

COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES

JULY 21, 2009

TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT MISSISSIPPI STATE UNIVERSITY COASTAL RESEARCH EXTENSION CENTER, 1815 POPPS FERRY ROAD, BILOXI, MISSISSIPPI, ON THE 21ST DAY OF JULY 2009, COMMENCING AT 9:00 A.M. AND REPORTED BY NATALIE R. SEYMOUR, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

RICHARD GOLLOTT
JIMMY TAYLOR
SHELBY DRUMMOND
VERNON ASPER
STEVE BOSARGE

ALSO PRESENT:

JOSEPH R. RUNNELS, ESQ., Asst. Attorney General
JOE ZIEGLER, Chief of Staff

REPORTED BY:

Natalie R. Seymour, CSR No. 1637

MR. ASPER: Good morning. I'd like to welcome everybody to the regular July meeting of Mississippi Commission on Marine Resources. The first item on the agenda is the election of officers.

Before we get to that, I'd like to just say a few words to those of you who knew Paula Vassey, one of our good friends who came to these meetings a lot. She was very outspoken. She passed away just a few weeks ago. And she was one of the people who came to these meetings and kept us alive. She said things that needed to be said, and we're all going to miss her. So I just wanted to express my regrets to the family.

Okay. We have the election of officers. I think we usually start with the chair. Are there any nominations for chair?

MR. TAYLOR: Mr. Chair, I'd like to nominate you as chairman again.

MR. ASPER: You don't have to. There are other people.

MR. TAYLOR: I don't want it.

MR. BOSARGE: And I would also like to second that nomination.

MR. ASPER: Are there any other nominations?

MR. GOLLOTT: I will move to close the nominations.

MR. TAYLOR: Second.

MR. ASPER: Those in favor of closing the nominations, which means that I would be chair for another year, say aye. Passed.

Okay. Well, thank you very much for your vote of confidence. This is my 16th year on the commission -- it makes me feel a little old -- and the last year of my current term, so this may be the last year.

Okay. The next item is to elect a vice chair. Are there nominations for vice chair?

MR. TAYLOR: Mr. Chairman, I'd like to nominate Mr. Gollott.

MR. ASPER: Second?

MR. BOSARGE: I second that nomination.

MR. ASPER: Other nominations? Is there a motion that we close nominations?

MR. BOSARGE: I'll make a motion to close the nominations.

MR. TAYLOR: Second.

MR. ASPER: Those in favor signify by

saying aye. Passed.

Congratulations. You're doing a great job. I understand you did a good job last month, so that's excellent.

Okay. We'll move on to our agenda then. The minutes were distributed. Are there any changes to the minutes, or is there a motion to approve the minutes?

MR. DRUMMOND: So moved.

MR. TAYLOR: Second.

MR. ASPER: Those in favor say aye. Passed.

Now we have the agenda. I understand there are a few changes.

MR. ZIEGLER: Yes, Mr. Chairman. We would like to remove G3, H3E and H3F.

MR. ASPER: Any other changes?

MR. DRUMMOND: Could you repeat that, please.

MR. ZIEGLER: G3, H3E and H3F.

MR. GOLLOTT: Motion to approve the minutes as amended.

MR. ASPER: The agenda as amended. Second to that?

MR. BOSARGE: I'll second that.

1 MR. ASPER: Those in favor say aye.
2 Passed unanimously.

3 Now my favorite part of the meeting, the
4 public comments. Those of you who are here
5 and have something to bring to our attention
6 that is not on the agenda, please be
7 recognized. Come to the podium and state
8 your name.

9 MR. LAIRD: My name is James Laird, and
10 I'd like to thank you for your time this
11 morning, Mr. Commissioner, panel of
12 commissioners. What I'm looking at here is a
13 situation that we have in Western Hancock
14 County. It's the use of cane poles and
15 trotlines in closed bayous and canals.

16 My view of fishing last year and the
17 year before is that it is a hazard to the
18 individuals who use these canals. I'm not in
19 favor of restricting or outlawing the use of
20 trotlines or cane poles. I'm just asking
21 that these individuals that do use these cane
22 poles be responsible for their cane poles by
23 removing the cane poles when they are
24 fishing -- after they fish. When they leave,
25 that they load their gear up and they take

1 their gear back with them.

2 The use of the cane pole has been a
3 hazard. If you fish early in the morning or
4 if you duck hunt early in the morning --
5 these poles have Kahle hooks on them, and if
6 you don't know that the pole is there, you
7 run a risk of hooking yourself with these
8 poles.

9 I have witnessed birds, migratory birds
10 also caught on these trotlines and poles,
11 federally-protected birds. And what I'm
12 asking the Commission to do is ask the
13 commissioners to look at this situation, add
14 to the booklet here that DMR puts out and ask
15 that these poles be removed. Once an
16 individual is finished fishing for the day,
17 take your equipment back with you to where
18 everybody who uses the waterways here in the
19 state of Mississippi has the same opportunity
20 to use the waterway and we don't have to be
21 worried about safety issues.

22 And another thing I've noticed with the
23 fishing cane poles is that after they use
24 these poles for a year, they leave them in
25 the bayou. And we have broken-down,

1 neglected, derelict poles floating in our
2 canals with monofilament line and these hooks
3 on them. And this is a -- this could be a
4 bad situation.

5 We did witness, an individual and I last
6 year, some fishermen using these poles. They
7 had possession in their boat firearms and
8 alcohol. And if you redfish or you trout
9 fish in these canals and you wrap your
10 trolling motor or your regular outboard on
11 these poles or trotlines, you have to stop
12 and dig it out. And if you're caught there
13 digging a trotline out of your trolling motor
14 or your outboard motor and this individual
15 pulls up and he's been drinking with a gun in
16 his boat, this is a bad situation.

17 It's a safety factor for sure, and I'm
18 asking that a law be established that
19 requires that if you use trotlines or if you
20 use bank hooks or cane poles, you put them
21 out that morning, you stay with them.
22 They're in possession of you, or you're in
23 their possession. And when you leave, go
24 back on that boat, they go home with you.
25 They're not left to continually fish 24/7.

1 That's what I'm looking for.

2 MR. GOLLOTT: I'm sorry. Would you
3 repeat your name?

4 MR. LAIRD: James Laird.

5 MR. GOLLOTT: Mr. James, I'm sorry. I
6 don't quite understand. I always thought
7 that they use the cane poles just to tie a
8 rope onto -- you know, tie the nets off.
9 What kind of hooks do they use?

10 MR. LAIRD: They're using monofilament
11 line. At the end of the monofilament line,
12 the Kahle hook, stainless steel Kahle hook,
13 not a rustable hook. These poles are stuck
14 into the side of the bank, and the line hangs
15 down in the water.

16 MR. ASPER: He notified me about this
17 some months ago, and I went out and checked
18 out this area, and there are a lot of them.
19 It's not like there's one every now and then.
20 There's, like, one every 10 feet for hundreds
21 of yards down the side of this bayou. It's a
22 growing problem, too. If you go out on the
23 Jourdan River, you'll see them.

24 MR. LAIRD: You could cross the Jourdan
25 River right now and look either north or

1 south, and you'd have broken-down poles
2 hanging in the Jourdan River now with lines
3 down in the water.

4 You know, we're supposed to be good
5 stewards of what the good Lord has given to
6 us. And we're to take care of what we have
7 been given, and we're to be responsible. And
8 this is -- it's terrible, you know. I don't
9 have anything against somebody fishing, but
10 if you're going to fish, when you leave, take
11 your equipment home with you. Someone else
12 has the right to use that water, too, and it
13 doesn't need to be a hazard for someone else.

14 It's called responsibility. And I'm
15 asking the commissioners to look into this
16 and draw up an ordinance to make each and
17 every one of us responsible for what we do
18 and not to infringe on someone else's right
19 to use our waterways and our byways here in
20 the state of Misissippi.

21 MR. ASPER: All right. Well, thank you
22 very much.

23 Dale, could we talk about this a little
24 bit when you come up on fisheries?

25 MR. DIAZ: Sure.

1 MR. ASPER: I'd like to ask a couple of
2 questions about it. Thank you very much.
3 Anybody else?

4 MR. BERNDT: My name is Gary Berndt,
5 B-E-R-N-D-T, and I basically just have a
6 question. Several of the residents that live
7 along North Haven Canal are becoming quite
8 concerned with all the runoff and the fact
9 that about 50 percent of the time, even in
10 summer, we can't get boats in the water from
11 the boat lifts. And we wanted to know who we
12 need to contact about having this dredged.

13 MR. TAYLOR: Where is North Haven Canal?

14 MR. BERNDT: Down the street, Brasher
15 Road.

16 MR. TAYLOR: North Haven Subdivision?

17 MR. BERNDT: Uh-huh.

18 MR. GOLLOTT: Is it a natural thing that
19 it's filling in, or do people fill in around
20 it and it runs into the water, or what's the
21 deal?

22 MR. BERNDT: That's a good question.
23 There's drains from the streets that run
24 directly into it with no catch basins.

25 MR. ASPER: I think this is a question

1 for our Coastal Ecology people. Willa is
2 going to be coming up in a little while.
3 Willa, could you address that when you come
4 up? That would be great. She is definitely
5 the person who would know who to go to for
6 these answers.

7 MR. BERNDT: Thank you.

8 MR. ASPER: Thank you. Anybody else?
9 Okay. Well, thank you. We move on now to
10 the executive director's report.

11 MR. ZIEGLER: We have no report.

12 MR. ASPER: Okay. Then on to marine
13 patrol. Chief.

14 MR. CHATAGINER: Good morning, Mr.
15 Chairman, Commissioners, filling in for Dr.
16 Walker, our chief of staff, Mr. Ziegler,
17 Ladies and Gentlemen in the audience. Marine
18 patrol has been out busy again. Probably our
19 biggest set of violations and all have been
20 in boat and water safety. We're steady
21 citing people trying to get them in
22 compliance. Insufficient PFDS, we only had
23 three, but the children would have been the
24 most serious ones.

25 There's really nothing outstanding that

1 puts us on the chart. We had a few
2 undersized Speckled Trout, Red Drum, Cobia,
3 some undersized shark and possession of shark
4 without a highly migratory species permit
5 coming out of federal waters. We had one
6 unlawful sale of fish with a commercial
7 fisherman who had an expired license, I
8 believe it was.

9 We did some JEA patrol. We had 32
10 different patrols, and we got five action
11 reports out of it, enforcement action
12 reports, and one state citation was issued,
13 and we made 291 different contacts while we
14 were out there with people fishing.

15 We had a few boat accidents, none with
16 injuries, fortunately. None of them were
17 really major. We worked a few special
18 events, the Blessing of the Fleet, the
19 Billfish Tournament, and the Special Olympics
20 Sailing Regatta in Ocean Springs, which we do
21 every year for them.

22 Couple of presentation outreaches was at
23 the Gulfport Harbor and Gulfport Lake. We
24 did a little outreach thing. Our dive team
25 assisted the fishery bureau, again checking

1 oyster reefs. That went well.

2 I don't have all the numbers and hours
3 that we expended, but we just put in a good,
4 long four days working this governor's
5 conference. We had to provide security
6 behind the casinos 24 hours a day and slow
7 the boat traffic down and eliminate any kind
8 of traffic from trying to get into the
9 harbor. I don't think they had any problem.
10 Maybe one or two people complained about they
11 wasn't notified enough about the no-wake
12 zone. No citations were issued. Other than
13 that, that's pretty much it.

14 We did a rescue the other night in the
15 middle of the -- 1:30 at night I think the
16 call came in. They couldn't get ahold of the
17 Gulfport Coast Guard. They couldn't get
18 ahold of the Pascagoula Coast Guard station.
19 Mobile finally got ahold of us. We
20 responded, and I think there was five people
21 taken out of the water.

22 When we did these patrols through this
23 governor's conference, we invited the
24 Wildlife Fisheries and Parks office to
25 supplement our manpower. They had officers

1 on the boats with us. Everything worked out
2 great. They enjoyed themselves down here and
3 complimented us on the hospitality.
4 Hopefully they'll return the favor to us when
5 we go work for them. Any questions?

6 MR. ASPER: I have a couple of
7 questions. First of all, what happened with
8 the boat when those six people were taken off
9 of it? Did it sink?

10 MR. CHATAGINER: Yeah, they were
11 sinking. When they got there, they were just
12 about another foot of free board left from
13 going completely under. They got the people
14 out of the water. The boat went down. They
15 left the boat there. The man started making
16 arrangements the next day to get his boat
17 back.

18 Gulfport Coast Guard finally got
19 notified because they called us and asked us
20 for the information so they could do a
21 report. We told them that the information
22 was out there on the boat and they had to go
23 out there and find it, I guess. Maybe
24 they'll wake up next time.

25 MR. TAYLOR: The boat had a crack in the

1 hull that was repaired?

2 MR. CHATAGINER: I don't know if they
3 hit something or just boat fatigue or what,
4 but I know it was sinking. And we had a
5 20-minute response time, which is real good
6 from having to leave the harbor, get to Ship
7 Island, and get the people out of the water.
8 So there wasn't any time wasted.

9 Matter of fact, I think one of the
10 officers -- I'm trying to remember who done
11 it. It was some of the people off the night
12 crew we had to break away from the detail and
13 get it done.

14 MR. ASPER: And we also received a news
15 release about some gill nets that were
16 confiscated off of Gulfport pier, I believe
17 it was.

18 MR. CHATAGINER: Yeah. That was four
19 Hispanic individuals that had them a 100-foot
20 gill net, and they were out there working it.
21 And they also had some crabs. They also went
22 to jail, and there was 28 different citations
23 issued.

24 MR. TAYLOR: How much fish did they
25 have?

1 MR. CHATAGINER: Did we ever get a count
2 on how many fish they had in the net? Mullet
3 and egg crabs. Expensive fish.

4 MR. ASPER: Were they targeting mullet?
5 What were they targeting?

6 MR. CHATAGINER: Who knows with gill
7 nets. I mean, most likely it probably wasn't
8 mullet because you've usually got to make a
9 shed around mullet. I'm not sure, you know,
10 because they walked out. They didn't do it
11 by boat. We got there before they got the
12 net up. They were trying to get it up.

13 Evidently they knew something wasn't
14 legal. They were trying to get it. But
15 we've caught them there before, same
16 situation, in that area walking out with gill
17 nets.

18 MR. ASPER: The last question I have is
19 regarding these cane poles. What rules do we
20 have in place that would govern unattended
21 fishing gear like that?

22 MR. CHATAGINER: We don't have a rule.
23 My understanding is Wildlife has a rule that
24 allows them to have a 100 drop line.

25 MR. ASPER: From a trotline, or from a

1 single cane pole, or does it matter?

2 MR. CHATAGINER: I don't think it
3 matters. But I think, if you're asking my
4 opinion --

5 MR. ASPER: I am.

6 MR. CHATAGINER: -- I think they ought
7 to be banned. If you're going to fish by a
8 pole, you need to hold on to the pole and
9 fish. If you're going to fish with
10 trotlines, put a trotline out.

11 I mean, virtually if there's no rules, I
12 could go every five feet and put a pole, and
13 nobody can go down the bayou, or nobody could
14 stop and fish. It is a hazard, but right now
15 we don't have any rules. And even if we had
16 to keep the cane pole rule, require them to
17 have a tag on the pole so we know whose pole
18 it is. And if they leave it out overnight,
19 we can go pick them up and issue them a
20 citation.

21 Trotlines require the people to have a
22 tag on the trotline. Gill nets are required
23 to be tagged with a biodegradable tag. I
24 mean, there's got to be some responsibility
25 to it.

1 I can tell you -- I can see somebody
2 going down the bayou, hit one of these poles,
3 and a hook come flying up out of the water
4 and hits somebody in the face or the arm. It
5 can do a lot of damage.

6 But if you're asking my opinion, I don't
7 think it's -- it's not a way of sports
8 fishing. I mean, to me fishing is holding a
9 rod and reel and fishing.

10 MR. ASPER: Yeah, it seems to me
11 the -- we'll talk to Dale about it here in a
12 minute, but it seems to me that there's a
13 very good likelihood that fish will get on
14 these hooks and die. And then the crabs and
15 other fish are going to eat them, and they
16 become killing devices more than fishing
17 devices, especially if they're out there for
18 a long period of time.

19 MR. TAYLOR: Like using a crab trap
20 without a float on it.

21 MR. CHATAGINER: Well, you know, that's
22 just my opinion. Speaking as law
23 enforcement, eventually it will be a problem
24 because if we allow it to continue, they'll
25 be putting them everywhere.

1 MR. ASPER: Well, they are already
2 putting more and more and more.

3 MR. CHATAGINER: But you're talking
4 about they're putting them in bayous right
5 now. Why can't you go put one out in Heron
6 Bay, put them in Back Bay; you know, just
7 stick a pole out there?

8 MR. ASPER: Okay. Any other questions?
9 All right. Thanks, Chief. I appreciate
10 that.

11 MR. DIAZ: Good morning, Mr. Chairman,
12 Commissioners, Mr. Runnels, Mr. Ziegler. I'd
13 like to mention just a few things
14 that's -- I'm sorry. I'm Dale Diaz, Director
15 of the Office of Marine Fisheries. We just
16 recently did the bids for the fall shell
17 plant. All together we put out a million
18 dollars for bids. A Mississippi company was
19 awarded the bid on July 1st, and it's going
20 to be Mississippi Marine. The winning bid
21 for Mississippi Marine is to put out 24,000
22 cubic yards of limestone, and this plant will
23 take place sometime during the month of
24 August or September.

25 So we're moving forward on that. We're

1 doing all the things that we can do to make
2 sure that plant's ready to go.

3 Also, I wanted to mention to the
4 Commission, about a year ago we started doing
5 some seminar series, and we're getting rigged
6 up for the third one. And the goal of this
7 thing is to get interested parties together
8 to look for opportunities to improve the
9 Mississippi Sound and our resources. Like I
10 say, the third one is going to be coming up.
11 It's going to be on Friday, July 31st, 2009.

12 And the Mississippi Department of Marine
13 Resources and partners will hold the next in
14 a series of seminars aimed at enhancing
15 familiarity between interested groups and
16 increasing awareness of programs, needs, and
17 opportunities that are relative to marine
18 research in Mississippi waters. Harmful
19 algae blooms will be the subject of the
20 seminar, and it will be held right here in
21 this room from 9:00 a.m. to 11:00 a.m. on
22 July 31st. The keynote speaker will be
23 Vincent Lovko of the University of Southern
24 Mississippi. So if any of the commissioners
25 or members of the public could make that, we

1 would welcome you.

2 Also, we're always looking for
3 opportunities to make these seminars more
4 effective. If anybody has got any ideas on
5 how we could do a better job at presenting
6 this information or get more collaboration
7 between people that participate, let us know
8 and we'll be glad to try to implement some
9 things that would make it more effective.

10 Some of the future topics that we're
11 looking at for these seminars will likely be
12 invasive species, water quality, and things
13 of that nature. So we're going to continue
14 them about every three to four months.

15 Also, I wanted to mention that there was
16 a derelict vessel that had been along the
17 shoreline just east of the Biloxi Small Craft
18 Harbor for quite some time. And we got a lot
19 of calls on this vessel over the last six or
20 eight months. We just recently did a news
21 release. The vessel -- the DAR Fishery
22 Program, the Mississippi Gulf Fishing Banks,
23 and the Derelict Vessel Program partnered
24 together to get this vessel cleaned up and
25 put out for an artificial reef on FR13.

1 All together the cost of this project
2 was \$32,000, and the cost was shared between
3 Mississippi Gulf Fishing Banks and
4 Mississippi DMR Derelict Vessel Program.
5 Since 1998, 43 vessels have been used in this
6 manner to create habitat on our artificial
7 reefs, and all together, 190 vessels have
8 been removed through the Derelict Vessel
9 Program.

10 There's not a whole lot of states that
11 have the Derelict Vessel Program. I think
12 this is something that we're out in front
13 leading on, and I would hate to think what
14 the Coast would look like if we didn't have a
15 program to remove these vessels.

16 So it doesn't get all the attention it
17 deserves. It's doing a whole lot of good,
18 and I'm real proud of the fact that we're
19 able to do this work.

20 MR. TAYLOR: Dale, I've been involved
21 with the Mississippi Fishing Banks as an
22 officer before I came on the commission, and
23 there's not many states, if any -- if y'all
24 read and if you get publications about
25 artificial reefs, there's not many states

1 that have a working relationship like this
2 department and the private charity-type
3 organization has. And if you look at the
4 cost, and I have done this, of getting a
5 vessel or something on the bottom, in
6 Mississippi the cost is about one-tenth of
7 what other states are to put a boat or a reef
8 on the bottom. I mean, it's really a great
9 partnership, and I have to commend the people
10 in DMR for working and also the people with
11 the Fishing Banks because it is a great,
12 great program.

13 And there is an article that I'll
14 forward to you on the economic impact -- I
15 just got it -- of the artificial reef
16 programs out of Florida. I will forward that
17 to all of the commissioners. I got it last
18 week.

19 MR. DIAZ: Thank you. We look forward
20 to continuing to work with the Mississippi
21 Gulf Fishing Banks on these projects. If
22 you'd like, we could discuss the issue that
23 Mr. Laird brought up, if you'd like.

24 MR. ASPER: Please.

25 MR. DIAZ: First of all, I'd like to

1 thank Mr. Laird for taking his time out to
2 come down today and voice his opinion to us,
3 and we appreciate that. I'm going to ask
4 Buck to come up for a few minutes because
5 Buck's been dealing with this. We get
6 complaints on this from time to time, and
7 he's a lot more familiar with it than I am.
8 If you would like, we certainly can put some
9 proposals together and give the Commission
10 some options at a future meeting if it's the
11 Commission's desire.

12 MR. TAYLOR: I'll make a resolution that
13 we do that, so that we expect the Staff to
14 come up with some ideas and solutions for a
15 future meeting.

16 MR. ASPER: Okay. Is there a second to
17 that?

18 MR. BOSARGE: Yes, sir, I definitely
19 will second that.

20 MR. ASPER: All in favor say aye. So
21 the Commission is resolved to request that
22 the Staff do that.

23 Buck, I'd like to hear what you have to
24 say, your synopsis of where we stand on it.

25 MR. BUCHANAN: A synopsis of where we

1 stand on the cane poles?

2 MR. ASPER: Yeah.

3 MR. BUCHANAN: Well, you and I have both
4 been out there taking a look. They're not
5 every 10 feet apart. That's a little bit of
6 a stretch, but there's a bunch of them.

7 MR. ASPER: Some places I think 10 feet,
8 maybe less.

9 MR. BUCHANAN: Well, I haven't been up
10 the Jourdan River to take a look at that, but
11 there are quite a few cane poles. I don't
12 disagree. We have no regulations currently
13 towards that kind of gear, and people should
14 be responsible for the gear that they put
15 out.

16 MR. BOSARGE: Buck, are these guys
17 catching fish to eat, or are they catching
18 fish to sell?

19 MR. BUCHANAN: We don't know. I'm
20 assuming that it's commercial, but I don't
21 know that to be true. Up the Jourdan River,
22 I mean, that would be illegal, but not that
23 that's a big stretch for somebody to do
24 something illegal. But I would suspect up
25 the Jourdan River that it's probably

1 recreational. Again, I don't know that.

2 So that's where we stand.

3 MR. ASPER: Okay. So if y'all could put
4 together some ideas, solutions to this and
5 recommend an ordinance, that would be good.

6 MR. DIAZ: We'll have that for y'all at
7 the next commission meeting.

8 All right. First up on the Marine
9 Fisheries agenda is Bill Richardson, and Bill
10 Richardson is going to do a shrimp season
11 update.

12 MR. RICHARDSON: Good morning. My name
13 is Bill Richardson. I'm with the Shrimp and
14 Crab Bureau, and we're going to do a little
15 shrimp season update maybe. Maybe not.

16 All right. 2009-2010 shrimp season:
17 This has been a strange year. This is the
18 first time we've ever opened two different
19 areas. We opened south of the intracoastal
20 first, and then we opened all state waters
21 after that. That aerial count of 230, that
22 was on June 25th, opening just south of the
23 intracoastal. I believe I've got the
24 numbers.

25 This is our shrimping grounds. The line

1 running east to west that breaks up that -- I
2 guess that's maroon and blue, that's the ICW.
3 That's the line that we opened first south of
4 that, and then a couple of weeks later we
5 opened all the waters, as we see right here.

6 June 25th, that's when we opened south.
7 We had 230 boats counted. Then July 7th we
8 opened all waters. We had 212 boats. I
9 believe we got that from Tiny and his crew,
10 and we appreciate that because it was a rough
11 day. Our flight got canceled because of
12 weather, and it was not a pretty day to be
13 out running around the water. We appreciate
14 them getting a count for us.

15 Here's the license sales. We're down a
16 little bit. That is as of yesterday for this
17 year, and it's down a little bit from last
18 year. The recreational was way down I
19 noticed, but that's just, I guess, effort.
20 The weather wasn't good. A lot of people
21 don't buy their license until right when we
22 open the season, anyway, so that may reflect
23 that.

24 And this is just some of our
25 conservation directives, things that are in

1 place to try to manage the shrimp fishery,
2 like area closures and areas that aren't
3 legal to shrimp in, like around the islands.
4 And we have some gear limitations.

5 This is just landings for last year. I
6 haven't gotten '09. We haven't gotten what
7 counts we have now, but I did look at NOAA's
8 landings for -- they do a shrimp report each
9 month, and the month of June we were only
10 down 100,000 pounds from last year. So
11 really, you know, we're not having a lot of
12 catch, but the numbers seem to be not as low
13 as it sounds.

14 And to wrap it up, we started this
15 hotline this year, and we've had almost 600
16 hits so far from that, so it is getting used.
17 I know a lot of those were because everyone
18 was ready to open the season, but it is -- it
19 seems to be working, and that's a good deal
20 for us. So with that, let me have it.

21 MR. TAYLOR: Could you put the licenses
22 slide back up on the screen?

23 MR. RICHARDSON: Yeah. Let's see.
24 That's 416 resident commercial licenses; 177
25 recreational -- resident recreational; and I

1 think we had -- no. I'm sorry. That 177,
2 that is non-resident commercial.

3 MR. TAYLOR: Just the pressure is down?

4 MR. RICHARDSON: Pressure is down.

5 That's been steady pretty much in the past 10
6 years it's been going down, and that's around
7 the Gulf, you know. It's the cost, the
8 imports.

9 MR. TAYLOR: Would these figures
10 represent shrimpers that shrimp in the Gulf,
11 you know, say south of the barrier islands?

12 MR. RICHARDSON: No. That's pretty
13 much -- I'm not sure what year that was that
14 it was set. They made a moratorium,
15 basically, on it. There's a set number of
16 permits for federal waters, and that covers
17 all the Gulf. And that number doesn't
18 increase or decrease. You have to buy a
19 permit from someone who has one now to get in
20 that fishery.

21 MR. ASPER: Could you say that again?
22 Where is that at?

23 MR. RICHARDSON: That's in the federal
24 waters.

25 MR. ASPER: Federal waters?

1 MR. RICHARDSON: Yeah. And that was
2 about three to four years ago.

3 MR. BOSARGE: Four or five years ago
4 now. Also, in your number of commercial
5 residential licenses, you know, the Gulf
6 boats that do not fish actually in
7 Mississippi, but they still buy that license?

8 MR. RICHARDSON: Yes. Yes. Most of
9 them buy a Mississippi license, yes.

10 MR. GOLLOTT: Mr. Richardson, since we
11 hold you responsible for the shrimp harvest
12 in Mississippi, what happened this year?

13 MR. RICHARDSON: Well, I've been trying
14 to get in touch with Mother Nature. Her
15 number seems to be tough to get, but I think
16 we had a lot of latter -- cold fronts later
17 than we usually do. I mean, we had one
18 June 1st. We got down in the 60s.

19 I talked to some shrimpers working
20 Louisiana, and they said it's the first time
21 they ever had to wear coats and a hat working
22 at night when they opened.

23 We had a lot of rain north of the state.
24 I mean, our sampling throughout from March
25 on, the numbers just weren't there. I mean,

1 we were catching shrimp, but there just
2 wasn't any number to them, you know. I mean,
3 that's all I can come up with.

4 Somebody put a curse on us or something,
5 but I did hear the same things for Alabama,
6 that, you know, it didn't look very good over
7 there. This side of the river in Louisiana,
8 the same thing. They've been working on some
9 big white shrimp. That's kind of been
10 supplementing them a little bit.

11 Hopefully we're starting to see some
12 good numbers on post-larval white shrimp.
13 The past couple of years that's been these
14 inshore boats' bread and butter, anyway. So
15 hopefully that will, you know, make up for
16 this bad brown season.

17 MR. GOLLOTT: Thank you.

18 MR. ASPER: Bill, I've got to ask you,
19 given the decline in the numbers, given the
20 cost of fuel, given the competition of
21 foreign shrimp, given the cost of doing
22 everything, do you think it would be a good
23 idea to institute a limited entry program
24 like the Feds have done in order to protect
25 the livelihoods of these guys?

1 MR. RICHARDSON: Well, we've looked into
2 all the Gulf states' license sales over the
3 past 15, 20 years. It's regulating itself.
4 I don't see a reason to buy them back when
5 the reduction is occurring naturally. You
6 know, Texas I think is the only state that's
7 done it, and, you know, they didn't have a
8 crystal ball when they did that.

9 So I don't know if it worked or didn't
10 work, but I think it's happening naturally,
11 you know, the reduction is, because it's been
12 pretty steady. And comparing states, they're
13 pretty -- they're in the same range as for
14 reduction, but that's -- you know, that's my
15 opinion.

16 MR. ASPER: How do the shrimpers feel
17 about it? Are they interested at all in
18 trying something like that?

19 MR. RICHARDSON: I've heard mixed. I've
20 heard some for it and some against it. If
21 you put a moratorium on them, then what
22 happens if people want to get back in the
23 fishery, you know? It just doesn't seem
24 necessary to me. Like I say, you're just
25 getting an opinion.

1 MR. ASPER: I'm sure you keep your
2 finger on the pulse of the industry, and I
3 appreciate that. We need to make sure that
4 we do whatever we can to ensure that our
5 industry remains healthy.

6 MR. RICHARDSON: Yeah. Yeah.

7 MR. ASPER: And the people who are
8 working at it who are working just really,
9 really hard need to know that their jobs are
10 as secure we can make them.

11 MR. RICHARDSON: Yeah. And over the
12 past couple of years we've done things to try
13 to promote the industry, you know. I don't
14 know. I got some colorful comments this year
15 about the opening and all of that, but, you
16 know, that's their livelihood, so they
17 deserve to vent. I don't mind being the
18 recipient of that. Anything else?

19 MR. GOLLOTT: Chairman, I had something.
20 I would ask the Staff to go back and look at
21 the Texas buy-back program, limited-entry
22 program. The state of Texas since 1995 has
23 reduced their fishing license by 59 percent.
24 The state of Louisiana is 63 percent without
25 any buy-back program, and Mississippi has

1 been 59 percent.

2 Another factor is under the Magnuson
3 Act. If the domestic fisheries is not
4 capable of taking optimum yield of a fishery,
5 then foreign nations can come in here and
6 take our shrimp. So, you know, if we reduce
7 our fishery any more, we might be looking at
8 Japan factory ships out there taking our
9 shrimp. That's fact. It's in Magnuson. You
10 know, I think the shrimping industry is doing
11 fine.

12 MR. RICHARDSON: Is it that good?

13 MR. ASPER: Yes.

14 MR. RICHARDSON: Thank you.

15 MR. ASPER: Thank you, Bill. Good job.

16 Next up for Marine Fisheries is
17 Mr. Erick Porche. He's going to give a
18 report on state records.

19 MR. PORCHE: Good morning. We have
20 eight conventional records and one fly
21 fishing record to submit to you today. First
22 up is conventional records. First up is the
23 Tiger shark, *Galeocerdo cuvieri*: Old record
24 is 90 pounds, 15.2 ounces. We have a new
25 record of 120 pounds, 12.8 ounces caught by

1 Tonya Rae Mills.

2 Gulf Kingfish, *Menticirrhus littoralis*:
3 Old record of one pound, 15.18 ounces. New
4 record of one pound, 15.36 caught by Tony
5 Fimiano.

6 MR. GOLLOTT: That's a ground mullet,
7 ain't it?

8 MR. PORCHE: Ocean Triggerfish,
9 *Canthidermis sufflamen*: Old record, one
10 pound, 6.56 ounces. New record of
11 three pounds, 2.8 ounces caught by Lee
12 Westmoreland.

13 Finetooth Shark, *Carcharhinus isodon*:
14 Old record of 11 pounds, 7.9 ounces. New
15 record, 21 pounds, 11.84 ounces caught by
16 Dylan Mills-Derouen.

17 Bull Shark -- first-time entry --
18 *Carcharhinus leucas*. It's a new record of
19 130 pounds, 7.36 ounces caught by Lane
20 Russell.

21 Leopard Toadfish, *Opsanus pardus*: It's
22 also a first-time record at one pound, five
23 ounces caught by Michael Fournier, Jr.

24 Blacknose Shark, *Carcharhinus acronotus*:
25 Old record of 14 pounds, 13 ounces. There's

1 a new record of 20 pounds, 13 ounces caught
2 by Andrew B. Odom. And I believe Mr. Odom is
3 with us today, and if it pleases the
4 Commission, after the vote, if I may call him
5 up, please.

6 Bonnethead, *Sphyrna tiburo*: The old
7 record is seven pounds, 14.07 ounces.
8 There's a new record of eight pounds and zero
9 ounces caught by Ryan Smith.

10 And one fly fishing record of another
11 Finetooth Shark, *Carcharhinus isodon*. It's a
12 first-time entry. New record of 19 pounds,
13 1.92 ounces caught by Doug Borries.

14 Any questions?

15 MR. DRUMMOND: How many state records
16 does Doug Borries have?

17 MR. PORCHE: He's piling up the fly
18 fishing lately.

19 MR. GOLLOTT: I'd like to make a motion
20 that we accept that.

21 MR. TAYLOR: Second.

22 MR. ASPER: All of those in favor, say
23 aye. They're all approved.

24 MR. PORCHE: If I may call up Mr. Odom,
25 please, and present him with his certificate

1 of saltwater conventional tackle record for
2 his Blacknose Shark at 20 pounds, 13 ounces.
3 Congratulations.

4 MR. DIAZ: That concludes the Marine
5 Fisheries section of the agenda.

6 MR. ASPER: Thanks. We'll go on to
7 Coastal Ecology.

8 MS. BRANTLEY: Good morning,
9 Commissioners, Dr. Asper, Mr. Zeigler, and
10 Joe. My name is Willa Brantley. I'm the
11 bureau director of wetlands permitting. And
12 Jan asked me to send you his apologies. He
13 says that he would much rather be here with
14 us today. He's at jury duty today. So he
15 says he would much rather be at the
16 commission meeting than there.

17 We have a couple of things. I wanted to
18 let you know that on August 4th through the
19 6th we are planning a wetlands and water
20 quality workshop. The subtitle is Regulating
21 Construction Impacts in Coastal Areas, and
22 that's Marian Dickens over at the -- I'm
23 sorry -- Marian Hanisko. She's married now.
24 She's helping us organize that. And Ali Rupp
25 over in Coastal Ecology, Coastal Preserves is

1 helping us out with that, too.

2 We're going to cover what is a wetland,
3 what are regulated activities within the
4 wetland, how to get a permit, what's the
5 permit process, and things like that. We're
6 targeting municipal and county workers so
7 that code enforcement officers and people
8 like that will know when they're out looking
9 at things whether to call us for a violation,
10 whether things need a wetlands permit. I
11 believe Marian was going to send all of you
12 the announcement on that. I hope you got
13 that.

14 We're having one on August 4th in
15 Jackson County at the Estuarine Research
16 Learning Center at the community college
17 campus, on August 5th at the University of
18 Southern Mississippi at their Gulf Park
19 campus in Long Beach, and August 6th at the
20 Diamondhead Country Club in Hancock County.

21 So you are all welcome to join us at any
22 of those. The hours are from 9:00 to 3:00,
23 and lunch is being provided. And if you have
24 any contacts that we would need to contact
25 and let them know about that workshop, I'd be

1 happy to take those either after the meeting
2 or by e-mail. That would be very helpful to
3 us.

4 Also, I spoke with Mr. Berndt who spoke
5 earlier about the North Haven Canal issue.
6 It seems as if it's runoff that has happened
7 over a long period of time, also maybe
8 contributed to by Hurricane Katrina. He says
9 he's going to check with some more of his
10 neighbors and be sure, but they don't think
11 that it's an isolated event from, like, a
12 wetlands fill violation, but we will do some
13 driving around that area looking and make
14 sure that we have things covered, if there
15 are any violations in that area.

16 MR. TAYLOR: Jim, I used to live on
17 that -- I used to have property on that
18 canal. It's a man-made canal, and it's
19 probably from the City with the drainage
20 ditches and all. It's never been a real deep
21 canal, but it is a problem. It was a
22 man-made canal, I think, when -- especially
23 the back part of it.

24 MS. BRANTLEY: He says that the depth
25 right now, say, mean high tide is

1 approximately one foot, and there's no water
2 in most of the canal at mean low water. So
3 people who used to be able to get 22-foot
4 boats can't get boats in the canal anymore.
5 I did advise him that usually it's the county
6 board of supervisors who do maintenance
7 dredging, possibly the City, but usually it's
8 the counties who take care of that. So he's
9 going to contact them. And are there any
10 other questions?

11 MR. ASPER: No. That's good.

12 MS. BRANTLEY: Okay. We have four
13 agenda items to present today, and Greg
14 Christodoulou will be presenting the first
15 one.

16 MR. CHRISTODOULOU: Good morning. My
17 name is Greg Christodoulou. I will be
18 presenting the first Coastal Ecology item,
19 H3A. This is a request for a permit
20 extension by Stanley Fournier, Jr. It is
21 located on Lake Villa Canal adjacent to Big
22 Lake in Biloxi. It's a general-use district,
23 and the agent for the project is Rob Briscoe.

24 Here's the location of the project.
25 It's in the red boxed area just west of the

1 Popp's Ferry Bridge on the south side. It
2 consists of a large main canal and then a
3 smaller side canal that branches off.

4 The applicant is requesting a two-year
5 extension of DMR-02632 which authorized the
6 maintenance dredging up to 9,600 cubic yards
7 of material to a depth of five feet below
8 mean low water. The main canal was
9 1,700 feet long and 30 feet in width, and the
10 smaller side canal was 280 feet long and
11 30 feet in width.

12 Here's a diagram of the project, cross
13 sectional area here. The actual channel,
14 itself, to be dredged is only going to be
15 30-feet wide. There will be a 20-foot buffer
16 between the channel and the homeowners'
17 properties, which most, I believe, are
18 bulkheaded. And then there will be a 50-foot
19 buffer between the marsh that is across from
20 the homeowners.

21 Chronology: The permit was approved by
22 the Commission with all work to be completed
23 by July 18th, 2005. In April of 2005, the
24 Commission approved a one-year permit
25 extension for the work to be completed by

1 July 18, 2006. And last year the Commission
2 approved an extension request until July 18th
3 of 2009. And here recently, June 17th, the
4 DMR received a request to extend the permit
5 for an additional two years until July 18th,
6 2011.

7 And based upon departmental review and
8 evaluation, it's been determined the project
9 is consistent with the Mississippi Coastal
10 Program by providing safe navigational depths
11 for recreational use. And the Staff
12 recommends that the Commission extend the
13 permit for an additional two years.

14 MR. TAYLOR: Mr. Chairman, I'm going to
15 abstain from any comments or voting on this
16 issue because I live on that canal.

17 MR. ASPER: Any comments?

18 MR. DRUMMOND: How long can you extend
19 the permit?

20 MR. CHRISTODOULOU: I believe they can
21 be indefinite. Is that correct, Joe?

22 MR. DRUMMOND: You started in 2002, and
23 then Katrina came along, and you want to go
24 to 2011?

25 MR. CHRISTODOULOU: Yes, sir. I think

1 it's a group of property owners that live
2 along the canal, and they're financing it
3 themselves. So I think it's a financial
4 issue more than anything else.

5 MR. GOLLOTT: Mr. Chairman, I would like
6 to make a motion to go with the Staff's
7 recommendation on this.

8 MR. DRUMMOND: I second the motion.

9 MR. ASPER: Those in favor say aye.
10 Passed.

11 Let the record show that Commissioner
12 Taylor did abstain from comments or vote.

13 MS. WITTMANN: Good morning. I'm
14 Jennifer Wittmann. I'll be presenting the
15 next project. We have a permit request by
16 the City of Gulfport, Department of Leisure
17 Services. This is located on the Mississippi
18 Sound at the intersection of Highway 90 and
19 Courthouse Road. It's located in the
20 general-use district, and the agent is BMI
21 Environmental Services. You can see the
22 project location. This is Highway 90,
23 Courthouse Road, the parking lot and the boat
24 launching facility and the jetty heading out
25 of the channel.

1 The applicant is seeking authorization
2 to construct routine maintenance dredging
3 within the existing channel and basin at the
4 Courthouse Road boat launch facility over the
5 next 10 years. Areas within the channel will
6 be dredged to a depth of four-and-a-half feet
7 below mean low water, and approximately
8 25,000 cubic yards of material will be
9 removed over the next 10-year period. The
10 hatched area is the areas that will be
11 dredged. You can see the boat launch
12 facility, the basin, and the canal.

13 The project serves a higher public
14 purpose by restoring safe navigational depths
15 and providing public access to and use of the
16 boat launching facility. The project is
17 allowable within the general-use district.
18 There are no precedent-setting effects. The
19 site has historically been utilized as a
20 public recreation area, and similar projects
21 have been approved by the Commission.

22 There will be a temporary increase in
23 noise and turbidity during the dredging
24 process. However, they will not exceed DEQ
25 guidelines.

1 Best management practices will be
2 utilized during dredging operation and to
3 minimize adverse impacts to coastal wetlands.

4 No off-site alternatives were
5 considered. This is a maintenance dredging
6 project, and the same channel path that was
7 previously dredged will be followed. There
8 will be no new dredging.

9 The project will not change the location
10 of the navigational channel and should not
11 affect the natural scenic qualities.

12 The notification appeared in the Sun
13 Herald as required. No public comments were
14 received. The Department of Environmental
15 Quality is reviewing the project. The
16 Department of Archives and History has no
17 objection, and the Secretary of State's
18 office has stated that a tidelands lease will
19 be required.

20 And based on departmental review and
21 evaluation, it has been determined that the
22 project is consistent with the Mississippi
23 Coastal Program, and Staff recommends
24 approval of the project and requests that the
25 City notify the Department of Marine

1 Resources if any maintenance dredging is
2 required in the next 10 years. And the
3 authorization will be contingent on water
4 quality certification and a tidelands lease.
5 Mr. Taylor.

6 MR. TAYLOR: Yes. You say that they
7 need a tidelands lease. Is it just a nominal
8 fee, or do they charge the City of Gulfport
9 the same rate that they would charge the
10 casinos?

11 MS. WITTMANN: It's my understanding --
12 and Ray Carter is here, and he may be able to
13 answer the question better -- that they
14 require the City to have a lease, but in the
15 past they haven't always required them to pay
16 a fee.

17 MR. CARTER: I'm Ray Carter with the
18 Secretary of State's office. And there's a
19 statutory provision that allows for
20 government agencies to obtain a lease. And
21 more specifically in this instance, it's the
22 whole area that we're talking about. We've
23 actually sent a letter, and you should be
24 getting a copy, that says as far as to the
25 extent of the dredging project, we're going

1 to let them go ahead with it, and we'll
2 resolve any lease issues on the whole area
3 later. Any further questions?

4 MR. TAYLOR: I make a motion we accept
5 the Staff's recommendation.

6 MR. ASPER: Second?

7 MR. BOSARGE: I'll second that motion.

8 MR. ASPER: Those in favor say aye.
9 Accepted.

10 MR. COLE: Good morning, everyone. My
11 name is Ron Cole, and I'll be presenting two
12 projects for your consideration this morning.
13 The first one is a violation/after-the-fact
14 exclusion by Dean Shepard, located on the
15 Mississippi Sound and Bayou Lamotte at 1125
16 Graveline Road in Gautier. It's in the
17 general-use district.

18 Here you can see an aerial of
19 Mr. Shepard's property. He has a unique
20 situation where his homesite is separated
21 from an island property that he has by a
22 bayou there. That's Bayou Lamotte. And in
23 red you see the unauthorized structures that
24 he has constructed, and in green you can see
25 the structures that he's proposing to build.

1 Description of the project: Mr. Shepard
2 has constructed an access pier on Bayou
3 Lamotte without authorization and is
4 requesting authorization to construct an
5 additional pier on the Mississippi Sound.

6 On April 29th, 2009, DMR received an
7 application from Mr. Shepard requesting
8 authorization to construct a pier measuring
9 300 feet by 4 feet on the Mississippi Sound.
10 On May 21st, 2009, a site visit by DMR staff
11 revealed that Mr. Shepard had already
12 constructed an access pier measuring 259 feet
13 by 5 feet partially over marsh vegetation to
14 access the island on his Bayou Lamotte side
15 of the property.

16 On July 9, 2009, Mr. Shepard submitted a
17 new configuration for the proposed pier on
18 the Mississippi Sound that consists of a
19 finger pier measuring 304 feet by 4 feet, a
20 T-shaped pier measuring 30 feet by 16 feet.

21 The new pier proposal would extend into
22 the Mississippi Sound around 400 feet for
23 mean high tide and measure about 2,016 square
24 feet. And this would be comparable to other
25 piers in the area.

1 Here you see a diagram of the previously
2 existing and the unauthorized structures on
3 Bayou Lamotte. The green structure there has
4 existed as far back as aerial photography
5 will indicate, which is about 1992. The red
6 structure was constructed around one year
7 ago, and it is unauthorized. He built it to
8 access the island property.

9 This is the proposed pier that he would
10 like to put on the Mississippi Sound. You
11 see it measures 400 feet out for mean high
12 tide.

13 Here's a photograph of the unauthorized
14 pier on Bayou Lamotte. This is another
15 photograph of the same pier. And you can see
16 in certain areas it's constructed over marsh
17 vegetation, and it doesn't comply with the
18 general permit guidelines in the fact that
19 it's too wide and too low. This is the site
20 for the proposed pier on the Mississippi
21 Sound.

22 And we got a comment from the Department
23 of Archives and History stating that they
24 would like to have a cultural resources
25 survey done on the island property because it

1 is a Native American shell midden. Sometime
2 in the past human remains have been found
3 there. So before we can issue a permit,
4 we'll have to get clearance from Department
5 of Archives and History.

6 So our recommendation for this project
7 after a thorough evaluation, we recommend
8 that the Commission order Mr. Shepard to
9 bring the unauthorized access pier into
10 compliance with general permit guidelines by
11 one of the three following options: Either
12 replace the decking boards over marsh
13 vegetation with light penetrable grating;
14 raise the sections of pier over marsh
15 vegetation to a height of two feet above the
16 top of the wetlands vegetation; or relocate
17 the sections of the pier over marsh
18 vegetation so that they are over open water
19 instead of vegetation.

20 We also recommend after-the-fact
21 approval of the already constructed pier once
22 brought into compliance with general permit
23 guidelines and a fine in accordance with the
24 penalty matrix.

25 If the pier over wetland vegetation has

1 not been brought into compliance within 90
2 days, we recommend that the matter should be
3 forwarded to the Attorney General's office
4 for further enforcement action. And I
5 believe Mr. Shepard is here today if you guys
6 have any questions for him.

7 MR. GOLLOTT: I have a question for him.

8 MARCIA SHEPARD: I'm Marcia Shepard.

9 DEAN SHEPARD: And I'm Dean Shepard.

10 MR. GOLLOTT: Mr. Shepard, who was your
11 contractor that drove the pilings for you?
12 Can I ask you that?

13 DEAN SHEPARD: I drove them myself. I
14 washed them in.

15 MR. GOLLOTT: Jet them down?

16 DEAN SHEPARD: Yes.

17 MR. GOLLOTT: Okay. Did you not know
18 that you had to have a permit to do this?

19 DEAN SHEPARD: No, sir, I didn't. I had
20 an existing pier. That land -- all the land
21 belongs to our family all in there. We've
22 lived there and had that land for
23 approximately -- I don't know -- 75 years.
24 It borders my uncle on one side, my cousin on
25 the other, and then next to him is my

1 brother, used to be my father.

2 We've always had a pier in the bayou
3 since 1950. My father built the pier. So I
4 just thought I could just extend it to the
5 island property. My father owned the island
6 property -- he's elderly now -- and he
7 gave -- I bought the island property from him
8 which we call "the island property." It's
9 not really an island. It's a peninsula.
10 Borders on one side and Bayou Lamotte on the
11 other side and marsh.

12 So, anyway, I needed access to the pier
13 to get to it because there's no other -- I
14 mean, to the island to get to it, so I made
15 an access pier. I made it low because I've
16 watched over the years the storms and watched
17 how piers that are built too high, you know,
18 the waves come up through there and tears
19 everything up.

20 So I built it low. I made spacing about
21 an inch and a half and the decking where
22 marsh could come up to it, which marsh does
23 grow. And, you know, I thought I was
24 doing -- it looked great. It didn't have any
25 access to the bayou so that the kayakers --

1 only kayakers use the bayou and basically
2 myself because nobody else is on it. The
3 bayou, I mean, nobody does anything to dredge
4 it or anything like that, so it's -- you
5 know, there's no -- there's not much depth
6 out in the mouth of it. But, anyway, I
7 wanted to make it so it would look nice and
8 it would follow the edge of the bayou.
9 That's what I thought I was doing.

10 So I knew that I had to have a pier for
11 the new pier that was off the island
12 property. So that's when I called DMR over.
13 And they came over, and the next thing I
14 know, they said, you've got a pier for that?
15 I said, no. I've already had a pier. I just
16 extended it. I had no idea I needed a pier
17 for -- I mean, a permit.

18 So, anyway, that's basically what
19 happened. Well, it is what happened, not
20 basically.

21 MARCIA SHEPARD: We talked to archives.
22 I don't like these things. The shell midden
23 that's there, I think -- well, anyway, we
24 talked to him, and we have an archaeologist
25 that's coming out to talk to us because we

1 don't plan to build anything on the island.
2 We just wanted to save our island, be able to
3 clean it. You know, it was covered in storm
4 debris and nastiness. So they're going to
5 come over maybe next week or so.

6 DEAN SHEPARD: Right. And, also, just
7 for your information, this is another thing,
8 this cultural thing. There's a shell midden
9 there that has some pieces of pottery on it.
10 That island has been washed by hurricanes
11 over the years. There's no telling how many
12 times that's been washed. There's no
13 archeological dig. You can't make a dig in
14 that island. It's nothing but shells in that
15 one part.

16 You know, the first estimate we got from
17 USA, there's over a thousand dollars to come
18 tell me -- you know, just to go put a pier
19 that's not even going to affect it. I felt
20 like that was really way out of line. So
21 that's what we're facing, you know, on the
22 whole thing.

23 MR. GOLLOTT: One more question. Do you
24 feel like you can have this completed in 90
25 days?

1 DEAN SHEPARD: Well, I don't think so.
2 Another thing that's bothering me with the
3 access pier is there's no way I can raise it.
4 There's two things. There's no really way I
5 can do that, and the only other way to do it
6 is through this grating, and the grating
7 costs that I've found that I can use is
8 \$700 -- \$700 for a five by ten foot of this.

9 Like I said, I don't know if I can do it
10 in 90 days, to be quite honest. I mean, it's
11 going to be about \$8,000, what they're saying
12 now. It's more than what the pier cost. I'm
13 retired. My wife's a schoolteacher. I mean,
14 we've been saving for this thing for the
15 pier, you know, since -- since forever.

16 MR. GOLLOTT: I don't think we have any
17 choice but to go with part of the Staff's
18 recommendation here because we would be
19 setting precedent, but what I'm asking you is
20 how many days do you think it would take you
21 to conclude this so we don't put an undue
22 burden on you?

23 DEAN SHEPARD: I don't know.

24 MARCIA SHEPARD: To bring the access
25 pier into compliance?

1 MR. GOLLOTT: If the pier over wetlands
2 vegetation is not brought into compliance
3 within the GP guidelines within 90 days, the
4 matter should be forwarded to the Attorney
5 General's office. That is pretty serious
6 there.

7 MR. TAYLOR: Six months?

8 DEAN SHEPARD: Six months.

9 MR. GOLLOTT: Mr. Chairman, I'd like to
10 make a motion that we go with the Staff's
11 recommendation, and instead of 90 days, we
12 put six months in there.

13 MR. TAYLOR: Second.

14 MR. ASPER: Any further discussion?

15 MS. HILL: Is there a fine?

16 MR. ASPER: What is the penalty?

17 MR. COLE: This project would fall
18 between 250 and \$400.

19 MR. GOLLOTT: Mr. Chairman, I'd like to
20 forgo the fines and not fine them because
21 they're going to have to spend all of this
22 money to bring this thing into compliance.

23 MR. ASPER: You okay with that, second?

24 MR. TAYLOR: That's fine.

25 MR. ASPER: No fine. No further

1 discussion? Those in favor say aye.
2 Accepted.

3 MR. COLE: Okay. Next up we have a
4 violation/after-the-fact general permit by
5 Huey James Hoover. It's located on Bayou
6 Heron at 149 Pittman Road in Ocean Springs.
7 This is also in the general-use district.
8 Here's an aerial of the project location.
9 It's located south of Old Spanish Trail, west
10 of Pittman Road on Bayou Heron.

11 Mr. Hoover constructed an access pier
12 and boathouse that are out of compliance with
13 his issued permit. On August 5th, 2008, the
14 DMR issued Mr. Hoover a general permit to
15 reconstruct an access pier and pier that were
16 damaged during Hurricane Katrina.

17 On January 29th, 2009, DMR issued
18 Mr. Hoover a general permit modification to
19 remove the pier at the end of the access pier
20 and replace it with a boathouse measuring
21 35 feet by 16 feet.

22 On June 8th, 2009, DMR received a letter
23 stating that Mr. Hoover had constructed his
24 boathouse and access pier out of compliance
25 with his issued permit.

1 On June 17th, a site visit by DMR staff
2 revealed that Mr. Hoover had indeed
3 constructed the access pier and boathouse out
4 of compliance with the issued permit. The
5 access pier has been constructed one foot too
6 wide and three feet too low, and the marsh
7 vegetation was destroyed during the process.
8 The previously existing pier that was
9 supposed to be removed was left in place, and
10 the boathouse was built outside of its
11 permitted location.

12 At this time Mr. Hoover explained that
13 it was his intent to be permitted for a
14 boathouse in addition to the existing pier
15 and that he constructed the boathouse on what
16 he felt to be the least-intrusive location.
17 However, this communication was not brought
18 to DMR's attention, and the structures were
19 constructed out of compliance with the issued
20 permit.

21 This is an aerial photograph from the
22 original permit request. You can see the
23 access pier was destroyed by Hurricane
24 Katrina leaving only the dock by the water.
25 This is a diagram that shows the structures

1 that he was permitted for, access pier
2 measuring 110 feet by 4-feet wide, and a
3 boathouse measuring 35 feet by 16 feet.

4 This is a diagram showing the structures
5 that he actually built. The access pier is
6 constructed one foot too wide and three feet
7 too low. The original pier was left in
8 place, and the boathouse was built in a
9 different location than where he was
10 permitted to.

11 This is a photograph from the site visit
12 recently. You can see the marsh vegetation
13 that was destroyed during the process of
14 constructing the access pier. This is a copy
15 of Mr. Hoover's most recent notice of
16 compliance, and you can see here that some of
17 the conditions stipulate that the pier had to
18 be built one foot above the top of wetland
19 investigation, shall be no more than
20 four feet in width, and vegetated wetlands
21 shall not be impacted.

22 So our recommendation based on a
23 thorough evaluation, we'll recommend that the
24 Commission order Mr. Hoover to bring the
25 access pier into compliance with his issued

1 permit and issue an after-the-fact general
2 permit for the boathouse and pier, allow one
3 full growing season for the marsh vegetation
4 impacted during construction of the access
5 pier to recover. If the vegetation does not
6 reach 50-percent coverage in that time or the
7 area becomes infested with invasive species,
8 Mr. Hoover should be required to restore the
9 area according to DMR's marsh restoration
10 guidelines, waive the typical fine in this
11 case because of the miscommunication between
12 Mr. Hoover and DMR, and require compliance of
13 the GP guidelines within 90 days, or the
14 matter should be forwarded to the Attorney
15 General's office.

16 And just for reference, we have posted a
17 penalty matrix for this one, even though
18 we're recommending that the fine be waived.
19 The fine would fall in this case between 200
20 and \$500, depending on whether we stated that
21 he had prior knowledge. And that may be
22 debatable depending on how you interpret
23 "miscommunication."

24 MR. GOLLOTT: Mr. Hoover here today?

25 MR. COLE: Yes, he is.

1 MR. ASPER: Ron, it looks like the
2 boathouse that's located there violates the
3 25-percent rule.

4 MR. COLE: It's close. What we did -- I
5 have a diagram here that shows the
6 measurements when we went out and looked.
7 Because it's at such an odd angle, what we
8 did was took an average of several different
9 locations. And he averages to be right at
10 21 percent, I believe. Would you like to see
11 the diagram?

12 MR. ASPER: No. That's fine. Just to
13 confirm for the record, it does meet that
14 guideline?

15 MR. COLE: It does.

16 MR. ASPER: It doesn't pose a hazard to
17 navigation?

18 MR. COLE: Plus, this is the last
19 property on that canal before you get to a
20 very low bridge that wouldn't be passable by
21 any sizeable vessel.

22 MR. ASPER: Any questions?

23 MR. GOLLOTT: Mr. Hoover, who was your
24 contractor on this?

25 MR. HOOVER: Good morning, gentlemen.

1 My name is Jim Hoover. My contractor was
2 Brandon Parnell of Shoreline Construction
3 Services. If I could, I'd like to make a few
4 comments unless you have further questions
5 before I do. My pier was reconstructed to
6 the exact measurements and dimensions that
7 existed prior to its demise in Hurricane
8 Katrina. To be specific, the access pier,
9 20 feet of it survived, very last 20 feet,
10 and along with the finger pier at the end.
11 I had no intention of removing that when I
12 applied for the permit.

13 I initially applied for the permit just
14 to rebuild the access pier out to that and
15 later asked for a request to build a
16 boathouse at the end due to Mr. Parnell
17 building a boathouse at the end of my street,
18 and I thought it would be a good opportunity
19 to get him to do that.

20 I have a picture here of my old pier
21 before it was destroyed, and the marsh is
22 thriving there. I've had many people from
23 DMR and Secretary of State's office out on
24 this pier prior to its demise, and no one
25 ever brought up a height issue about this

1 pier or a width issue. It was never
2 mentioned until just a few weeks ago to me
3 that it was out of compliance with the
4 height. You can see the marsh is doing very
5 well here.

6 Now -- excuse me -- the other issue with
7 Mr. Parnell, I was out of town and spoke with
8 him and made it clear giving him a copy of my
9 permit. He constructed the pier while I was
10 out of town and tied right into the old part
11 of my pier making it the same height and
12 width as it was before. I'm not sure I would
13 have had him do anything different as far as
14 the height of the pier had I been there
15 because, like I said, it was never an issue
16 before.

17 I know that after the hurricane, the
18 Commission allowed two years to reconstruct a
19 pier that had been destroyed in Hurricane
20 Katrina without a permit. I was
21 unfortunately occupied with other issues, and
22 that was not a priority. Had I done so, I
23 suspect that it wouldn't be an issue today.

24 So I'm asking -- as Mr. Shepard
25 mentioned, raising a pier not only is a very

1 logistical problem, but it subjects it to
2 further damage from any wave action, as you
3 know, tidal surge. So I'm asking -- I'm
4 begging that the Commission at least waive
5 the three feet. Wow, three feet height, that
6 would put me at danger of falling off this
7 thing and really hurting myself.

8 This is my pier before. It was rebuilt
9 to the exact dimensions. So that is what I'm
10 basing my request upon.

11 MR. GOLLOTT: When was your pier built
12 prior to the storm? Could it have been
13 grandfathered in, the height and the width?

14 MR. HOOVER: When was it originally
15 constructed?

16 MR. GOLLOTT: Yes, sir.

17 MR. HOOVER: Late '80s, I'm guessing.

18 MR. GOLLOTT: When did our regulations
19 kick in, that it has to be three foot above
20 the marsh?

21 MS. BRANTLEY: Actually, the general
22 permit guidelines state that it be one foot
23 above the top of the vegetation. And right
24 now it's approximately two feet below the top
25 of the wetland vegetation, so that's where

1 the three feet comes in. It needs to be
2 three feet higher than it is, not three feet
3 higher than the top of the vegetation. It
4 would be one foot higher than the vegetation.

5 MR. GOLLOTT: What I'm asking is, since
6 it was pre-Katrina, could this pier have been
7 built before our regulations came into being,
8 and would it have been grandfathered in if it
9 wouldn't have been torn up due to the storm?

10 MS. BRANTLEY: It's possible. Normally
11 what we require is that when a pier is
12 completely reconstructed, it be reconstructed
13 to fit the current guidelines. The 20-foot
14 section or approximately 20-foot section that
15 he said survived the storm, we would
16 definitely have allowed him to replace the
17 decking boards on that without raising it or
18 making it narrower to fit the guidelines.
19 But if there's any work done beyond just
20 replacing decking boards, we require it to
21 fit the current guidelines.

22 And that was written in the permit.
23 Those regulations were clearly stated. If
24 Mr. Hoover had a problem with those or wanted
25 to ask those to be waived, we would have been

1 glad to look at that, possibly bring that
2 before the Commission as a rebuild, rather
3 than a new access pier. But that wasn't
4 brought up to us, so we didn't have the
5 chance to go through that.

6 MR. ASPER: There seems to be a
7 discrepancy regarding the original pier and
8 how wide it was. I mean, according to these
9 diagrams that you provided, it makes the
10 original pier -- the remnant of the original
11 pier looks three-feet wide, and it looks like
12 what he built is a foot wider than the
13 original. Can you clarify that?

14 MS. BRANTLEY: On the diagram, or on the
15 actual --

16 MR. ASPER: Well, on the diagram, as
17 well as on the after-the-fact.

18 MR. COLE: I believe the original permit
19 that we had issued back in 2008 was for
20 four-foot wide.

21 MR. ASPER: The pier he built is
22 five-feet?

23 MR. COLE: Five-foot wide, correct.

24 MR. ASPER: How wide was the original
25 pier?

1 MR. COLE: There was nothing there to
2 measure.

3 MS. BRANTLEY: Well, we could have
4 measured, like I said, the 20 feet or
5 approximately 20 feet that was surviving.
6 Like I said, we would have allowed him to
7 build that back to the same footprint and the
8 same height, but the part that was completely
9 destroyed, our normal practice is to write a
10 new permit under the current guidelines.

11 MR. GOLLOTT: Was the pier completely
12 destroyed, or were the pilings still in place
13 on the section that was completely destroyed?

14 MR. HOOVER: Twenty feet of the finger
15 pier survived, and its dimensions and height
16 are exactly as the new pier. It was
17 five feet in width and the exact height as
18 the rest of the pier.

19 When Mr. Parnell's crew -- unfortunately
20 Mr. Parnell wasn't there to supervise as we
21 had talked about. When his crew showed up
22 and built the pier, they tied it into the
23 20-foot section that was surviving and made
24 it the exact width and height as that part.

25 Like I said, had it been two years

1 post-Katrina, I'm guessing it would not have
2 been an issue. I'm sorry to say it's a major
3 issue now.

4 MR. GOLLOTT: But when you got your
5 permit, they spelled out what you had to do
6 on the permit?

7 MR. HOOVER: Yes, sir.

8 MR. TAYLOR: Can we see the picture?
9 This is before the storm?

10 MR. HOOVER: This is before the storm,
11 yes, sir. There's nothing to see after the
12 storm.

13 MR. GOLLOTT: Was any pilings left in
14 the old section, the section that was
15 completely destroyed, or how completely
16 annihilated was it?

17 MR. COLE: I don't recall any pilings
18 left on my site visit. That was back in
19 2008. It's a possibility if there were any,
20 there were very small fragments left, but I
21 don't recall any.

22 MR. GOLLOTT: Do you intend to -- let me
23 ask you this: How many days do you think it
24 would take for you to get in compliance? I
25 mean, this 90 days is three months. That's a

1 pretty short period of time. I don't think
2 we have any choice but to make you bring
3 in -- the new section, bring it into
4 compliance because it was spelled out on the
5 permit, exactly what you had to do.

6 One of the reasons I asked you who your
7 contractor was is, I'm beginning to believe
8 that we should get some kind of a law passed
9 that the contractor is responsible for
10 building these things to code. I don't think
11 it's all the landowner's problem. I think
12 some of these contractors just, you know, do
13 what they want to. That's my reason for
14 asking who the contractor was.

15 Like I said, I don't think we have any
16 choice but to make you bring this thing into
17 compliance. How many days do you think it
18 would take you to do that?

19 MR. HOOVER: Well, I can tell you that I
20 hired a contractor because I didn't have time
21 to deal with this or the strength any longer.
22 Mr. Parnell certainly had a copy of the
23 permit, and we discussed how I wanted
24 the -- how the new pier should be
25 constructed. In fact, I was going to have

1 him move it over to the center of the part
2 over the water and destroy the old part. He
3 didn't show up. His crew did and tied into
4 the other part, just like I had mentioned
5 before.

6 Now, as Mr. Shepard said, logistically
7 raising a pier, I don't know. I don't have
8 the capability to do that. I'm not sure how
9 you could do that without -- safely raise a
10 pier. If there's somehow the Commission
11 could pressure Mr. Parnell to correct this,
12 then that's another thing, but it would
13 certainly take me more than 90 days to bring
14 this thing into compliance.

15 Just to mention, as you know, building a
16 pier is not a cheap thing. It was \$8,000 for
17 the pier and \$9,200 to have the pilings put
18 down for the boat shed. So that's an
19 investment of 18,000 and something dollars,
20 which is a considerable sum.

21 MR. GOLLOTT: Mr. Chairman, I think what
22 I'd like to do is table this until the next
23 meeting and give the Staff a chance to go
24 back to 1988, 1990 and see what the
25 regulations were back there on heights and

1 widths and all of that kind of stuff.

2 MR. DRUMMOND: Can I make a comment? In
3 that you have a permit to construct your
4 pier, as I see in this photograph here, you
5 had that permit, and you knew what you had to
6 do, Mr. Hoover, but you didn't build it like
7 the permit said build it in the first place.
8 You see the construction of the current
9 structure, and then you look at the permitted
10 structure. They're two completely different
11 items.

12 MR. HOOVER: Well, as Ron Cole had
13 mentioned earlier, my intent was never to
14 destroy the existing part of the pier. When
15 he drew up the original permit, there was
16 something like an eight-by-ten pier at the
17 end of the access pier, and when I came in
18 for the modification to ask for the boat
19 shed, he asked if I still wanted that
20 eight-by-ten part on there, and I said, no, I
21 never asked for that to start with.

22 So he removed the end of the pier and
23 stuck the boathouse there.

24 MR. GOLLOTT: Mr. Hoover, I think you
25 have an issue with Mr. Brandon Parnell. I

1 think you have a legal right. I'm not an
2 attorney, but that's who I would go to and
3 tell him I have a problem with this. You had
4 given him the permit and it had to be
5 followed, and now you've got a problem. I
6 think you have a problem with Mr. Parnell.

7 MS. BRANTLEY: I just wanted to clarify
8 a little bit. When the Commission grants an
9 after-the-fact permit, that's when a fine is
10 applicable. When restoration is done, a fine
11 is not applicable. So when we look at the
12 part that we're waiving the fine on, we're
13 looking at the pier and the boathouse,
14 after-the-fact part. That's why we
15 recommended to waive the fine on that, is
16 because we did feel like there was some
17 miscommunication and misunderstanding in how
18 Mr. Hoover wanted his permit to look.

19 As far as the access pier, that part was
20 permitted and requires restoration. So that
21 part would not have a fine applied to it.

22 MR. TAYLOR: Could he use grating
23 instead of bringing the pier up, you know,
24 like the gentleman before us? Could he use
25 grating, some kind of grating instead of

1 bringing the pier up to height?

2 MS. BRANTLEY: The Commission could
3 approve that. I don't know if it could be
4 approved under a general permit. We would
5 have to check with the Corps and make sure it
6 was okay with them. It was okay on the other
7 project, so I would feel like it would be
8 okay with the Corps on this one, too, but we
9 would have to confirm that with them.
10 There's still the possibility that they would
11 ask him to raise it to meet general permit
12 guidelines.

13 MR. GOLLOTT: And that's the reason I
14 made the motion that we table this until the
15 next meeting. That's a lot of money. I've
16 got a pier myself. If there's some kind of
17 way to work it out, I'd like to see that.

18 MR. TAYLOR: Would you check about the
19 grating, also?

20 MS. BRANTLEY: Yes. We'll check with
21 the Corps on that.

22 MR. ASPER: Okay. We have a motion on
23 the floor to table this until next month. Is
24 there a second?

25 MR. TAYLOR: Second.

1 MR. ASPER: Before we vote on that, does
2 that run us into any timing issues or
3 anything like that in terms of --

4 MS. BRANTLEY: Not on a violation.

5 MR. GOLLOTT: One more question. Willa,
6 it shows some pilings driven out into the
7 bayou over here. Is that a problem?

8 MS. BRANTLEY: No, sir. That's his
9 boathouse. He only has the pilings driven at
10 this time. He doesn't have a roof on it, so
11 that's why we showed it like that. We didn't
12 want to misrepresent what was currently
13 existing.

14 MR. ASPER: Any further discussion?
15 Thank you. On the motion to table this until
16 next month, those in favor say aye. Those
17 opposed? Carried.

18 I think that concludes the Coastal
19 Ecology.

20 MS. BRANTLEY: That does conclude
21 Coastal Ecology. I would just like to add we
22 have had some discussions in the office about
23 ways that we can improve people's
24 understanding of their permits once they
25 receive them. We've talked about making sure

1 that each person gets a telephone call to
2 explain the permit to them and make sure that
3 the permit is what they expected it to be.
4 We've also talked about putting in a brightly
5 colored cover letter, you know, to explain
6 that if your permit doesn't show what you
7 expected it to, contact us and we'll make
8 that change prior to construction.

9 So we are discussing some ways. I'm not
10 sure what we're going to end up with, but we
11 are discussing some ways to help alleviate
12 some of these situations where maybe the
13 person didn't understand exactly what they
14 were supposed to do according to their
15 permit.

16 MR. ASPER: Is there a way to hold the
17 contractors more responsible? Is there
18 something maybe we could put in that letter
19 that advises them that as the holder of the
20 permit, they're responsible for ensuring that
21 it's in compliance?

22 MS. BRANTLEY: We actually also talked
23 about that on the cover letter, to add in
24 our -- we talked to the legal staff, and they
25 advised us that we could put in suggestive

1 language for getting a contract between them
2 and their contractor that states that the
3 contractor will build the structures in
4 accordance with all applicable issued
5 permits.

6 And that would help us a lot in going
7 after the contractor. We do have that
8 option, but it's very difficult to go after
9 the contractor when there's no written
10 contract stating that they will follow the
11 permit. There's sometimes only a verbal
12 agreement, you know, between the property
13 owner and the contractor. So it's more
14 difficult for us to pursue that line against
15 the contractors.

16 MR. GOLLOTT: Is there a way to make the
17 contractor jointly apply for the permit to
18 make it clear that if they are not in
19 compliance, then we don't have to issue the
20 permit to the next person that he wants to
21 build a building for?

22 MS. BRANTLEY: I would say that that is
23 probably up to the property owner. If they
24 wanted to require their contractor to be a
25 joint applicant, that they would have that

1 choice. I would have to defer to Joe whether
2 we can force that issue.

3 MR. RUNNELS: Mr. Chairman, I don't
4 think that we can force that. Many times
5 you'll end up where an applicant is seeking a
6 permit before they've even contacted a
7 contractor. So I don't see that as a
8 plausible alternative.

9 But I don't want to leave the Commission
10 with the impression that we have not taken
11 action in the past against contractors
12 because I believe that we have in the past
13 brought contractors in and fined them. But
14 the difficulty you run into is you have a
15 dispute between the contractor and the
16 homeowner. The contractor says, I build it
17 the way the homeowner tells me they want it
18 built regardless of what your permit says.

19 So that's what we've run into in the
20 past. And we've actually contemplated with
21 contractors that we've had problems with
22 repeatedly bringing an injunction against
23 them to prevent them from installing
24 bulkheads and other projects without
25 complying with our permits. If they did so,

1 then they would -- the chancery court would
2 take action against them, not this
3 Commission. We've never gone that far yet,
4 but we have contemplated that action.

5 Usually what we end up with is you've
6 got contractors who are working without
7 contracts, and they're taking their direction
8 from the homeowners on what they want. It's
9 difficult to go after the contractors, but we
10 have done that in the past. I believe we
11 brought some -- there used to be a Dean
12 Parnell, I believe, that -- I don't believe
13 this was a Brandon Parnell, but there was a
14 Dean Parnell that I know we contemplated one
15 time taking action against. I probably said
16 something I shouldn't have.

17 MR. GOLLOTT: Let me ask you this, if I
18 may: Is there a way to get the applicant to
19 tell us who the contractor is going to be
20 before we issue the permit, and if they don't
21 have a contractor, they sign a paper
22 waiving -- you know, they're going to build
23 it themselves, but they're going to be
24 responsible for it instead of a contractor?

25 MS. BRANTLEY: Again, I would have to

1 defer to our legal counsel on that.

2 MR. RUNNELS: I don't think we have a
3 ready mechanism for that. When they sign off
4 on our permit, when they receive our permit,
5 the homeowner is assuming the responsibility
6 that they're going to comply with the permit
7 that was issued by the department.

8 MR. TAYLOR: I think we'll --

9 MS. BRANTLEY: The permit on the back
10 page has a signature block for the permittee,
11 and that is to be signed and returned to DMR
12 prior to construction. We don't always get
13 that. Technically if we don't get that
14 paperwork back, the permit is actually not a
15 valid permit until they've agreed to that.

16 MR. RUNNELS: I think Willa will
17 probably confirm that they have heard in the
18 past from members of the public that it's a
19 lot cheaper to go ahead and build it the way
20 you want it and pay a fine after the fact
21 than follow the permit guidelines. That's
22 what we run into repeatedly.

23 MR. GOLLOTT: Is there a way to have a
24 questionnaire where we get the name of the
25 contractor that's going to be working on

1 this?

2 MS. BRANTLEY: I don't know that we can
3 legally require the person to provide that
4 information.

5 MR. TAYLOR: I think what happens in
6 most cases is people get a permit before they
7 put something out to bid. So they don't know
8 who the contractor is, or they might not
9 build the pier for six months because of
10 money or whatever. I mean, just like the
11 dredging there in Lake Villa Canal. You
12 know, that's strictly probably money.

13 MS. BRANTLEY: Right. And a lot of
14 times we do have situations where a person
15 comes in, they have a contractor planned,
16 they designate that contractor as their
17 agent. We do have a form where they can do
18 that. And then in between getting the permit
19 and actually constructing, someone comes in
20 with a lower bid, and they change
21 contractors.

22 We hear that a lot in a lot of the cases
23 end unfortunately in a lot of the cases that
24 end up being violations. They tell us, well,
25 I have this person acting as my agent, but,

1 you know, this contractor came in, approached
2 me, said they could give me a lower price, so
3 I changed to this contractor.

4 MR. TAYLOR: I think if we -- just like
5 whatever business you're in, if you highlight
6 and make larger in our cover letter like
7 you're talking about, you are responsible for
8 making sure this pier fits your -- is in
9 compliance with your permit, and if whoever
10 is talking to these people tells them, you
11 know, in addition to having that in bold and
12 maybe a different color, that you would
13 eliminate a lot of he said/she said type
14 things that we typically see.

15 MS. BRANTLEY: We did change some
16 language in the permit. Right underneath
17 where our conditions are listed, we put in a
18 paragraph that states, any modifications must
19 be approved in writing prior to construction.
20 We put it in bold and italics. Part of it is
21 underlined. We did that a little under a
22 year ago, and that hasn't seemed to be any
23 help. So that's why we -- actually, I think
24 it was Ron who suggested the bright orange or
25 pink, some other color page at the front that

1 gives that information, the very first thing
2 that they see when they pull out their permit
3 out of the envelope.

4 MR. GOLLOTT: It's just that every month
5 we come here and we've got several
6 after-the-fact permits, and it just seems
7 like we could try and tighten it up a little
8 bit and cut down on some of this. Thank you.

9 MS. BRANTLEY: Thank you.

10 MR. ASPER: Okay. Well, go on to the
11 financial report. Kara.

12 MS. VESA: My name is Kara Vesa. I will
13 be giving the financial report today. Our
14 budget on June 30th remained at \$6,786,018.
15 We had spent all of our state funds which
16 gives us zero remaining balance on that same
17 date of June 30th. Our tidelands funds have
18 all been obligated.

19 Are there any questions, Gentlemen? I
20 can answer them.

21 MR. ASPER: Okay. Thank you, Kara.

22 MR. TAYLOR: Yes. Mr. Chairman, I
23 represent the charter boat industry on the
24 Commission, and I would like to make a
25 resolution that the Staff look at ways that

1 possibly for the recreational fishermen and
2 the charter industry of changing the law to
3 keep -- it's a federal law -- one redfish per
4 person in federal waters and on a case of a
5 charter boat, excluding the captain and crew.
6 I would just like for them to look at ways to
7 see if we can accomplish this and how we do
8 it.

9 MR. ASPER: So you're talking about
10 having our department petition the federal
11 government to change the rule?

12 MR. TAYLOR: Of looking at ways that we
13 can probably do that, yes, sir.

14 MR. ASPER: Second on that?

15 MR. GOLLOTT: I'll second that.

16 MR. DRUMMOND: Is that interstate water
17 or federal?

18 MR. TAYLOR: No, federal waters. That
19 is one fish per recreational outgoer, charter
20 boat or not. If they're on a charter boat,
21 excluding the captain and crew.

22 MR. GOLLOTT: You know, Mr. Taylor is
23 right. It's pretty ridiculous charter boats
24 can go out there and catch all these redfish
25 and then customers only get to keep one fish.

1 MR. TAYLOR: We had a bunch of state
2 officials, and I think they threw something
3 like 30 redfish or something back. Most of
4 them died. I would just like to see if
5 there's a way we can work towards that. It's
6 been 12 to 15 years.

7 MR. ASPER: Okay. Further discussion on
8 that? All those in favor say aye.
9 Resolution is approved. The Staff will get
10 to work on that.

11 We have one other item on the agenda.

12 MR. ZIEGLER: Yes, sir. The department
13 would ask the approval of the Commission to
14 enter into a contract with Mr. William
15 Perrett who recently retired from the
16 department.

17 MR. ASPER: Okay. The reason that we
18 need DMR's approval is because the salary
19 that we're paying him is 50 percent of his
20 salary, but it's more than the \$20,000 lower
21 limit, and so therefore it requires our
22 approval.

23 MR. ZIEGLER: That's correct.

24 MR. TAYLOR: I make that motion.

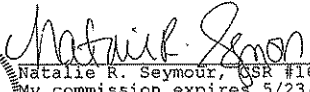
25 MR. ASPER: Second?

1 MR. BOSARGE: Second.
 2 MR. ASPER: All those in favor say aye.
 3 If I were voting, I would vote also on that.
 4 He's a tremendous asset. We need to keep
 5 him.
 6 Anything else on the agenda?
 7 MR. GOLLOTT: I make a motion to
 8 adjourn.
 9 MR. ASPER: Second?
 10 MR. TAYLOR: Second.
 11 MR. DRUMMOND: So moved.
 12 - - -
 13 (Adjourned at 10:42 a.m.)
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CERTIFICATE OF COURT REPORTER

1 I, NATALIE R. SEYMOUR, Court Reporter and
 2 Notary Public, in and for the County of Harrison,
 3 State of Mississippi, hereby certify that the
 4 foregoing pages, and including this page, contain a
 5 true and correct transcript of the Meeting of the
 6 Commission on Marine Resources, as taken by me at
 7 the time and place heretofore stated, and later
 8 reduced to typewritten form by computer-aided
 9 transcription under my supervision, to the best of
 10 my skill and ability.
 11

12
 13 Witness my signature and seal, this the
 14 05th day of August, 2009.
 15

16
 17 
 18 Natalie R. Seymour, CSR #1637
 19 My commission expires 5/23/2010.
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 22
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