER TAYLOR: Five, or ten, minutes?

20 COMMISSIONER ZIMMERMAN: Five minutes is fine.

21 COMMISSIONER TAYLOR: Let's take a five-minute
22 break.

23 (Whereupon, a short recess was taken.)

24 COMMISSIONER TAYLOR: I will now bring the
25 meeting back to order, and next is public comments.

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1 The first one is Ricky Mitchell. I believe it's
2 Mitchell. I'll just wave at you, Ricky, when your time is
3 up.

4 RICKY MITCHELL: My name is Ricky Mitchell. I
5 understand that they had closed the oyster season and they
6 are just going to leave the tonging season open.

7 Well, what about me, and what is the reason why
8 they are going to do that?

9 What reason is that?

10 COMMISSIONER TAYLOR: Are you talking about the
11 dredging?

12 RICKY MITCHELL: Yes, sir, the dredging. I
13 don't know why they just opened up the tonging reef and
14 not the rest of the reef. They have got to have some kind
15 of excuse.

16 COMMISSIONER GOLLOTT: Joe Jewel is the one who
17 can answer that.

18 Is Joe Jewell in the room?

19 JOE JEWELL: I'm going to let Mr. Scott Gordon,
20 the Bureau Director for Shell Fish, answer that question.

21 SCOTT GORDON: Well, based on our monitoring of
22 the situation and as I reported at the last Commission
23 meeting, we had come to the point where we felt that it
24 was good for the conservation of the resource to shut the
25 areas down. I know I had received comments from several

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1 of the dealers and many of the harvesters, as well.

2 When we did open the season, it was a limited
3 oyster season. We made that very plain up front, and we
4 are trying to rebuild these reefs. That's my short
5 answer.

6 COMMISSIONER TAYLOR: Thank you.

7 RICKY MITCHELL: What was the reason?

8 No oysters? Too small?

9 What was his reason?

10 COMMISSIONER TAYLOR: From what I understood, he
11 said that it was conservation. They are trying to rebuild
12 the reefs.

13 RICKY MITCHELL: We are over conserving.

14 All the snow that is fixing to come down, all
15 them oysters can die next year. We start getting all that
16 water that's coming down from the north, good chance that
17 reef is going to die again.

18 I need to go to work. My light bill is due next
19 week. I don't have a paycheck coming in. I need to go
20 back to work, and I don't have any reason why. It's not
21 taking me but an hour to get my limit.

22 Now, that reef grows in layers; one year, two
23 years, three years. What is happening right now, the
24 boats that are out there, there are not even real oyster
25 fishermen left hardly. It takes horsepower to do what

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1 I've got to do.

2 When I first started on this spot, it took me
3 all day to get my limit. Now, it is only taking me an
4 hour.

5 Remember, I said that the reef grows in layers.
6 I mixed all these oysters up. I flipped the reef. Now,
7 I'm getting a half a drudge of oysters that's good.

8 You follow what I'm saying?

9 In other words, that one year, two years, three
10 years. I think the fifth year it's all dead. I think BP
11 killed it all. The reef shows what it's doing.

12 My concern is I need to go to work, plus we've
13 got a lot of snow that is going to come down this spring.
14 Good chances are it is going to kill all of that. I've
15 seen this happen several times, in my life.

16 I'm the third generation of fishermen. I just
17 didn't start this. There are plenty of oysters out there.
18 I need to go to work. That's all I'm asking.

19 COMMISSIONER TAYLOR: Thank you.

20 Joe, do you want to respond?

21 JOE JEWELL: Commissioners, we are well aware of
22 the recent snow fall. This Commission has acted in the
23 past. If the Bonnet Carre opens, the Commission has taken
24 action to open those reefs, and we would be receptive to
25 that.

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1 COMMISSIONER TAYLOR: Thank you.

2 RICKY MITCHELL: Can I say something else?

3 COMMISSIONER TAYLOR: Yes, since you didn't use
4 all of your time.

5 RICKY MITCHELL: One more thing. He is saying
6 that they will open it up. We are coming into spring
7 time. FDA is not going to let us go catch them oysters.
8 We've got a time limit.

9 Right now, is the best time to do what you've
10 got to do because it's cold.

11 What he's talking about later on, I can do it.
12 I'm refrigerated, and I'm the only one that is going to be
13 able to do it. That's not fair. Let's do it, now. We've
14 got to go to work.

15 I don't know what they're talking about, about
16 no oysters, or whatever. All y'all can come with me and
17 I'll go show y'all.

18 I want y'all to show me where they don't have
19 none. Thank you.

20 COMMISSIONER TAYLOR: Thank you.

21 Next up is Charles Cannette (phonetic).

22 Did I pronounce that right, Charles?

23 CHARLES CANNETTE: Yes, that's it. I'm the
24 Captain of the Roosevelt and I'm a dredger, too.

25 There are probably about fifty percent of the

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1 boats, in Bayou Caddy, that could make our limits. These
 2 smaller boats, which the boats are actually deteriorating.
 3 They are not being able to shipyard these boats. They are
 4 just getting rid of them and getting back with smaller
 5 stuff.

6 These guys ain't being able to fish. We have to
 7 flip these reefs around. They stop, with the horsepower
 8 that they are using. There are a lot of people, in Pass
 9 Christian, that still can do the things that need to be
 10 done, but to take one person and stop us from working
 11 because we can still make our limit.

12 The law is, if you catch a smaller three-inch
 13 oyster, you get a ticket. If I can harvest a three-inch
 14 and up oyster, I should still be able to catch that
 15 oyster, no matter if it is a twenty sack limit, or ten
 16 sacks, because this is the best price I have ever seen,
 17 since I've been here in the State of Mississippi. I've
 18 been here twenty years, and I've been doing Louisiana for
 19 twenty years, too. Forty years that I've been doing this.

20 If we can make our limit of legal oysters, we
 21 should be able still to do it. Thank you.

22 COMMISSIONER TAYLOR: Thank you.

23 RICKY MITCHELL: I've got a friend. He bought
 24 his license, eleven hundred dollars for an out-of-state
 25 license, and they shut the season down. I don't think

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1 that's very good for a man to pay eleven hundred dollars
 2 and they shut the season down three days after. You need
 3 to at least give him his money back, or we aren't going to
 4 fish.

5 COMMISSIONER TAYLOR: Thank you.

6 Next is George Storss.

7 George, are you here?

8 GEORGE STORSS: Yes, sir.

9 Everybody knows who I am. I'm George Storss,
 10 and I'm an oyster fisherman.

11 I may say a few things about dredging, but it's
 12 not against these guys that are dredgers. The only
 13 problem I have with a dredger is when he comes on tonging
 14 grounds. They can have what they want and do it their
 15 way, and you guys regulate them your way.

16 I came because the minutes of the last meeting
 17 are what I wanted because there were some things that I
 18 didn't think were in these minutes and they weren't
 19 (indicating document).

20 It was right after we opened up the tonging area
 21 down the beach and on over to Bay St. Louis over to the
 22 Stanislaus area. It was probably a week after that, and
 23 this was after the meeting you guys went ahead and opened
 24 it up.

25 On a Saturday morning, there were maybe sixty,

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1 or seventy, boats on the center of that tonging reef, in
 2 the 2A area of the tonging reef, that box. The box is a
 3 square mile. It's three sides they've got to guard, as
 4 far as patrol goes, marine patrol, and actually the north
 5 side, too. That's four sides they have to guard.

6 Well, obviously, the tongers, they ain't got to
 7 look too much at them. So that only leaves three sides
 8 for them to have to guard because nobody is going in the
 9 channel and catching them.

10 That day and on into Monday and Tuesday, there
 11 were the same boats, probably forty, fifty, sixty boats,
 12 inside that line, the box. Now, I'm talking about inside
 13 the box in 2A. They were still inside the box. They
 14 don't have no business inside the box in 2A. They can
 15 have 2A on down the beach. That was always the deal, but
 16 inside that box, that wasn't the deal.

17 I don't know who proposed it because it's not in
 18 the minutes, who made the motion and who seconded it, but
 19 there they were, and I got mad about it.

20 There were probably fifty people, half of them
 21 were fishermen, and a bunch of them had cameras, and I
 22 could have brought them, but the deal was, after I found
 23 out, after I raised so much hell about this and said I'm
 24 going to go out and arrest them people and there may be
 25 some gun fire and stuff like that because I'm not going to

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1 let nobody kill me for stealing from me -- anyway, that
 2 got recorded with enforcement. That's beside the point.

3 It infuriates a person to see his living stolen
 4 from him for no good reason, except to take from me and
 5 give it to them, and that is exactly what was happening,
 6 and I was informed that those lines on that 2A area were
 7 legal lines and they came inside that box, and there have
 8 never been no legal lines in that box, except for the
 9 tonger. I mean, after all, all you have is a square mile.

10 So why take more of the square mile?

11 That was half of that from the line over which
 12 was the green bed. That's a half a mile over to the
 13 orange beacon which is the center part of that tonging
 14 reef. That was outrageous.

15 So somebody like me that can't stand to have
 16 their living taken away from them, obviously you are going
 17 to make a few phone calls and you might say something,
 18 like, you need to stop them.

19 Finally, after a dozen phone calls, they are
 20 tired of hearing from me, and there are some others making
 21 the calls, but I didn't bring anybody with me, no
 22 witnesses, and I didn't bring any cameras, no pictures,
 23 and they were all there.

24 Then, I found out that those lines were legal.
 25 They didn't last but three days. There was a blunder

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1 somewhere. Nobody in here told me that those lines were
2 ever into that tonging reef. Nobody in here told me that,
3 but there were sixty boats -- about sixty -- maybe fifty
4 in there working. So something had to be legal, and they
5 were guarding that little small area of 2A. I'm talking
6 about enforcement guys.

7 After they found out I was irate and I might do
8 something crazy, they had to come to me, and they told me
9 that those lines were legal and they were enforcing the
10 lines, and if it's going to cause trouble within the two
11 elements, the tongers and the dredgers, which it wasn't
12 causing any trouble. It was just causing a problem with
13 me, with them taking it away because we weren't working in
14 there. We were working out getting the big single oysters
15 and trying to make a living that way, and just leaving
16 that for seed, that area, and that's what that was. That
17 was seed oysters for all that goes down to the Hornet reef
18 and on down from there. Those are gone, now. Those are
19 absolutely gone.

20 Hornet reef has been destroyed anyway, by
21 dredging on it. It was always a tonging reef, but, as
22 soon as we had to give it up, it's gone.

23 The Bay St. Louis, the little reef over there,
24 it's gone. It's shot, and I would like to recommend and
25 say that you shut that reef down forever. Don't ever

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1 dredge on it again. It's not big enough to take care of
2 one dredge boat much less twenty of them that are going to
3 work it and tear it to pieces and destroy it.

4 You can plant that area. In four, or five,
5 years there are going to be oysters on it, but there are
6 not going to be enough oysters on it to take care of the
7 twenty dredge boats that are going to hit it, and, then,
8 it's gone again. It's just gone again.

9 The same thing out front. You can plant that
10 place over and over and over and over. There is no spat
11 from that area that used to be the tonging area, going out
12 there and filling up anything. It was taken from us, in
13 the dead of night in the summertime, by Tommy Gollott and
14 some of his cronies. They took that. They took it.

15 we come back and go back to work on the
16 following year, and all of it is gone, but one square
17 mile. All the dredgers are giddy. They can't stand it
18 they are so happy, and it was good for maybe two years,
19 and it was good for them. Then, all of a sudden it
20 started fading out on them. They killed the hill. They
21 killed all that tonging area, and they started working on
22 the one square mile.

23 They would come in on the south side. They
24 would come in on the east side. They would come in on the
25 west side. That's the only problem I have with the

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1 dredgers. Do not steal from me. Do not because I will
2 arrest you, and, then, something can happen after that.

3 If you want to try to run over me, fine, but the
4 deal is, after all was given and all was taken from us, to
5 come into 2A on the tonging area was just blasphemous to
6 me. I mean, it was actually horrible, and that's what set
7 me off.

8 It only lasted three days, and I'm glad that the
9 word might have gotten up to Jamie and he put an end to
10 that, but I don't know who made the recommendation, or the
11 motion.

12 I want to ask, did any of you make that motion
13 to draw lines into that tonging reef and, if you did, who
14 seconded the motion, and who drew the lines, what staff
15 people?

16 They say there ain't no lines. They say, oh,
17 no, it never happened. I've got twenty-five people --

18 COMMISSIONER GOLLOTT: (Interposing) Mr.
19 Storss, just for your information, the Commission can set
20 any lines they want to. They can take the whole tonging
21 reef and make a dredging reef out of it, but we haven't
22 done that.

23 It wasn't our intent, and, I think, if you go
24 back and look at the motion that I made, it was to leave
25 the box alone.

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1 GEORGE STORSS: I didn't see any motion to leave
2 the box alone in the minutes, but your recommendation to
3 help the people that need help, as far as you have
4 families that make this living and they make it the hard
5 way, that's wonderful. I applaud you for that, but,
6 again, to take it from this and give it to that is
7 absolutely wrong.

8 COMMISSIONER TAYLOR: Thank you, sir.

9 SCOTT GORDON: If I can address George's
10 concerns on that, whenever the line was set, Commissioner
11 Gollott had made the motion to keep them outside the box.
12 We used the same exact line that we have used every other
13 time that we've opened up that area, 2A, to the west, and
14 that is the Pass Christian channel marker number one and
15 west of there is what the line is. There has been no
16 change this year for that special management season. We
17 used that very same line.

18 I just wanted to let the Commission be aware of
19 that.

20 GEORGE STORSS: Let me be aware of it.

21 COMMISSIONER TAYLOR: Joe, do you have
22 something?

23 JOE JEWELL: I do want to say that these areas,
24 some of those areas had been worked really well. Those
25 areas to the west, the Commission's thought on that was

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1 they are underutilized areas. There are areas that there
2 are a lot of muscles in there, and the Commission's
3 thought was they wanted those areas to be worked on.

4 Now, there were some enforcement issues in that
5 area, and law enforcement is a very dedicated unit within
6 this agency that did their best to enforce the laws, as
7 their perceived them, and they did really well in there.

8 There were some resource issues that occurred in
9 there late in the year that was addressed by law
10 enforcement, and I'm very confident in our law enforcement
11 to address those issues, but there was no intent, by the
12 Marine Commission, to act arbitrarily in the issuance of
13 that special season that was set in that area. There is
14 no intent, by the Commission, or the staff, to take away
15 the box. The box was established quite some years ago
16 and, to my knowledge, the Commission has not acted to take
17 that away from the tongsers.

18 Those are all the comments I have on that issue.

19 COMMISSIONER TAYLOR: Thank you, Joe, and Thank
20 you, Mr. Storss. We always appreciate your comments.

21 Next is Mr. Richard --

22 GEORGE STORSS: (Interposing) Wait a minute.
23 I'm not done yet. I just want to tell you thank you for
24 letting me speak. Appreciate it.

25 COMMISSIONER TAYLOR: Thank you.

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1 Next is Mr. Richard Gable.

2 I want to comment, while Mr. Gable is coming to
3 the podium. There is a delicate balance. Most of the
4 Commissioners up here feel for the commercial fishermen
5 and what they have to go through. It was part of a
6 learning process, getting on the Commission, but you also
7 have to balance the conservation and make sure that the
8 resources are available year after year.

9 Sometimes when you take people like myself that,
10 in the beginning, do not have the learning curve that some
11 of you fishermen do, it takes a while, but it is a
12 delicate balance and it is sometimes very hard to make you
13 think you are doing the right thing.

14 Okay, Mr. Gable.

15 RICHARD GABLE: Hello. My name is Richard
16 Gable.

17 At last month's Commission meeting, I was asking
18 about my trammel net, me being able to fish my degradable
19 trammel net.

20 In 03 and 04, I had a tagged trammel net. The
21 inside mesh was linen. The outside walling was nylon. It
22 was a tagged net. It was took from me, when I was going
23 home. Marine Patrol kept it for a day and a half, or two
24 days. They brought it back to me. Apologized to me for
25 taking my net and my fish. It was a legal net.

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1 I've got cotton webbing, now. I built me
2 another net. I want to put my nylon walling on it to make
3 it just like it was in 03 and 04. I haven't been told
4 whether I can, or whether I can't.

5 Matt told me that they had some kind of talk
6 around here. The Commissioners didn't do it. It was some
7 other people that talked about it and said something about
8 the nylon walling, but the walling is not what catches the
9 fish. That's what creates the pocket.

10 What I'm asking for is so I can go fish because
11 a three-and-a-half inch stretch net ain't going to catch a
12 five pound fish. I need to have the walling on it to be
13 able to catch some fish. It won't catch fish, unless I
14 put the walling on it to make the trammel net out of it.

15 If it was right in 03 and 04 for me to have it
16 then, under the same ordinances that said a degradable
17 net, wouldn't it still be good today?

18 We are under the same thing. I had nylon
19 walling on it, then, and linen on the inside. The led
20 line is not cotton. The float line is not cotton. The
21 twine that hangs the net is not cotton. Basically, the
22 walling just holds the net shorter so it don't make it as
23 deep.

24 That's what I need to know. That's what I'm
25 asking.

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1 Can I put my walling back on my net?

2 COMMISSIONER TAYLOR: Joe, would you come
3 forward?

4 JOE JEWELL: Commission, we have met internally,
5 actually had a series of meetings on this particular
6 subject, and I have been advised that we have contacted
7 Mr. Gable, and we have notified him that the question that
8 he asked -- certainly, if we did not clearly state our
9 finding internally, I'm going to advise him, right now, in
10 the public meeting that the question that he is asking,
11 could he do this, my understanding is -- Sandy, please
12 clarify -- that according to the current version of Title
13 22 Part 5, his net does not meet the requirements of that
14 regulation and he cannot do that.

15 Part of the question that he had is the reason
16 why we are, now, considering modifying Title 22 Part 5.

17 So the short answer is no, he cannot do what he
18 is requesting to do.

19 RICHARD GABLE: Mr. Jewell, why did I have a net
20 in 03 and 04?

21 JOE JEWELL: I can't answer the question, what
22 happened in 03 and 04. I can only answer the question
23 that you are asking now, in terms of the regulations that
24 they now state in Title 22 Part 5.

25 RICHARD GABLE: So you make the rules and

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1 regulations up as you go along?

2 JOE JEWELL: I don't make the rules up. I am
3 interpreting the rules that are on the record that are
4 available for anyone to see on our website, Title 22 Part
5 5, as they exist.

6 RICHARD GABLE: I know that.

7 COMMISSIONER TAYLOR: Mr. Gable, we are
8 addressing that, what you are asking, in trying to change
9 Title 22 Part 5, but because something was wrong, in 03,
10 doesn't make it right now. If something is discovered
11 that was wrong, you can't go back and say, well, it's
12 okay. It's wrong, and I think that's the issue here that
13 he is trying to explain.

14 People make mistakes. If whoever tagged the net
15 didn't understand Title 22 Part 5 and it was tagged wrong,
16 I can't say. I wasn't on the Commission then. I don't
17 know, and I don't think anybody here can say, but I do
18 feel your plight and, because you came and spoke at the
19 last Commission meeting, we are trying to address it. We
20 are trying to address that, by changing it.

21 RICHARD GABLE: What am I supposed to do?

22 We're not catching any crabs.

23 What else am I supposed to do, whenever all I
24 know how to do is fish and crab?

25 I've had four hundred traps stolen from me, in

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1 the last three years.

2 I had two tagged cotton nets. Both of them was
3 linen. I bought one of them from one fellow, and there
4 was two of them that I had that I had tried to comply with
5 the laws, or the rules and regulations of the DMR, and
6 both of them was trammel nets, and they was hung the same
7 way because you could not get cotton walling.

8 Now, they was tagged here. I brought them here
9 and they was tagged here.

10 I think Joe Jewell was working here, then. I
11 don't know whether he was over Fisheries, or what he was
12 on, but somebody -- and I can't remember who tagged the
13 net. I don't know. I remember bringing them here.

14 If I could fish them, then, why can't I fish
15 them, now?

16 I understand you are saying Title 22 Part 5.

17 What am I supposed to do until next month?

18 I come, in 2012, asking about the cotton
19 webbing. Finally, I got some help from DMR.

20 I come back again and asked for some help again.
21 I am getting help, and I appreciate y'all listening to me,
22 but that's not feeding my family. That's not helping me.

23 I got the cotton webbing. It took me sixteen
24 years for somebody to tell me where I could get it from,
25 and, then, when I could get it, I built the net, and I

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1 want it back the way it was, or the way I had it then,
2 and, now, y'all tell me I can't.

3 COMMISSIONER TAYLOR: If the regulations state
4 that, that's true.

5 If you buy a boat, right now, how many changes
6 have you seen in the oyster boats?

7 Now, they have to have a sanitary system and all
8 that.

9 Because it was deemed to be right but was wrong,
10 in 03, doesn't make it right, now, and, secondly, the
11 changes that you are asking for can't happen in one
12 meeting. Most of the stuff has to go out for a public
13 hearing.

14 We feel for you, but we can't alter the
15 regulations in one meeting, and that is what we are trying
16 to do, is to help you make a living, but we can't do it in
17 one meeting, and that's why we have to have the staff do
18 research. As you heard, he went to USM. We can't do it
19 in one meeting.

20 I feel for you. I don't know what else to tell
21 you. Within the time frame and constraints of the law, we
22 are doing what we can do.

23 RICHARD GABLE: I don't have the net I had in
24 2003. It rotted, and the storm took it. I had thirty-
25 three foot of water there. I didn't have nothing left.

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1 JOE JEWELL: Commission, you are exactly right.

2 Richard, the staff and the Commission are not
3 trying to be unsympathetic, or uncaring. We certainly
4 want to work with you, but the only options that we have
5 on the table, with the current rules and regulations that
6 we have, if you have the net from 2003, we will be
7 certainly happy to examine that and work with you, but
8 Commissioner Taylor and the Commission in general is
9 advising you correctly.

10 The Commission is trying to work with the staff
11 to modify the rules to help you and the other fishermen
12 have another alternative, to work with you to make a
13 different net material available for you, but that is a
14 legal process, and it is a process that they are trying to
15 enact, right now, and it is something that all of us have
16 to work through. They are not trying to be unsympathetic
17 with you.

18 The only options that are on the table, if you
19 had that net from 2003, the staff would be more than
20 willing to work with you, or if you have some material
21 that will meet the requirements, we are certainly willing
22 to work with you there. Otherwise, we are going to have
23 to work through this process.

24 RICHARD GABLE: Unless I misunderstood, and I'm
25 probably as dumb as a box of rocks, but it was brought up

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1 about the nylon, going to nylon webbing.

2 COMMISSIONER TAYLOR: Right.

3 RICHARD GABLE: I mentioned this at the last
4 Commission meeting.

5 COMMISSIONER TAYLOR: And that's why it was
6 brought up.

7 RICHARD GABLE: Right, and thank you, but I also
8 asked about me putting a walling on the net. The
9 Commission members told Matt Hill and Rusty Pittman. We
10 walked outside, and I showed Matt what -- in fact, I
11 showed y'all what the net was.

12 I understand having to have a public hearing on
13 bringing the nylon net back. The walling is not the net.

14 I think there was one person that knew what a
15 trammel net was, and I forgot his name. Commissioner
16 Bosarge, he knew what one was.

17 The walling does the same thing as the lead line
18 and the float line does. Now, how they are trying to
19 misconstrue something, I don't understand that part.

20 Is my net illegal because I use nylon twine to
21 hang the webbing on it?

22 It's not cotton. The float line is not cotton.

23 What gills and entangles the fish is cotton.
24 The walling does not gill nothing. It's fourteen inch
25 stretch diamonds. Now, that is going to gill off a

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1 twenty-five, or thirty, pound Red Fish, or a drum. That
2 don't gill and entangle nothing.

3 That's what I asked, then, and y'all told me to
4 get with Matt and enforcement to go out there, and we did,
5 and, then, it was talked about and said that the
6 Commission members would vote on it, and, then, it was
7 done in here, I guess, by Fisheries, or whoever it was
8 that done it, but I knew that it had to go into February,
9 as far as the nylon netting and the webbing. That part I
10 understood.

11 But this is the fourth time I've been over here,
12 and I've been waiting because I want to do it legal. I
13 don't want to go out there and be called an outlaw and a
14 thief, again. I don't want to have to be running and
15 looking over my shoulder. I'm trying to do it the right
16 way, or the way that y'all tell me to do it.

17 COMMISSIONER TAYLOR: I appreciate that.

18 RICHARD GABLE: Do y'all want to pay my bills
19 and buy my groceries for me, until y'all --

20 COMMISSIONER TAYLOR: We can't do that, sir, but
21 we also have to uphold the law.

22 RICHARD GABLE: I know that.

23 COMMISSIONER TAYLOR: As he said and I said, we
24 are very sympathetic. If, in their determination, they
25 determine that it's legal, then, it's legal. I don't have

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1 the knowledge and maybe one Commissioner does here, but,
2 based on Title 22 Part 5, if they can determine that it is
3 legal, then, it is.

4 We are addressing the other issues, and that's
5 where it is, right now.

6 If you want to deal with Mr. Joe and Matt on
7 that, the Commission is fine with it because that's what
8 we asked you to do, but we can't come right here and
9 change something in the Commission today. We have to
10 follow the law, but we do feel for you, and I thank you.

11 RICHARD GABLE: You're welcome.

12 COMMISSIONER TAYLOR: There are no more public
13 comments. I have a couple of comments I would like to
14 make.

15 As a Commissioner, we are appointed by the
16 Governor, whoever the governor is, for four-year terms. I
17 was appointed by Haley Barbour eight years ago, and was
18 reappointed. My term is set to renew, in June of this
19 year.

20 I have enjoyed serving on the Commission, but I
21 have asked Jamie to inform the governor that I do not wish
22 to be reconsidered as a Commissioner.

23 I have enjoyed working with y'all. It has been
24 a very great learning experience. As a recreational
25 fisherman my whole life, I have had to step in some of the

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1 commercial fishermen's shoes. I learned more about our
2 ecosystem and all, after the BP spill, trying to work and
3 learn through that.

4 I know, at times, I have been short with some
5 people, and I apologize, but I have thoroughly enjoyed it,
6 and I will still be involved with the Commission in any
7 way that I can through the fishing banks, or CCA, or
8 anything. So I thank y'all.

9 Do I have a motion to adjourn?

10 COMMISSIONER ZIMMERMAN: I make a motion we
11 adjourn.

12 COMMISSIONER TAYLOR: Do I have a second?

13 COMMISSIONER GOLLOTT: Second.

14 JAMIE MILLER: Before y'all adjourn, let me just
15 give y'all one thing to consider. We talked about moving
16 the Commission meeting around throughout the year. We had
17 two very successful meetings last fall, in Jackson County
18 and Hancock County.

19 I would like for y'all to consider moving the
20 March meeting to the City of Gautier City Hall complex for
21 a meeting in Jackson County.

22 COMMISSIONER ZIMMERMAN: I'll make that motion.

23 COMMISSIONER TAYLOR: Do I have a second?

24 COMMISSIONER GOLLOTT: Second.

25 COMMISSIONER TAYLOR: All those in favor?

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1 (All in favor).
 2 COMMISSIONER TAYLOR: It passes unanimously.
 3 Thank you, Jamie.
 4 We have a motion to adjourn on the floor and we
 5 have a second.
 6 All those in favor?
 7 (All in favor).
 8 COMMISSIONER TAYLOR: It passes unanimously.
 9 Thank you.
 10 (Whereupon, at 11:38 o'clock, a.m., the February
 11 18, 2014, meeting of the Commission on Marine Resources
 12 was concluded.)
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C E R T I F I C A T E

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 2
 3 I, Lucille Morgan, Certified Shorthand Reporter, do
 4 hereby certify that the above and foregoing is a true and
 5 correct transcript of the February 18, 2014, meeting of
 6 the Commission on Marine Resources, as taken by me at the
 7 time and place heretofore stated in the aforementioned
 8 matter in shorthand, with electronic verification, and
 9 later reduced to typewritten form to the best of my skill
 10 and ability; and, further, that I am not a relative,
 11 employee, or agent, of any of the parties thereto, nor
 12 financially interested in the cause.
 13
 14

15 _____
 16 COURT REPORTER
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