

COMMISSION ON MARINE RESOURCES  
COMMISSION MEETING

Tuesday, June 20, 2017  
9:00 a.m.  
Bolton Building Auditorium  
1141 Bayview Avenue  
Biloxi, Mississippi 39530

Commission Members:

- Richard Gollott, Chairman
- Steve Bosarge, Vice Chairman
- Mark Havard
- Ron Harmon
- Jolynne Trapani

Also Present:

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

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1 COMMISSIONER GOLLOTT: At this time, I would  
2 like to bring this meeting to order. I would like to  
3 welcome everybody to the June regular meeting of the  
4 Commission on Marine Resources.  
5 At this time, we will have the Pledge of  
6 Allegiance led by Jamie Miller.  
7 (Whereupon, the Pledge of Allegiance was  
8 recited.)  
9 COMMISSIONER GOLLOTT: At this time, I would  
10 like to welcome Senator Mike Seymour.  
11 Will you stand up, Mike?  
12 MIKE SEYMOUR: Thank you.  
13 COMMISSIONER GOLLOTT: First on the agenda is  
14 approval of the May 16<sup>th</sup> meeting minutes.  
15 Do I have a motion?  
16 COMMISSIONER BOSARGE: So moved, Mr. Chairman.  
17 COMMISSIONER GOLLOTT: We have a motion.  
18 Do we have a second?  
19 COMMISSIONER HARMON: So seconded, Mr. Chairman.  
20 COMMISSIONER GOLLOTT: We have a motion and a  
21 second.  
22 All those in favor say aye.  
23 (All in favor.)  
24 COMMISSIONER GOLLOTT: Opposed?  
25 (None opposed.)

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1 COMMISSIONER GOLLOTT: Motion carries.  
2 Approval of the agenda, either modified, or as  
3 written.  
4 Can I get a motion?  
5 COMMISSIONER BOSARGE: I'll make the motion we  
6 approve the agenda as written.  
7 COMMISSIONER HARMON: I'll second that motion.  
8 COMMISSIONER GOLLOTT: We have a motion and a  
9 second.  
10 All those in favor say aye.  
11 (All in favor.)  
12 COMMISSIONER GOLLOTT: Opposed?  
13 (None opposed.)  
14 COMMISSIONER GOLLOTT: Motion carries.  
15 Next is our Executive Director's report.  
16 JAMIE MILLER: Chairman, I have no report.  
17 COMMISSIONER GOLLOTT: Thank you.  
18 Next is Keith Davis, Marine Patrol.  
19 KEITH DAVIS: Good morning everyone.  
20 You have the report in front of you. It is  
21 pretty straightforward.  
22 The only thing that I would like to highlight,  
23 in this month's report, is that Marine Patrol officers are  
24 still encountering anglers that fail to register with  
25 Tails n' Scales.

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1 I would just like to remind the public that we  
2 are looking for that, and it is very important that they  
3 register with Tails n' Scales.  
4 Any questions, other than that?  
5 COMMISSIONER BOSARGE: I actually noticed the  
6 same thing. Because we are involved, now, in the  
7 management of Red Snapper, what you guys do is a vital  
8 part of it so that we get the information to better manage  
9 it.  
10 would it be possible for us maybe to get a  
11 report on your interactions, in other words what you see?  
12 In other words, if you break down your report  
13 just a little bit where we know how many people you  
14 actually looked at, how many had it and how many didn't;  
15 just what you come up with.  
16 I think, in future decisions that are made  
17 regarding our management, we are going to need that  
18 information.  
19 KEITH DAVIS: I want to make sure I understand.  
20 You would like see how many boats we checked,  
21 how many didn't have the registration and how many did?  
22 COMMISSIONER BOSARGE: Correct.  
23 If you only checked five and all five didn't  
24 have it, this is not a good sign, but, if you checked a  
25 hundred and only five didn't have it, then, this is not

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1 bad.

2 Do you see what I'm saying?

3 KEITH DAVIS: Yes, sir.

4 COMMISSIONER BOSARGE: Maybe just a little bit

5 more information.

6 KEITH DAVIS: I will be happy to get that

7 information for you.

8 COMMISSIONER BOSARGE: Thank you.

9 COMMISSIONER GOLLOTT: Thank you, Keith.

10 KEITH DAVIS: Thank you.

11 COMMISSIONER GOLLOTT: I'm going to ask Mr.

12 Richard Schillaci to come up and give his public comment.

13 I think it is probably more relevant, now.

14 RICHARD SCHILLACI: Good morning Commissioners,

15 Director Miller, Ms. Chestnut.

16 I'm Richard Schillaci and I'm speaking on behalf

17 of Omega Protein.

18 I would like to thank the department and

19 particularly Marine Patrol for their quick response to an

20 accident involving our employee, Terrence Thompson, on

21 Wednesday, June the 7<sup>th</sup>.

22 Chief Davis' department responded quickly and

23 efficiently to bring our injured employee to the landing

24 where he was transported to the hospital by ambulance.

25 We appreciate all the Mississippi Department of

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1 Marine Resources does, and we wish to thank the department

2 and Marine Patrol for all they do for all of those of us

3 who work on the water.

4 I am pleased to announce Mr. Thompson was back

5 at work the following Monday.

6 Thank you, again, and we appreciate your

7 presence.

8 COMMISSIONER GOLLOTT: Thank you, Rick.

9 Next is the Joe show, Mr. Joe Jewell.

10 JOE JEWELL: Thank you for those kind

11 introductory remarks.

12 We have a pretty aggressive agenda this morning

13 for the Commission's consideration. We have six items.

14 First up are a couple of presentations the

15 Commission has asked for in the past, concerning our

16 management activities in the shellfish program.

17 First, Mr. Andrew Barrett is going to give you a

18 report on our oyster cultivation activities.

19 ANDREW BARRETT: Good morning Commissioners,

20 Director Miller, Ms. Chestnut.

21 I'm going to talk to you today about our reef

22 cultivation program and our efforts this spring on our

23 western reefs.

24 I know you have a full agenda, so I will try to

25 keep it brief.

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1 I will start with a simple definition. Reef

2 cultivation is simply the process of pulling a bagless

3 dredge over oyster reefs.

4 As a routine part of MDMR management activities,

5 reef cultivation objectives are as follows:

6 To sufficiently clean oyster shells of fouling

7 organisms and sediment.

8 To expose clean, hard substrate conducive to a

9 successful spat set.

10 To separate oyster clusters for a more even

11 distribution on the reef.

12 Timing of cultivation efforts is critical as it

13 relates to an expected spat set. Cultivating too early

14 may allow shell to re-foul before a spat set, and too late

15 and the spat set may be missed.

16 Here is an image of a bagless dredge that we use

17 for cultivating. This is a particular one we had designed

18 specifically for cultivating. It is slightly wider than a

19 normal dredge. It allows us to cover more surface area

20 and it stays on the bottom better without a bag.

21 Specifically this spring, from April 12<sup>th</sup>, 2017,

22 to April 21<sup>st</sup>, 2017, a total of six days were spent

23 cultivating aboard the research vessel, Conservationist.

24 Cultivation took place on Pass Marianne and

25 Henderson Point reefs, in areas previously planted with

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1 cultch material.

2 Three hundred and twenty-six acres were

3 cultivated on Pass Marianne Reef and one hundred and three

4 acres were cultivated on Henderson Point Reef, for a total

5 of four hundred and twenty-nine acres.

6 Here is a map of where we cultivated. These

7 long lines are our tracking in route to our cultivation

8 areas. These larger blocks here, here and here are the

9 actual areas we cultivated.

10 These areas were selected due to their abundance

11 of material. These are actually 2012 and 2013 limestone

12 cultch plants. These were our very promising areas a year

13 ago, until our hypoxia event of last August.

14 There is abundant material in these areas, and

15 we figured it prudent to turn those over and hope for a

16 good spat set this year.

17 That is the gist of it. If there are any

18 questions, I will be happy to answer them.

19 COMMISSIONER GOLLOTT: Thank you, sir.

20 ANDREW BARRETT: Thank you.

21 JOE JEWELL: Our next presentation concerns some

22 of our management activities, the 2017 cultch plant, and

23 that will be presented by Mr. Charlie Robertson.

24 CHARLIE ROBERTSON: Good morning everyone.

25 I'm happy to be presenting this morning the

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1 recent cultch plant activities that were conducted by the  
2 Shellfish Bureau that we concluded this spring.

3 One of the most important steps in this process  
4 is the site selection process.

5 How do we come up with the sites that we choose  
6 for our final cultch plants?

7 Some of the tools that we use are here in front  
8 of us. We have the annual oyster reef assessment. Most  
9 of y'all are familiar with that. The primary focus of  
10 that assessment is to look at the health of the oysters on  
11 our public oyster reefs. One of the secondary focuses of  
12 that assessment is to look at the bottom substrate  
13 suitability on our public oyster grounds.

14 If you look at the map to the right, the one  
15 with all the little red dots on it, those are all the  
16 sites that we have sampled since 2014. We've got one  
17 thousand one hundred and twenty-eight dive sample sites  
18 that we have sampled over the last three years.

19 When our divers are at these sites, the diver is  
20 tasked with going down and collecting oyster samples from  
21 that site, if there are oyster samples to be collected.

22 The divers are also tasked with physically  
23 assessing the bottom. The diver will go down, go visually  
24 inspect and physically touch the bottom substrate. What  
25 they are trying to do with that assessment is to determine

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1 the composition of the bottom, whether we've got a mud  
2 bottom, a sand bottom, whether there is hash, or live  
3 oysters, or no oysters. Also, they are determining the  
4 firmness of the bottom and whether, or not, the bottom is  
5 firm enough to support cultch deployed onto that  
6 substrate.

7 We have also taken into account input from a lot  
8 of our longtime fishermen. Through discussions with them,  
9 they have indicated to us that if they were investing  
10 their time and their money cultch planting, some of the  
11 areas that they would plant, and what that led us to see  
12 is that they were looking at areas further north and  
13 further to the west closer to the mouth of St. Louis Bay.

14 Also, we are fortunate enough to have had the  
15 report come out from the Governor's Oyster Council  
16 recently, and this report took into account a lot of  
17 discussions and input from leaders in the industry and the  
18 oyster fishery, and that report highlighted areas for  
19 priority in the Western Sound.

20 If you look here at this map, it kind of shows  
21 the same thing that was echoed from the input that we got  
22 from our longtime oyster fishermen.

23 As we are managing in the agency, we are always  
24 trying to improve our management efforts. Some of the  
25 things that we have done with this cultch plant, we

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1 decided to implement a larger limestone. Using this  
2 larger limestone will promote better culling. It is  
3 easier to remove the oysters from the limestone, in hopes  
4 that more limestone will get left on the reef to continue  
5 to catch oysters and grow oysters.

6 Also, the larger limestone gives us a higher  
7 profile from the bottom. This higher profile is going to  
8 allow for larger possibility of spat set on the limestone,  
9 as well as less easily compacted. Larger limestone pieces  
10 don't compact as easily as the smaller limestone. What  
11 this allows is more flow through the cultch plant areas  
12 and allows spat to set more evenly throughout the cultch  
13 that is deployed.

14 We have also deployed in much smaller areas than  
15 you have probably seen in the past. We have really  
16 focused on the data that we have from our bottom substrate  
17 data from the reef assessments, and what this has done is  
18 to allow us to focus on the prime bottoms which, in some  
19 cases, means smaller cultch plant areas.

20 Having these smaller areas also allows us to  
21 spread out into different areas of the public oyster reefs  
22 and kind of diversify the reef placement, and this kind of  
23 allows us to not put all of our eggs in one basket so to  
24 speak.

25 Also, we have done less dense cultch deployment

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1 this year. Typically in the past we have done a hundred  
2 yards per acre. Some of the discussions we had with the  
3 fishermen indicated that they thought a hundred yards was  
4 a little bit too dense, and we decided to back down a  
5 little bit from that hundred yards. This year we did  
6 approximately sixty-three point two cubic yards per acre  
7 on our cultch plant areas, and we feel that that is going  
8 to be very effective moving forward.

9 This is a map of the Pass Christian Reef and  
10 Henderson Point Reef complexes. Again, looking at the  
11 priority areas and really focusing on prime bottoms, these  
12 cultch plant areas are going to be further north on the  
13 reefs and further to the west closer to the mouth of St.  
14 Louis Bay.

15 On the Pass Christian tonging area here, we've  
16 got two cultch plant sites, and, then, on the Henderson  
17 Point Reef area here, we've got four cultch plant sites.

18 I want to point out, too, you will notice the  
19 irregular shape of these cultch plant areas. That's a  
20 result of really focusing in on those prime bottoms that  
21 we are looking for to deploy cultch material.

22 This is the Pass Marianne Reef complex. On the  
23 furthest north and west point, we had some really good  
24 bottoms and we deployed forty acres of cultch material on  
25 them (indicating map).

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1 This is the St. Joe Reef. As most of y'all  
2 know, this is probably one of the reefs that received the  
3 most fishing effort in the last few years. We found  
4 several areas on there that we feel are going to be really  
5 good for productive cultch deployment, and we have chosen  
6 three sites on St. Joe Reef (indicating map).

7 This was our smallest cultch plant this spring.  
8 This is Waveland Reef. We deployed a thirteen point six  
9 acres of cultch on Waveland Reef (indicating map).

10 This is a photo of the cultch plant activities  
11 being undertaken. As you can see, this is the spray barge  
12 here attached to the larger deployment barge, and they are  
13 actually almost finished deploying from this barge.

14 One of the things I really wanted to point out  
15 here, you can't really tell on this image, but there are  
16 dark spots here. Those are the pieces of cultch being  
17 sprayed off of the barge, and, then, out here you will see  
18 some splash marks from the cultch actually hitting the  
19 water (indicating photograph).

20 That is about thirty-plus feet from the barge.  
21 The contractor did a really good job of a really good even  
22 displacement of the cultch across the cultch areas, and  
23 that is something we are really striving to do (indicating  
24 photograph).

25 This is just a good perspective looking down

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1 onto the spray barge. They are deploying, it looks like,  
2 on Pass Marianne Reef, and that is Waveland in the  
3 background (indicating photograph).

4 Just to summarize, the cultch plant took place  
5 from May 8<sup>th</sup> until May 19<sup>th</sup>. We deployed cultch on eleven  
6 sites on Pass Christian tonging area, Henderson Point  
7 Reef, Pass Marianne, St. Joe and Waveland Reefs.

8 Clear aggregate, just over eight-and-a-half  
9 barges deployed per day, and we totaled seventy-eight  
10 barges deployed.

11 The total limestone was twenty-two thousand two  
12 hundred and ninety-eight cubic yards over three hundred  
13 and fifty-three acres of public oyster ground. We got a  
14 really good amount of material out and covered a lot of  
15 ground.

16 Our future plans. We plan on planting again  
17 this fall. We are in the process of planning, right now,  
18 for that cultch plant, and we hope to be moving forward  
19 with that soon.

20 We want to thank NOAA for funding this project.

21 With that, I will conclude.

22 If you have any questions, I will be happy to  
23 answer them.

24 COMMISSIONER GOLLOTT: Charlie, one of the  
25 things I would like to ask you to do is make sure that we

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1 are looking at the Pascagoula Reef in the fall. I think  
2 planting Pascagoula is one of our priorities.

3 CHARLIE ROBERTSON: Yes, sir. We will  
4 definitely consider that.

5 COMMISSIONER BOSARGE: Are we considering using  
6 any crushed concrete, the larger crushed concrete?

7 CHARLIE ROBERTSON: I think, in the bid for this  
8 fall, we have added the crushed concrete as one of the  
9 acceptable materials. I'm not sure if the lowest bid was  
10 concrete, or not, but that was put into the bid process.

11 COMMISSIONER BOSARGE: Let's keep it in the mix.

12 CHARLIE ROBERTSON: Okay.

13 COMMISSIONER GOLLOTT: Thank you, Charlie.

14 CHARLIE ROBERTSON: Thank y'all.

15 COMMISSIONER GOLLOTT: Joe, before you get  
16 started, let me say this.

17 It is my plan to table this. Some more evidence  
18 has come in and we want another month to look at it, the  
19 basket dredge, but we are going to take public comments on  
20 this.

21 If you want to do your presentation, or if you  
22 have a small presentation, whatever you think is pertinent  
23 to go ahead and do this on the basket dredge.

24 JOE JEWELL: Well, my understanding is there is  
25 actually several different new information that has become

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1 available. We received additional public comments that  
2 are available for the Commission's review, also.

3 If it is the will of the Commission, if the  
4 Commission is going to table the item, we can wait until  
5 the next Commission meeting to review all of the data in  
6 the public presentation.

7 COMMISSIONER GOLLOTT: I would like to make the  
8 motion that we table the basket dredge until next month's  
9 meeting.

10 COMMISSIONER BOSARGE: I will second that  
11 motion, but I would like to make one comment; if you could  
12 get us that information.

13 JOE JEWELL: The presentation is ready to go.

14 COMMISSIONER BOSARGE: I'm talking about you  
15 said you've got some new information.

16 JOE JEWELL: There is some more scientific data  
17 that is available, there are additional public comments  
18 that have been submitted today, and there is some new  
19 economic information dealing with the actual expense, the  
20 cost of the basket dredge that I haven't had time to  
21 review. There are several types of information that is  
22 available that the DMR staff would like to review and I'm  
23 sure the Commission would like to review.

24 COMMISSIONER GOLLOTT: We have a motion and a  
25 second.

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1 All those in favor say aye.

2 (All in favor.)

3 COMMISSIONER GOLLOTT: Opposed?

4 (None opposed.)

5 COMMISSIONER GOLLOTT: Motion carries. It is  
6 tabled.

7 We are going to take public comments on the  
8 basket dredge, at this time.

9 Morgan Holder.

10 MORGAN HOLDER: Good morning everybody. I will  
11 reserve any comments that I was going to make, since it  
12 has been tabled.

13 I just would request a copy, or a link, or if  
14 you could point me in the right direction where I could  
15 view the new scientific evidence that has become  
16 available, or maybe explain to me where I could find it.

17 JAMIE MILLER: We will make sure you have a  
18 copy.

19 MORGAN HOLDER: Thank you.

20 COMMISSIONER GOLLOTT: Thoa Vu. You have three  
21 minutes, Ms. Thoa.

22 THOA VU: Good morning Commissioners, Director  
23 Miller, Ms. Chestnut.

24 My name is Thoa Vu, and I represent Mississippi  
25 Coalition for Vietnamese American Fisher Folks and

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1 Families, a local organization, and I'm here to speak on  
2 the proposed ban on the self-dumping basket dredge.

3 As the Vietnamese American Fisher Folks and  
4 Families has expressed in the past several months through  
5 our comment letters and through my public comments, we  
6 think it is egregiously wrong, that this should never have  
7 been proposed, and the agency has yet to show us robust  
8 scientific evidence and research that the use of this  
9 basket dredge is damaging these reefs.

10 Two years ago this issue came up, as I have  
11 expressed before, and we were forced to use a lighter  
12 dredge and, back then, no evidence was produced, but the  
13 community abided by the regulation. It cost us a great  
14 amount of money and we did it, and, now, it has come up in  
15 the past few months again. This is seriously, seriously  
16 wrong.

17 The hearing that was held last Wednesday was  
18 deeply concerning to me because it was held during the  
19 time when shrimp season just opened the week before and  
20 the people that would be mostly impacted did not get the  
21 opportunity to attend.

22 I would like to mention that at the April  
23 Commission meeting I was not allowed to speak on this  
24 matter, before the Commission made a motion.

25 COMMISSIONER GOLLOTT: Excuse me, Ms. Vu. That

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1 is the second time I have heard that. That is just  
2 untrue. You were allowed. I apologized to you, and,  
3 then, allowed you to make your comments. It is just not  
4 true that you weren't allowed to do it. You didn't get to  
5 do it, when you wanted to.

6 Thank you. Go ahead.

7 THOA VU: No, Commissioner Gollott. It happened  
8 again at this public hearing.

9 COMMISSIONER GOLLOTT: I was at the public  
10 hearing.

11 THOA VU: Yes.

12 COMMISSIONER GOLLOTT: It didn't happen.

13 THOA VU: Yes, but the meeting would have ended  
14 if I didn't speak up, or raise my hand. I think my civil  
15 rights were violated. There were attempts made to  
16 minimize my participation and making public comments on  
17 this. That is not due process. That is violating my  
18 civil rights, sir.

19 COMMISSIONER GOLLOTT: If it wasn't a lie, we  
20 might listen to this, but it is a total lie. I was at the  
21 public hearing and I was at the last meeting, and you had  
22 a chance to run your mouth over five minutes.

23 THOA VU: Sir, you are the Commissioner. I  
24 expect more civil language from you, sir. I'm not using  
25 any unprofessional language against you, or anyone. I

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1 expect someone with your stature as the lead Commissioner  
2 to use more professional language.

3 COMMISSIONER GOLLOTT: I am supposed to sit here  
4 and listen to this bull, when I know it is a lie?

5 THOA VU: It is not a lie because Mr. Bosarge  
6 had apologized to me, at the public hearing. He said that  
7 he had apologized to me right here.

8 He said, "I'm sorry. I didn't know what  
9 happened to your comment card."

10 COMMISSIONER GOLLOTT: Ms. Vu, your time is up.  
11 Thank you.

12 John Livings.

13 JOHN LIVINGS: Good morning.

14 I was just coming to speak on the basket dredges  
15 to be outlawed. I used to pull a basket dredge for  
16 probably six, or seven, years, and, when we saw how much  
17 damage we were doing to the reefs, we quit using those.

18 I know the Vietnamese say that they -- they are  
19 calling it self-dumping, but any of the dredges are self-  
20 dumping. All you've got to do is throw the bag back out.  
21 It just doesn't make sense.

22 They are talking about the economic impact. I  
23 know, if you kill a hundred sacks of oysters to catch  
24 twenty-five, that is more of an economic impact than just  
25 buying a new dredge. We all had to buy them. We have

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1 changed.

2 The basket dredge is easier to use, but, if they  
3 worked, all the fishermen that have been doing it forever  
4 would be using them. They are not efficient.

5 There is zero tolerance for basket dredges on  
6 private leases in Louisiana. They are not allowed because  
7 they damage the product.

8 I am definitely against them, a hundred percent  
9 against them, and I think, if we don't do something about  
10 them, we are not going to have too many more oyster  
11 meetings to worry about because we are not going to have  
12 any reefs to work.

13 COMMISSIONER GOLLOTT: Just to understand, you  
14 are against...?

15 JOHN LIVINGS: I am against the basket dredges  
16 being used. I want them to be outlawed. That's all I  
17 have to say.

18 Do y'all have any questions for me?

19 COMMISSIONER GOLLOTT: Thank you, John.

20 JOHN LIVINGS: Thank you, sir.

21 COMMISSIONER GOLLOTT: Andrew Livings.

22 ANDREW LIVINGS: Good morning.

23 My name is Andrew Livings, and that was my  
24 brother who was just up here. We have been doing this for  
25 twenty-six years, and I have noticed personally from

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1 having twenty-six, or twenty-seven, years of the fishing  
2 industry experience, every area that fishes with a basket  
3 dredge has severely damaged reefs.

4 All of Alabama dredging grounds are severely  
5 damaged because they use basket dredges.

6 Since the majority of the basket dredges here in  
7 Mississippi came around, our reefs started deteriorating,  
8 also, and I believe it is because of that metal cage that  
9 is on the back of that dredge. It's not flexible. When  
10 it fills up with oysters, it is heavy, where a rope bag is  
11 flexible. Rope is flexible and the type of S-hooks and O-  
12 rings that are put together, they move.

13 It's like taking a rope and hitting an oyster  
14 bill, it is not going to bust it, but, if you take a five  
15 sixteenth stainless steel bar and you hit that same oyster  
16 with it, it is going to break, and that is what is  
17 happening because they are filling up and they are digging  
18 down plowing, folding them under, and the basket is  
19 busting the bill. I call it a bill buster. It busts the  
20 top of the bills that the oysters are sticking up, and the  
21 oyster dies from it (indicating).

22 That is just what I have noticed in my twenty-  
23 some-odd years of oyster fishing.

24 I am one hundred percent against it. Whatever  
25 we need to do to get rid of them, we need to be getting

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1 rid of them. It's not the weight of the dredge that is  
2 hurting it so much. It's that heavy basket on the back of  
3 it. That's all I've got to say.

4 COMMISSIONER BOSARGE: I've got a question.

5 If you could modify that basket dredge where you  
6 put a skid, or a slide, on the bottom of the basket, would  
7 that fix the problem you are talking about?

8 ANDREW LIVINGS: No. The basket has to be  
9 eliminated a hundred percent because it is all metal, a  
10 solid rod. There is no flexibility to the cage at all.

11 That is my opinion from my years of experience  
12 because the bag dredges are all flexible. Even when they  
13 are full, they still flex and move, but the basket dredges  
14 we have seen have all been stainless steel five sixteenth  
15 rod, or a quarter inch rod.

16 COMMISSIONER BOSARGE: You see what I'm talking  
17 about if you put a flat bar skid?

18 ANDREW LIVINGS: That is not going to help.  
19 They do have skids on some of them. They have a two-inch  
20 flat bar, but it is still solid metal. It is beating and  
21 destroying the oysters. That is just something that I  
22 have noticed in my years. Everywhere that uses a basket  
23 dredge has severely damaged reefs.

24 COMMISSIONER BOSARGE: All right. Thank you.

25 COMMISSIONER GOLLOTT: Thank you, Andrew.

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1 ANDREW LIVINGS: Thank you.

2 COMMISSIONER GOLLOTT: Don Joast.

3 DON JOAST: I am for the ban. The single reason  
4 that convinced me is I have a lot of the same experiences.  
5 The design flaw of the basket dredge is that it takes the  
6 full weight of the oysters in that basket and places it  
7 directly over the tooth bar as it fills up.

8 Now, the bag dredge, it is out behind it on the  
9 bottom. You have directional undulation of the weight of  
10 the dredge which may be limited to a hundred and fifteen  
11 pounds, and, then, you have the weight pulling it  
12 backwards. It is not a horizontal force.

13 The fulcrum of the basket is sitting right on  
14 the tooth bar; this being the tooth bar. All this weight  
15 is pushing directly down on the tooth bar as it fills.  
16 That's what makes it self-dumping, or easy to dump. You  
17 put it back behind here where the weight is in back, you  
18 are not going to be able to dump it (indicating).

19 Now, when he was talking flexibility, that is  
20 very true because the mesh bag undulates as it moves  
21 through the water and that lets all the fine shell  
22 particles and what have you out and you start filling the  
23 basket, it starts getting further and further, and you are  
24 dealing with a softer bottom.

25 These baskets are big. They will hold two-and-

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1 a-half, or three, sacks. That's a four hundred pound  
2 dredge directly on the tooth bar. It has to plow, and  
3 that is the only reason I want to see them gone.

4 I want to see everything we can do to make this  
5 resource work for everybody. Thank you.

6 COMMISSIONER GOLLOTT: Thank you.

7 Harold Strong.

8 HAROLD STRONG: I would like to thank the  
9 Commission.

10 My name is Harold Strong. I came to the public  
11 hearing the other night. We all got three minutes to  
12 talk. I spoke for three minutes.

13 Richard is right. Ms. Vu talked for at least  
14 five, or six, minutes. Basically, what you said was true.

15 I think the big problem here is everybody is  
16 pitting this thing as us against them, and that is not the  
17 case at all. This is nothing about us being against the  
18 Vietnamese, or the Vietnamese against us.

19 I was called a racist. Somebody else was  
20 standing by me, when I was called a racist that day -- he  
21 is on the Commission. I won't say who it was -- by the  
22 same person.

23 I've got plenty of Vietnamese friends. I  
24 submitted some signatures against the basket dredge. If  
25 you check, you will see a good many of them are

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1 Vietnamese. They work for me and they have seen, in the  
2 process, that those basket dredges damage the reefs,  
3 especially our reefs that we are building because they are  
4 on a softer bottom.

5 Everybody that has come up here has told pretty  
6 much the truth, but this is definitely not an us-against-  
7 them thing. It is what is best for these reefs because  
8 without the reefs, nobody is going to have a job.  
9 Eventually the reefs are going away, and you have nothing  
10 left.

11 It is y'all's job to protect the reefs. I have  
12 heard that they have lawyered up and they are going to  
13 sue. Well, then, let them lawyer up and sue. The State  
14 should have some lawyers that are sitting around doing  
15 nothing, at this point in time. If they don't, find some.

16 We have definitely got to get something done to  
17 protect the reefs. That is the job of this whole  
18 Commission, to conserve the reefs. That's why it used to  
19 be called conservation. If you are not going to do that,  
20 you can't stick your head in the sand and, when the reefs  
21 are gone, say, well, we should have done this and we  
22 should have done that.

23 The basket dredges are damaging the reefs. They  
24 like to say twenty-five, or thirty, years ago, we  
25 introduced them. Well, check back. Twenty-five, or

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1 thirty, years ago is when everything started deteriorating  
2 on our reefs. It must be some kind of correlation to  
3 that.

4 It doesn't take rocket scientists. Like I said  
5 the other night, all it is, is a matter of weight. When  
6 you have weight distributed over a bar and it is three  
7 times what it started out to be and you don't adjust it,  
8 then, it is going to do damage. That's why a thousand  
9 pound wrecking ball does more damage than a five hundred  
10 pound wrecking ball. The same difference. Thank you.

11 COMMISSIONER GOLLOTT: Thank you, Harold.

12 Does anybody have any questions for him?

13 (No response.)

14 COMMISSIONER GOLLOTT: Chris Lagarde.

15 CHRIS LAGARDE: Good morning Commissioners.

16 I guess this is the third, or fourth, time I  
17 have spoken on this issue. I'm going to say the same  
18 thing.

19 I believe this is merely a distraction to keep  
20 us from focusing on some things that we really ought to be  
21 focused on.

22 If you are going to outlaw basket dredges, why  
23 don't you go ahead and outlaw bag dredges?

24 I will take you back to the fall of 2005. The  
25 fishermen caught almost five hundred thousand sacks of

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1 oysters. That's a half a million sacks of oysters. Then,  
2 we had Katrina. Then, we had the oil spill.

3 We don't really know if we overfished, or not.  
4 I hear that we went out after Katrina and collected data.

5 I don't know anybody two years after Katrina  
6 that still weren't recovering from the damage from that  
7 storm. We were living in tents and blue tarps, and all  
8 that foolishness was going on. I don't think we were  
9 focused on oysters, in 2005.

10 It is interesting that the reefs that have  
11 oysters are the tonging reefs. This is a crazy novel idea  
12 and I know it won't ever go anywhere, but outlaw all  
13 dredges and just have tonging.

14 We had a little bit of tonging season in Ocean  
15 Springs this past year, and they were getting fifty, or  
16 sixty, dollars a sack.

17 Why aren't we asking about the ten million  
18 dollars of rock that we put overboard?

19 If these dredges are so good, these basket  
20 dredges are so good at digging in, maybe you should let  
21 the Vietnamese go out and drag up all that rock we put  
22 down there that we don't know where it is.

23 Ten million dollars. Ten million dollars folks.  
24 That's a lot of money. We don't know where it is. It  
25 went somewhere.

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1 We've got this nursery up in Wiggins. Nobody is  
2 talking about that thing cost seven million dollars just  
3 to buy.

4 What good is that really going to produce?

5 We've got a natural nursery out there, right  
6 now. Of course, with this rain and this storm coming, I  
7 don't know that anything is going to survive.

8 The St. Joe reef relay, I still don't think we  
9 got the right numbers on that. I have been asking the  
10 question. These numbers don't add up. There is no way we  
11 caught the number of oysters in three days that the agency  
12 says we did. If we can't get the numbers right on  
13 something that we kept track of, I don't know how that we  
14 can -- I don't know what the answer is on this basket  
15 dredge. I don't know if they do damage, or not, but I  
16 know if you are going to outlaw them and make the folks  
17 buy a bag dredge, then, maybe you ought to come up with  
18 the money to give them money to buy a bag dredge because  
19 you are changing gear types without any real science, and  
20 that is what you are doing.

21 Again, I think it is a distraction. I think it  
22 is simply a distraction.

23 Water quality is another issue that we are not  
24 talking about. There are so many things that we really  
25 don't talk about that we need to be talking about.

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1 I will just leave it at that. Thank you so  
2 much.

3 COMMISSIONER GOLLOTT: Thank you.

4 That's it on that.

5 Joe, come on and continue.

6 JOE JEWELL: Are those all the comments from the  
7 public on the basket dredges?

8 COMMISSIONER GOLLOTT: Yes.

9 JOE JEWELL: Next on the agenda for Marine  
10 Fisheries for consideration is Title 22 Part 21, Crab  
11 Processing.

12 I want to make a couple of comments, before we  
13 get started on that. Mr. Rick Burris is going to present  
14 that.

15 I want to explain to the Commission how we got  
16 where we are today.

17 Inside of Marine Fisheries, we have a panel that  
18 reviews all of our regulations, when they get to this  
19 process, and part of that process is a legal review by our  
20 attorneys. We also consult with Marine Patrol.

21 The very first thing that we all are concerned  
22 about, Marine Patrol, Marine Fisheries and our attorneys,  
23 is public safety and public health. That is the utmost  
24 concern that we consider, when we make these changes.

25 As most of y'all know, I sit on the executive

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1 board of the ISSC. That's the international regulatory  
2 board that makes changes and recommendations for  
3 shellfish. We take this process very seriously.

4 There was an open conversation with Marine  
5 Patrol and Marine Fisheries about what changes were going  
6 to be made, what recommendations were going to be made,  
7 and how we were going to get to where we are today.

8 This regulation is just primarily about  
9 processing, and that was the intent of this regulation.

10 Now, Marine Patrol has some recommendations and  
11 Marine Fisheries has some recommendations, and the  
12 Commission will have to consider those as we move forward.

13 Mr. Burris is going to point out both of those  
14 contrasting points of view from each office, and the  
15 Commission will have to consider those as we move for a  
16 Notice of Intent.

17 With that being said, Mr. Burris is going to  
18 present that to the Commission.

19 Mr. Bosarge.

20 COMMISSIONER BOSARGE: Can I make one comment?

21 JOE JEWELL: Sure.

22 COMMISSIONER BOSARGE: In a couple of phone  
23 calls to me, it was brought to my attention that we didn't  
24 bring this before the Crab Task Force and kind of let the  
25 Crab Task Force look all of this over and give their

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1 thoughts and maybe refinements.

2 Do you see what I'm saying?

3 In other words, yes, we have done our due  
4 diligence, but we didn't involve the Crab Task Force.

5 would this not be a good idea to maybe postpone  
6 this and have a meeting with the Crab Task Force -- Rick,  
7 you are there -- and let the Crab Task Force look at this  
8 and give us their input?

9 I think, as a Commission, we would feel much  
10 better.

11 JOE JEWELL: If the Commission likes to do that,  
12 we absolutely can.

13 Let me explain. I think most Commissioners  
14 realize that part of how we got where we are, right now,  
15 resulted from Louisiana's closure, and we did receive  
16 input from our commercial crabbers. They certainly made  
17 their recommendation and their opinion on certain elements  
18 of the regulation known, and that was clear to us when we  
19 got started with the process.

20 Now, that being said, we absolutely did not  
21 bring it before the Crab Task Force for consideration, but  
22 we can do that, if the Commission so chooses.

23 COMMISSIONER BOSARGE: I would like to get  
24 Rick's opinion on it. He chairs it.

25 RICK BURRIS: We didn't bring it to the task

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1 force because the task force mainly comprises harvesters,  
2 and this regulation does not apply to harvesters at all.  
3 It applies to processors. I know we do have a processor  
4 on the task force.

5 COMMISSIONER BOSARGE: We've got a processor and  
6 we've got recreational. We've got law enforcement.

7 RICK BURRIS: It all applies to post harvest.  
8 We didn't bring it to them for that reason, but it's  
9 something we could do, if you wanted to.

10 COMMISSIONER BOSARGE: I just feel like if we  
11 get their stamp of approval, I know I would feel a whole  
12 lot better because this is a lot of changes.

13 RICK BURRIS: Right and, if we did go forth with  
14 the changes today, it would be just out for Notice of  
15 Intent and public comment. We could meet between now and  
16 the next meeting to discuss those, during the open comment  
17 period, if you wish to do so.

18 COMMISSIONER GOLLOTT: I'm sorry. This is a  
19 Commission thing, and I'm not comfortable listening to a  
20 Crab Task Force. I think we have as much sense as the  
21 Crab Task Force has.

22 The Crab Task Force is harvesters and, like you  
23 said, this doesn't cover harvesters. I would rather go  
24 ahead and cover it.

25 COMMISSIONER BOSARGE: It's more than just

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1 harvesters. I mean, we've got processors. We've got  
2 recreational crab fishermen.

3 COMMISSIONER GOLLOTT: This is processors, and  
4 we only have really one in the State of Mississippi, or  
5 one and a half. It's not a big deal. He knew this  
6 meeting was coming because I called him, and he could be  
7 here and make a public comment, if he was that interested.

8 RICK BURRIS: It doesn't have any negative  
9 affect on the processors, or harvesters. It just clears  
10 up a lot of language that was misleading, when the  
11 regulation was originally written.

12 COMMISSIONER BOSARGE: I'm part of the task  
13 force. That particular one does a good job.

14 RICK BURRIS: Yes, sir.

15 COMMISSIONER BOSARGE: We have made a bunch of  
16 headway and done a lot of different things and it has done  
17 good, in my opinion.

18 We will proceed on, but let's call a meeting and  
19 bring this to the task force, before we actually have the  
20 final adoption.

21 RICK BURRIS: We can do that and, if they have  
22 any comments, it can be submitted during the public  
23 comment period.

24 COMMISSIONER BOSARGE: All right.

25 RICK BURRIS: Good morning Mr. Chairman,

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1 Commissioners, Director Miller and Ms. Chestnut.

2 Today I want to bring to the Commission the  
3 consideration of amendments to Title 22 Part 21.

4 As Joe said, there were several issues that came  
5 up months ago of some of the wording in Part 21, and those  
6 issues prompted a review of the document which brought to  
7 light several changes that needed to be made.

8 The Office of Marine Fisheries compiled our  
9 comments through several meetings over the last six months  
10 and we also met with the Office of Marine Patrol on three  
11 separate occasions to incorporate their comments as well.

12 There were several items we agreed on, several  
13 items we compromised on, a few items that we disagreed on  
14 and I will point those out throughout the presentation.

15 This was a very thorough review, very thorough  
16 review. I'm going to try to make this as painless as  
17 possible. We only included the substantive changes that  
18 are in the presentation.

19 We did not include minor changes such as  
20 scrivener errors and grammatical errors. A lot of  
21 renumbering went on. We didn't include those, but, if you  
22 want to see those on the actual document to be submitted  
23 to the Secretary of State's office, if this is to pass for  
24 Notice of Intent, then, I can make that available for you.

25 The first change we made was to the title. The

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1 title read "Title 22 Part 21 Rules and Regulations for the  
2 Preparation, Picking, Packing, Shipping and Sale".

3 We removed those words and just simply put in  
4 "Processing" which all of those are encompassed in the  
5 processing.

6 We are trying to simplify this document and make  
7 it easier to read. We just changed that to "Processing",  
8 and, then, it says, "of saltwater crabs" -- and we removed  
9 "and saltwater crab products" -- "in the State of  
10 Mississippi" because essentially if you are processing a  
11 saltwater crab, you will have saltwater crab products, and  
12 we removed that language to make it easier to understand.

13 Next is Chapter 01 Introduction. Section 100  
14 reads:

15 "This part establishes the minimum requirements  
16 necessary to regulate the processing of saltwater crabs."

17 For consistency purposes for the rest of our  
18 Title 22 regulations, we removed "and establishes a  
19 program to protect the public health of consumers by  
20 providing for the sale, or distribution, of saltwater  
21 crabs from safe sources and by providing that the  
22 saltwater crabs that have not been adulterated during  
23 preparation, picking, packing, shipping and selling, and  
24 other related activities in the state". All of that is  
25 covered within the document, so we removed it from the

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1 introduction section simply to make it easier to read.

2 I also want to point out that a lot of the  
3 language in Part 21 was worded very similarly, if not  
4 identical, to Parts 1 and 17 which deal with shellfish.

5 As you know, when we are dealing with shellfish,  
6 we are dealing with a raw consumed product. When we are  
7 dealing with crabs, we are dealing with a cooked product.  
8 They are apples and oranges. They are not apples and  
9 apples. A raw consumed product is to be treated much more  
10 heavily than a cooked product. I just want to get that  
11 out there. That is where a lot of these issues came to  
12 light.

13 In Chapter 02 Section 100, again, to make it  
14 consistent with the title we just removed "preparation,  
15 picking, packing, shipping and sale activities" and  
16 replaced it with "processing".

17 We, then, removed sections 102, 103 and 104  
18 which are all references to State statute. Again, just to  
19 make it a little bit easier to read. Those statutes can  
20 be referenced in the Mississippi Code, so it is not  
21 necessary to leave in there.

22 Chapter 03 the Definitions. Section 100, the  
23 definition of adulterated, we removed that definition from  
24 the document. The word remains in the document. We just  
25 removed the definition of adulterated as it is found in

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1 the FDA's Code of Federal Regulations.

2 We, then, added the word "Backing". This was  
3 per conversations with Marine Patrol. Backing will read:

4 "The act of removing a crab's carapace and  
5 internal organs."

6 It wasn't specifically in the original  
7 definition of processing, so we added that in there to  
8 include those individuals who are changing that crab into  
9 a different market form, by removing the carapace and  
10 removing the internal organs. Otherwise, some could call  
11 it gumbo crabs. They wanted to include that in the  
12 definition of processing.

13 Section 101, if you will notice, this will be  
14 throughout the document. This is also per Marine Patrol's  
15 recommendation. We just made it consistent throughout the  
16 document by stating "person, firm, or corporation".

17 We, then, removed some of the wording in 101 and  
18 102, just to make it simpler to read, or understand.

19 Section 101, we replaced "conduct the activity"  
20 with "process crabs" because that is what we are talking  
21 about.

22 We are trying not to be vague. We made a lot of  
23 words more definitive than they were previously.

24 Section 103. We, again, continue with  
25 consistency by adding "a person, firm, or corporation".

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1 We, then, removed the words "or parts thereof".

2 Then, we removed "or in connection with  
3 handling, transporting, packaging, repackaging, and/or",  
4 and we just left "processing saltwater crabs". We removed  
5 "or saltwater crab products", and, then, it originally  
6 said "license". We added "seafood processor's license" to  
7 be more definitive as to which license we are referring.

8 Section 104 Compliance Schedule. We removed  
9 "time period" and replaced it with "date", to be more  
10 definitive.

11 Section 105 Container read:

12 "Any bag, sack, tote, conveyance, or other  
13 receptacle used for containing saltwater crabs, or  
14 saltwater crab products, for holding, or transporting".

15 We removed "Container" and we replaced it -- it  
16 will be on the next page -- with a difference definition  
17 to be more definitive of what the intent originally was.

18 Section 107 Easily Cleanable. We just simply  
19 swapped "residues may be effectively removed" with "will  
20 effectively remove residues". We made it a little bit  
21 simpler to understand.

22 Section 108 is what we replaced container with.  
23 It will now read "Finished Product Container", and it will  
24 read "any receptacle used for containing processed  
25 saltwater crabs." That is so there is no confusing with a

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1 box of actual live crabs, or putting live crabs in a  
2 container of crab meat, or a container of backed crabs.

3 We are referring specifically to finished product  
4 containers, and that will be more prevalent when we get  
5 into the labeling part of this regulation.

6 We, then, removed the definition of includes, or  
7 including. I don't think that needs to be in there  
8 because we all know what that means.

9 Section 110 Key Deficiency. We replaced  
10 "unwholesome" with "unsanitary". Again, it is a more  
11 definitive word.

12 Section 111 Label. We changed that up a little  
13 bit to read "Any written, printed, or graphic, matter  
14 affixed to, or appearing upon, any" -- we replaced  
15 "package" with "finished product container".

16 Once again, there is a whole section that  
17 pertains to the labeling that will be more definitive,  
18 once we get there.

19 Section 113, we removed the definition of the  
20 word "may". Again, it is not necessary to define that  
21 word.

22 Same with Section 116 Person. The definition of  
23 a person does not need to be within the document.

24 Section 115 Processing. We have removed the  
25 word "handling" which there is no clear definition of the

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1 word "handling", in terms of processing. We, then, moved  
2 the word "storing" to the end of the document, so that  
3 stays in there. We added "the act of preparing", and it  
4 continues to read "changing into different market forms,  
5 manufacturing, preserving, picking, chilling" -- we added  
6 the word "backing" per Marine Patrol's recommendation --  
7 we left "packaging", and, then, we inserted "labeling  
8 finished product containers".

9 We removed the word "holding" because we feel  
10 storage is included in the definition of holding, "and  
11 storage of processed saltwater crabs".

12 Marine Patrol did disagree on removing the words  
13 "handling, holding, or storing", but, as you can see, the  
14 word "storing" is within the definition, and there is  
15 really no clear definition of the word "handling". We  
16 removed that from the definition of processing so there is  
17 a more definitive definition. There is nothing vague left  
18 out there.

19 Section 116 Processor. Again, with consistency,  
20 we added "firm or corporation engaged in commercial,  
21 custom, or institutional, processing of saltwater crabs".

22 We left out "saltwater crab products", again,  
23 because, when you process saltwater crabs, the result will  
24 be saltwater crab products.

25 The definition of saltwater crabs which will now

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1 be Section 117 will read, "shall mean all species of  
2 saltwater crab that are commercially processed."

3 We removed the next sentence which read, "The  
4 primary saltwater crab species includes, but is not  
5 limited to Callinectes". This was also from Marine  
6 Patrol's recommendation.

7 Even though it says, "includes, but is not  
8 limited to Callinectes", they still could process stone  
9 crabs, and there may be some underutilized crab species in  
10 the future that somebody may want to start commercially  
11 processing, so we just made it, again, more simple to  
12 understand and took that second sentence out.

13 Section 118 Saltwater Crab Products. We took  
14 out "the actual saltwater crab or" because a saltwater  
15 crab is not a product. It is a live organism. We removed  
16 that and just left, "The edible meat of a processed  
17 saltwater crab distributed for consumption".

18 Sections 122 and 123 Sanitation Monitoring and  
19 Sanitation Standard Operating Procedures, those words were  
20 not found within the document at all. I believe those  
21 came from Part 1 and Part 17, or Part 17, so we removed  
22 those. The definition should not be in the document, if  
23 the word is not in the document. We removed those.

24 We also removed the words "shall" and "should".  
25 I think we all understand what those words mean.

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1 Chapter 04 Application. This chapter defines  
2 who Part 21 applies to and who it does not apply to.

3 In Section 100, we removed "As provided in  
4 Mississippi Code Annotated 49-15-15(1)(C) as amended", as  
5 we can easily reference that, and just left, "The  
6 provisions of this Part shall apply to:

7 "Section 100.01. All persons, firms, or  
8 corporations engaged in the processing of saltwater crabs"  
9 -- we removed "or saltwater crab products" -- "intended  
10 for human consumption".

11 Per Marine Patrol's recommendation, we removed  
12 "and operating under a certified crab plant certification  
13 number as issued by the MDMR", as this statement could be  
14 misread meaning if the person was illegally processing  
15 saltwater crabs, then, this wouldn't pertain to him. We  
16 removed this per their recommendation so they can use it  
17 as an enforcement tool.

18 We, then, removed Sections 100.03 and 100.04,  
19 per redundancy purposes to Section 100.01.

20 Chapter 04 reads "The provision of this Part  
21 shall not apply to:"

22 Section 101.01 originally read "Operations of  
23 such persons, firms, entities, or establishments, with  
24 respect to seafood products other than saltwater crabs".  
25 This sentence was a little hard to understand.

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1 Both offices compromised to change it to read,  
2 "Seafood establishments dealing with seafood products,  
3 other than saltwater crabs". What this means is this part  
4 does not apply to shrimp processors, oyster processors,  
5 people dealing with fish. It specifically applies to crab  
6 processors.

7 We removed Section 101.02, again, because it was  
8 redundant with 101.01.

9 The new Section 101.02 reads, "Harvesting, or  
10 transporting, saltwater crabs, or saltwater crab products"  
11 -- we removed the word "otherwise" -- "without engaging in  
12 processing".

13 Marine Patrol recommended that we removed  
14 Section 101.03 completely, as they stated, Part 21 does  
15 apply to the transporting of saltwater crabs, or saltwater  
16 crab products. However, our stance is that the intent of  
17 Title 22 Part 21 was to regulate crab processing and that  
18 this particular section specifically says, "this Part  
19 shall not apply to: harvesting, or transporting, saltwater  
20 crabs, or saltwater crab products, without otherwise  
21 engaging in processing". It excludes those acts from the  
22 regulation, so we decided to leave that part in there.

23 In Chapter 05 MDMR Program Management Section  
24 102, we removed this sentence -- it was a grammatical  
25 error -- "who otherwise may experience such a risk, if the

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1 food is available and is consumed".

2 Chapter 06 Processor Certification Section  
3 100.01, again, we added "firm, or corporation", and we  
4 removed "act as a processor", and just simply put,  
5 "process saltwater crabs prior to obtaining" and entered  
6 "a seafood processor's license and certification from the  
7 MDMR" to be more authoritative.

8 We removed Section 100.03 because it is  
9 redundant with Section 100.01.

10 We replaced the word "may" with "has the  
11 authority to", in Section 100.07. It is more  
12 authoritative language.

13 Continuing with Chapter 06, again, we removed  
14 reference to State statute, in Section 101.05.

15 In Section 103, we stayed with consistency in  
16 adding "corporation". We, then, removed some of this  
17 other wording for simplification purposes.

18 In Section 103.03, we replaced the word  
19 "seafood" with "crab". It reads "crab processor's"  
20 instead of seafood processor's because this part only  
21 applies to crabs.

22 In Chapter 07 Responsibility of Processor,  
23 Manager and Operator, we replaced the words "wholesome  
24 unadulterated" with "sanitary". Again, it is a more  
25 definitive word.

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1 In Section 101, we removed the word "properly".  
2 It will read, "The processor shall assure that the  
3 certified crab plant is" -- we removed "properly" per  
4 Marine Patrol's request as it is not really a well defined  
5 word -- "supervised in accordance with Chapter 14  
6 Subchapter 110 of this Part". We removed "at all times",  
7 again, per Marine Patrol's recommendation that they don't  
8 work twenty-four hours a day, so we didn't want to have  
9 that in there.

10 Section 103. We went through this part. We  
11 replaced "lot, or lots" with "saltwater crab products".  
12 We, then, added "saltwater crab" in front of "products" to  
13 be more definitive. We, again, added "associated  
14 saltwater crab products" to be more definitive. It  
15 originally just read "products". We were just trying to  
16 be more definitive and put better language in there.

17 Chapter 08 Inspections Section 101. We  
18 replaced, "may be officially inspected" with, "MDMR has  
19 the authority to officially inspect the certified crab  
20 plant", again, being more authoritative.

21 We did the same thing in Section 102, by  
22 replacing the word "will" with "shall".

23 Chapter 09 Actions Triggered by Inspections. In  
24 Section 103, we added "Temporary hold on saltwater crabs  
25 or". It did read "saltwater crab products".

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1 In Section 103.01, we added "or saltwater crab".

2 In Section 103.02, again, we added "saltwater  
3 crabs, or". In the last sentence, we removed the words  
4 "or potentially adulterated". There is really no clear  
5 definition of potentially adulterated. We did, however,  
6 leave the word "adulterated" in there.

7 Continuing on with Chapter 09, in Section  
8 104.01, we just made this wording a little more  
9 definitive, a little more authoritative, by saying "has  
10 the authority to issue a cease and desist order which  
11 will". Again, we replaced the word "may" with "has the  
12 authority". There are some grammatical errors here. We  
13 removed "such time as". Instead it will read, "This order  
14 shall be in effect until proper corrective actions have  
15 been taken".

16 Section 104.03. We removed "this can be  
17 provided", and replaced it with "will be noted on the  
18 official inspection form". Again, we are trying to make  
19 it more authoritative.

20 Continuing on with Chapter 09, Section  
21 105.01.02, we again added "saltwater crabs or". We  
22 removed "or potentially adulterated". There were some  
23 more grammatical changes.

24 In Section 105.04, we replaced the word "may"  
25 with "has the authority to".

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1 Chapter 10. We removed part of the regulation  
2 as this performance-based incentive program has never been  
3 implemented by the agency and will not be implemented in  
4 the future. We removed it altogether from the document,  
5 and continuing on, we will have to renumber all of the  
6 chapters. You will see that on the slides.

7 What was Chapter 11, now Chapter 10 Labeling of  
8 Saltwater Crab Products, we included "finished product".  
9 It will read "All finished product containers, or  
10 packages, enclosing" -- we removed "fresh, or frozen" --  
11 "saltwater crab products" -- we, then, removed "shipped  
12 into, or out of, the State of Mississippi" to make it a  
13 little bit easier to understand -- "shall originate from a  
14 certified" -- inserted -- "crab processor and shall be  
15 conspicuously, indelibly and legibly labeled with the  
16 following information", and all of that stays the same.

17 Continuing on with Chapter 10 Labeling of  
18 Saltwater Crab Products, these sections, as you can see up  
19 here, they are talking about bill of lading and bill of  
20 sale. That is more applicable in the next chapter which  
21 actually deals with purchase and sales records. We  
22 removed it from Chapter 10 and moved it to the next  
23 chapter. I will show you that in a minute.

24 The next chapter was Chapter 12, now Chapter 11  
25 Purchase and sales Records. All the wording here, we

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1 completely removed it and we are going to replace it with  
2 what I am about to show you. It says the exact same  
3 thing. It's just a more definitive way, more concise way  
4 of saying it.

5 Chapter 11 Purchase and Sales Records". Again,  
6 this came from the previous chapter, the labeling chapter.  
7 It will now read:

8 "Section 100. All saltwater crabs and saltwater  
9 crab products purchased, sold and/or shipped by a  
10 certified processor within, into, or out of, the State of  
11 Mississippi shall be accompanied by a bill of lading, or  
12 bill of sale, with the following information:

13 "100.01. Processor's name, address and  
14 license/certificate number.

15 "100.02. Date of transaction.

16 "100.03. Name and address of consignee.

17 "100.04. Type and quantity of saltwater crabs,  
18 or saltwater crab products.

19 "101. All saltwater crabs and saltwater crab  
20 products purchased for personal consumption must be  
21 accompanied by a receipt, or a bill of sale, containing  
22 the following information:

23 "101.01. Name and certificate, or license,  
24 number of seller.

25 "101.02. Quantity of saltwater crabs, or

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1 saltwater crab products, purchased.

2 "101.03. Purchase date."

3 Then, Section 102 says "Such records shall be  
4 open for inspection at any time by any duly representative  
5 of the MDMR."

6 Again, this came from the previous chapter. The  
7 previous chapter is just more applicable within the  
8 purchase and sales records chapter.

9 In Chapter 13, now Chapter 12, Transportation of  
10 Saltwater Crabs, or Saltwater Crab Products, we removed  
11 "saltwater crabs" because that could be a little  
12 misleading, as you read through the rest of the document.  
13 It will now read, "Transportation of Saltwater Crab  
14 Products".

15 Section 100 says, "All saltwater crab products  
16 transported by a certified crab plant across the borders  
17 of the State of Mississippi" -- we removed "whether being  
18 imported into, or exported from, the State and" -- "that  
19 requires cold temperature control for health safety must  
20 be under cold temperature" -- we replaced the word  
21 "holding" with "storage" to be more consistent -- "storage  
22 conditions that maintain seafood safety conditions.  
23 However, this regulation shall not apply to live" -- we  
24 removed "animals of seafood species" and replaced it with  
25 "saltwater crabs" -- "saltwater crabs covered under this

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1 Part, provided the" -- we removed the word "holding" and  
2 replaced it with "storage" -- "storage temperature for  
3 such live animals does not create health safety risks,  
4 when such live animals are processed and marketed for  
5 human consumption."

6 Moving on to Chapter 14, now Chapter 13, again,  
7 in Section 100, we inserted "firm, or corporation".

8 In Section 101, we had some grammatical errors.  
9 We replaced "sell" with "sale". we, then, removed  
10 "saltwater crabs or".

11 In Section 102, we again removed "saltwater  
12 crabs or", and made some grammatical changes here. We  
13 removed the reference to State statute, and, then, we  
14 replaced "may be" with "are subject to be impounded" to be  
15 more definitive.

16 In Section 103, we removed "saltwater crabs or".

17 Marine Patrol disagreed with removing saltwater  
18 crabs from these sections. However, our stance is that  
19 saltwater crabs, live crabs are not a food product. They  
20 are a live animal, and they should not be included under  
21 the heading of adulterated, and that is what the chapter  
22 title read.

23 Moving on to Chapter 15, now Chapter 14  
24 Sanitation Requirements, we replaced "110 degrees  
25 Fahrenheit" with "100 degrees Fahrenheit" for the water

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1 temperature to be consistent with the HACCP plan.

2 In Section 110, we took out "segregating" as  
3 segregating is not an act of processing. Segregating can  
4 be done by harvesters, by dealers, by separating size  
5 classes, number one and number two.

6 We removed the word "seafood" and, again,  
7 replaced it with "saltwater crab products" to be more  
8 definitive, in Section 110.

9 In Section 110.05, we removed "saltwater crab  
10 or". I will read it. It says, "All saltwater crab  
11 product manufacturing, including packaging and storage of  
12 saltwater crab products, is conducted under such  
13 conditions and controls as necessary to minimize the  
14 potential for growth of microorganisms". We removed, "or  
15 for the contamination of the saltwater crab, or saltwater  
16 crab product" because you can't have the words "saltwater  
17 crab", when you are talking about potential growth of  
18 microorganisms. A live blue crab is a plethora of  
19 bacteria, and you can't really include that in that part.

20 In Section 110.06, we removed "saltwater crabs  
21 or". It will read, "Saltwater crab products that can  
22 support the rapid growth of microbes are held in a manner  
23 that prevents adulteration". Again, live saltwater crabs  
24 are a harbor for a wide variety of microbes. We didn't  
25 want to leave that word in there.

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In Section 110.06.01, we replaced "seafood". It now reads, "Maintaining refrigerated saltwater crab products at forty degrees Fahrenheit, or below, as appropriate", and we removed "for seafood involved" to make it easier to read.

Continuing in Chapter 14 to Section 110.07, we removed the word "handling" to be consistent with the rest of the document.

In Section 110.09, we removed the words "saltwater crabs or", after adulterated.

Section 112.05, for grammatical reasons it will now read, "If the plant grounds are bordered by" -- we removed the word "grounds" -- "areas not under the operator's control and these areas are" -- we removed "not maintained in the manner described above" -- "in an unsanitary condition, care shall be exercised in the plant" -- we removed "by inspection, extermination, or other means" -- "to exclude pests, dirt and filth that are a source of contamination". That is a little more authoritative language and it will be easier to understand.

Those are all of the substantive changes, in Title 22 Part 21.

Does anybody have any questions?

COMMISSIONER GOLLOTT: Good job, Rick.

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Does anybody have any question?

(No response.)

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

RICK BURRIS: Thank you.

COMMISSIONER GOLLOTT: I would like to make a motion that we adopt these changes, with the exception of Chapter 12 Transportation of Saltwater Crabs. This is preprocessing, and what we are doing here is adjusting the processing. I don't think there is any room in there. If we are cleaning it up, let's get rid of this because there is a lot of the double talk in here. I would like to pull that completely out, Transportation of Saltwater Crabs.

I would like to make a motion that we send this out for Notice of Intent.

JOE JEWELL: We can do that.

COMMISSIONER GOLLOTT: Can I get a second on that?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

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COMMISSIONER GOLLOTT: Motion carries.

JOE JEWELL: Thank you, Commissioners.

Next up for consideration is modifications to Title 22 Part 1 Area V Biloxi Bay Reclassification. That will be presented by Mr. Erik Broussard.

ERIK BROUSSARD: Good morning Commissioners, Director Miller, Ms. Chestnut.

This morning I have for your consideration Title 22 Part 1 Area V Biloxi Bay Reclassification.

I'm going to start off with a map so we can have a visual aid to put it in context, what we are talking about doing.

After analyzing our water quality data from last year, we found that we had a couple of problematic stations and, in an effort to keep this area open, since we just got it open last year, we have to make some changes. One of the changes would be reducing the closing criteria from one inch of rainfall at Keesler Air Force Base to half an inch. The other change would require to subdivide this area, this one total area, into Area V "A" and Area V "B".

Area V "A" would be south of the channel, the solid orange, and it would stay as conditionally approved with that half inch of rainfall (indicating map).

The area north of the channel, in the orange

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hash marks, Area V "B", would be moving to a restricted status, and it would be closed for harvest this year (indicating map).

I will move on to the changes, and I will read for the record. This first change is reducing the one inch rainfall to the half inch of rainfall.

It reads, in Title 22 Part 1 Chapter 17, "Management Plan for Shellfish Growing Waters, Section 103.01.05.04, Area V "A" conditionally approved waters. When half an inch, or more, of rainfall occurs in any twenty-four consecutive hours as measured at the Keesler Air Force Base gauge."

We just established the new closing criteria, and this would be establishing the reopening criteria for this area.

Section 104.07.03 reads, "Area V "A" Conditionally Approved waters. The microbiological analysis of the seawater samples indicate that the seawater is again acceptable and the shellfish have gone through a sufficient time interval to permit natural biological cleansing."

Our next changes are going to occur in Chapter 18. Since we subdivided this area, now we have multiple classifications.

This is just a small change, in Chapter 18

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1 Section 102.03. "The following waters of Area V are  
2 restricted".

3 Subsection 102.03.01, "All waters of Biloxi Bay  
4 and Davis Bayou and its tributaries, except for those  
5 waters classified as prohibited, conditionally approved,  
6 or approved". We added "conditionally approved, or  
7 approved".

8 Now, we are getting into the description of the  
9 two subdivided areas.

10 The first description is going to be Area V "B",  
11 and I will read this.

12 Chapter 18 Classification and Description of  
13 Shellfish Growing Areas Waters.

14 "102.03.02, Area V "B" enclosed by the following  
15 described line:

16 "102.03.02.01. Starting at a point on the  
17 northernmost boundary of the Biloxi East Access Channel  
18 (Latitude 30.402386 Longitude -88.842264); thence running  
19 northeasterly along the most direct line to a point seven  
20 hundred and fifty feet from the Ocean Springs front beach  
21 shoreline (Latitude 30.406441 Longitude 83.8109); thence  
22 southeasterly, following the meanderings of the shoreline,  
23 seven hundred and fifty feet therefrom, to a point seven  
24 hundred and fifty feet from the shoreline at a point  
25 (Latitude 30.3929 Longitude -88.8114); thence running

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1 southerly in the most direct line to the northern most  
2 point on the shoreline at Marsh Point; thence following  
3 the meandering shoreline around Marsh Point in a  
4 southeasterly direction to a point adjacent to the  
5 southern shoreline of Marsh Point (Latitude 30.374581  
6 Longitude -88.842264); then southwesterly in the most  
7 direct line to Channel Marker 18 (Latitude 30.369903  
8 Longitude -88.7999863) in Biloxi East Access Channel;  
9 thence running northwesterly along the northernmost  
10 boundary of the Biloxi East Access Channel (Latitude  
11 30.402386 Longitude -88.842264), said the point of  
12 beginning. This area includes the public reef known as  
13 Shearwater Reef."

14 Here we have the description for Area V "A"  
15 which is south of the channel and would be conditionally  
16 approved.

17 "103.02.05 Area V "A" enclosed by the following  
18 described line:

19 "103.02.05.01. Starting at a point seven  
20 hundred and fifty feet east of the eastern most point of  
21 shoreline at Point Cadet Marina; thence running  
22 northeasterly along the most direct line to a point  
23 (Latitude 30.402081 Longitude -88.842577); thence running  
24 southeasterly along the southernmost boundary of the  
25 Biloxi East Access Channel to a point Channel Marker 17

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1 (Latitude 30.368859 Longitude -88.801177); thence  
2 southwesterly to the southernmost tip of Deer Island;  
3 thence following the northern shoreline of Deer Island to  
4 a point due south of the beginning point seven hundred and  
5 fifty feet east of the eastern most shoreline at Point  
6 Cadet in Biloxi Bay; thence running due north to said  
7 point, the point of beginning. This area includes the  
8 public reef known as Biloxi Bay Reef."

9 To move forward, what is required is a motion to  
10 proceed with a Notice of Intent for Title 22 Part 1  
11 Updated Regulatory Language for Area V which includes the  
12 updated management plan from one inch to half an inch in  
13 the subdivision of Area V.

14 COMMISSIONER GOLLOTT: Erik, can I get you to  
15 bring up the map?

16 ERIK BROUSSARD: Sure.

17 COMMISSIONER GOLLOTT: Point out to us what  
18 would be prohibited.

19 ERIK BROUSSARD: The prohibited is everything in  
20 red which would be in Biloxi Back Bay, and, then, south of  
21 Point Cadet Marina and moving westward which is already  
22 prohibited (indicating map).

23 What is changing is the whole area in orange was  
24 conditionally approved, and, now, the area north of the  
25 channel in the orange hash marks would go to restricted

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1 (indicating map).

2 COMMISSIONER GOLLOTT: Does restricted mean that  
3 you could relay out of there and raise oysters there?

4 ERIK BROUSSARD: It does.

5 COMMISSIONER GOLLOTT: Could we harvest there,  
6 if we don't get drop of rain for three, or four, months  
7 and the water gets really nice out there?

8 ERIK BROUSSARD: Sure. We classified this area  
9 last year, based on the data that we had built up. We had  
10 a wet year last year, so this area could easily come back  
11 on line possibly next year.

12 We have been working to try to find out what is  
13 causing the high fecal coliform counts. Our two problem  
14 stations are in that Area V "B", if you can see it. The  
15 water station 522A which is right off of Ocean Springs  
16 harbor and 517 which is at the mouth of Davis Bayou.

17 We have been looking into it and, if we can  
18 address those issues, the area could easily open back up.

19 COMMISSIONER GOLLOTT: why have we got to  
20 reclassify this?

21 Do you want to cover that?

22 ERIK BROUSSARD: Excuse me?

23 COMMISSIONER GOLLOTT: why are you reclassifying  
24 this area, a Federal mandate, or something we need to do?

25 ERIK BROUSSARD: It is the State compliance with

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1 FDA and ISSC regulations for harvest.  
 2 COMMISSIONER GOLLOTT: Does anyone have any  
 3 questions?  
 4 COMMISSIONER BOSARGE: You answered most of my  
 5 questions.  
 6 COMMISSIONER GOLLOTT: Can you bring the motion  
 7 back up?  
 8 ERIK BROUSSARD: Yes.  
 9 COMMISSIONER GOLLOTT: Can I get someone to make  
 10 this motion?  
 11 COMMISSIONER BOSARGE: I will make the motion to  
 12 proceed with Notice of Intent for Title 22 Part 1 Updated  
 13 Regulatory Language for Area V - Updated Management Plan  
 14 Criteria and Subdivision of Area V.  
 15 COMMISSIONER GOLLOTT: Can we get a second?  
 16 COMMISSIONER HARMON: So seconded, Mr. Chairman.  
 17 COMMISSIONER GOLLOTT: We have a motion and a  
 18 second.  
 19 All those in favor say aye.  
 20 (All in favor.)  
 21 COMMISSIONER GOLLOTT: Opposed?  
 22 (None opposed.)  
 23 COMMISSIONER GOLLOTT: Motion carries. Thank  
 24 you, Erik.  
 25 ERIK BROUSSARD: Thank you.

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1 COMMISSIONER GOLLOTT: I would like to call  
 2 about a five-minute recess.  
 3 (Whereupon, a short recess was taken.)  
 4 COMMISSIONER GOLLOTT: We need to bring the  
 5 meeting back to order.  
 6 Next we have State Saltwater Fishing Record,  
 7 but, before we do anything on that, we would like to hear  
 8 from Mr. Bobby Knight.  
 9 Please come up, Bobby.  
 10 BOBBY KNIGHT: Good morning. My name is Bobby  
 11 Knight. I'm here for my daughter.  
 12 I don't have any fancy pictures, or anything,  
 13 because I didn't know I was going to be up here today.  
 14 I'm going to try to wing it and probably do a lot of  
 15 fumbling. Y'all will just have to put up with me for my  
 16 three minutes.  
 17 First of all, since I don't have any pictures, I  
 18 am going to show y'all this one on my phone.  
 19 (Phone handed to Commissioner Gollott by Bobby  
 20 Knight.)  
 21 BOBBY KNIGHT: My daughter is an amazing girl.  
 22 She is sixteen years old. She's got a four point three  
 23 average in school. She is planning on going into some  
 24 type of marine engineering. She has won the Mississippi  
 25 Deep Sea Fishing Rodeo Queen three years in a row. She

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1 won it at the age of fourteen, youngest to ever win it.  
 2 She has won numerous other rodeos.  
 3 She has caught just about every fish in the Gulf  
 4 of Mexico, except a Marlin. She is very involved in  
 5 fishing.  
 6 Right before Easter vacation she said, "Dad, I  
 7 want to try to catch a Swordfish to beat the seventy-five  
 8 pound Swordfish in Mississippi."  
 9 I said, "Awesome. Here goes another trip."  
 10 She said, "I'm off for a whole week during  
 11 Easter."  
 12 I said, "Okay. We will give it a shot then."  
 13 At that time, I called the DMR. I said, "I  
 14 don't know what I'm doing here. I'm trying to break the  
 15 Mississippi State Record, and we talked about all the  
 16 rules, all the regulations and all of the documentation  
 17 that I would need to present, when I showed up here.  
 18 We printed out all the documentation and made  
 19 sure everything was correct that they told me I would  
 20 need.  
 21 We went out for five days. We loaded the boat  
 22 up and took off. The first night we caught probably an  
 23 eighty pound Swordfish. I chose to release it, instead of  
 24 trying to run it in because we still had four more days to  
 25 fish.

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1 On the third day, we caught a hundred and  
 2 thirty-nine pound Swordfish. At that time, we ran a  
 3 hundred and thirty miles from the Mississippi Canyon and  
 4 turned it in here on April the 19<sup>th</sup>. We weighed the fish  
 5 in. The only other fish that had been weighed in was ten  
 6 years ago and it was seventy-five pounds, so that is the  
 7 biggest fish that had been brought in, in ten years.  
 8 We turned in all the documentation. Everything  
 9 looked great. They told me I had no problem going  
 10 through.  
 11 At that time, I was asked for my HMS permit  
 12 number which I gave to Mr. Jonathan Barr.  
 13 When it went to the review board, we found out,  
 14 at that time, that when I purchased a new boat at the  
 15 beginning of the year and I went in and got my new HMS  
 16 permit, when I did, I hit "Renewal", typed in all the new  
 17 information, hit "Submit", paid the twenty dollars and  
 18 went on my way.  
 19 When the DMR pulled it up, the HMS permit came  
 20 back as the boat that I previously owned and had sold in  
 21 October 2016.  
 22 I don't know why it generated that. I don't  
 23 know how it came up like that.  
 24 They said, when you type everything in and you  
 25 hit "Renewal", it automatically picks up your older boat.

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1 I found out since then you have to hit "New Registration".

2 I made an honest mistake. My daughter's  
3 Swordfish record did not go through and, at this point,  
4 I'm just here trying to see if there is some type of way  
5 you can give her some type of certificate to acknowledge  
6 her accomplishment of bringing the Swordfish in.

7 COMMISSIONER GOLLOTT: Thank you, Bobby.

8 Does anybody have any questions?

9 (No response.)

10 COMMISSIONER GOLLOTT: I think what I would like  
11 to do is make a motion that we send this back to the staff  
12 to reconsider this. I think the Commission is on your  
13 side on this thing. I think your daughter should get  
14 something.

15 I make a motion that we give it back to the  
16 staff, and the staff has the ultimate decision on this.

17 COMMISSIONER TRAPANI: I will second that  
18 motion.

19 COMMISSIONER GOLLOTT: We have a motion and a  
20 second.

21 JOE JEWELL: Commissioners, before y'all vote on  
22 that motion, the Commission on Marine Resources is the  
23 only one that can vote on a state record.

24 I want to comment about how this occurred.

25 The DMR Marine Fisheries Office has a review

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1 panel, and that review panel reviews all records, or  
2 potential records, and the documentation, and that review  
3 panel reviewed this particular potential record at that  
4 time, and it reviewed all of the documents that were  
5 required for that record.

6 I am part of that review panel, and we did  
7 question the HMS permitting, and I'm the actual person  
8 that requested the boat verification portion of that, and,  
9 at that time, the HMS permit did not match the boat that  
10 it was registered to, and that would be a violation of the  
11 rules portion of it. That is why it was pulled off of the  
12 Commission's agenda.

13 The staff cannot make a state record. Only the  
14 Commission can vote on that.

15 Now, there are several procedural things that  
16 happen internally that our staff has recognized as a  
17 potential issue and, at some point in the future, we are  
18 going to come before the Commission for clarification on  
19 that.

20 If that had not happened, that would have been a  
21 state record and it would have come before the Commission  
22 before the fishing rodeo occurred, the Billfish Rodeo, and  
23 it would have been a state record.

24 What Mr. Knight is asking is will the Commission  
25 vote that a state record that would have occurred in the

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1 past before this state record you are about to consider?

2 The Commission has two choices here, either to  
3 accept the staff's recommendation as a rule violation, or  
4 to vote on it now as a state record.

5 JAMIE MILLER: Joe, let me interject something.  
6 I think the Commission has now had an opportunity to hear  
7 Mr. Knight's side of this.

8 Because of the question about the HMS permit,  
9 the staff basically held any recommendation to the  
10 Commission until we could better understand what we going  
11 on. I think Mr. Knight's testimony is a part of that, the  
12 Commission's consideration.

13 JOE JEWELL: That's correct.

14 JAMIE MILLER: what I would like to do is what  
15 Chairman Gollott has recommended, let the staff go back  
16 and let's come back with an actual recommendation, based  
17 on everything we know, and the Commission will have to  
18 vote on that, but, I think right now, I would rather not  
19 have the Commission vote on something, without the staff  
20 preparing all of the details of that because they have not  
21 seen anything on this particular Swordfish.

22 Now, before that could happen, they have also  
23 got to vote on this new fish that has shown up that we  
24 have certified and are recommending for a state record.

25 Let us get with legal and figure out if there is

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1 some way of recognizing his daughter in some meaningful  
2 way that may, or may not, be the Commission voting on a  
3 state record, or maybe it is. I don't know.

4 why don't we just hold this until July, if Mr.  
5 Knight is willing to do that?

6 BOBBY KNIGHT: Absolutely.

7 COMMISSIONER GOLLOTT: I agree with you a  
8 hundred percent.

9 what I would like to do is withdraw the first  
10 motion and make a motion that we table this until the next  
11 meeting.

12 JOE JEWELL: I think Director Miller has given  
13 some guidance, and I agree with that guidance. The  
14 Commission can motion that the staff review all of the  
15 information available, including Mr. Knight's comments  
16 here today, and we can come back before the Commission in  
17 July.

18 COMMISSIONER GOLLOTT: Ms. Trapani, would you  
19 agree?

20 COMMISSIONER TRAPANI: Yes.

21 JAMIE MILLER: Sandy, just for clarification  
22 because I don't want to get this confused, I believe the  
23 Commission does need to take up the actual item on the  
24 state record, before then, that has been presented.

25 I'm trying to deal with Mr. Knight's comments

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1 about this other fish that was caught and that did not  
2 make it to the Commission for staff recommendation.

3 I do want to go back and revisit that after we  
4 get more information, but I think we do have to deal with  
5 the presented state record for swordfish today.

6 JOE JEWELL: That's correct.

7 SANDY CHESTNUT: Yes, and that's fine. You can  
8 go ahead and do that, and, then, deal with Mr. Knight's  
9 issue separately.

10 when we have all the facts together, we will see  
11 what recommendation you could make to the Commission.

12 JOE JEWELL: Okay.

13 JAMIE MILLER: I'm not sure that a motion is in  
14 order. I think we have taken Mr. Knight's comments. I  
15 think we should move forward with what is on the agenda.

16 SANDY CHESTNUT: They could make a motion to  
17 direct staff to bring back more information, if they want  
18 to, but, other than that, I think that staff is pretty  
19 clear on what they need to do.

20 COMMISSIONER GOLLOTT: Steve, I think you've got  
21 a question.

22 COMMISSIONER BOSARGE: Just a couple of things.  
23 We have got to be sure we don't set any precedence by what  
24 we do.

25 Also, you have an opportunity, I guess, at the

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1 next Billfish Classic, or whatever, to go out and try to  
2 break the record again.

3 Correct?

4 BOBBY KNIGHT: well, before it was seventy-five  
5 pounds. Now, it is two hundred and forty-two pounds.

6 COMMISSIONER BOSARGE: It's just a little more  
7 of a challenge.

8 JOE JEWELL: with that being said, Mr. Jonathan  
9 Barr is going to present the potential current state  
10 record.

11 JONATHAN BARR: Thank you, Joe, and Mr. Knight.

12 BOBBY KNIGHT: Thank you.

13 JONATHAN BARR: Good morning Commissioners,  
14 Director Miller, Ms. Chestnut.

15 As y'all are aware, we have a state record up  
16 for consideration. It is conventional tackle category,  
17 Xiphias gladius, or better known as a swordfish. The old  
18 record was seventy-five pounds on the nose. The new  
19 record is slightly larger, two hundred and forty-two  
20 pounds eight point six four ounces. The angler is Mr.  
21 Scott Cothran.

22 There is the swordfish hanging up at Point Cadet  
23 Marina where the tournament was held, and there is Mr.  
24 Cothran and the swordfish (indicating photographs).

25 what is required is a motion to adopt this new

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1 state record.

2 COMMISSIONER TRAPANI: I will make that motion  
3 to adopt this new state record of the swordfish.

4 COMMISSIONER GOLLOTT: We have a motion.

5 Do we have a second?

6 COMMISSIONER BOSARGE: So seconded.

7 COMMISSIONER GOLLOTT: we have a motion and a  
8 second.

9 All those in favor say aye.

10 (All in favor.)

11 COMMISSIONER GOLLOTT: Opposed?

12 (None opposed.)

13 COMMISSIONER GOLLOTT: Motion carries. Thank  
14 you.

15 JONATHAN BARR: Thank you.

16 JOE JEWELL: That concludes the presentations  
17 for Marine Fisheries, if there are no more questions.

18 COMMISSIONER GOLLOTT: Thank you, Joe.

19 JOE JEWELL: Thank you.

20 COMMISSIONER GOLLOTT: Mr. Jan Boyd, Coastal  
21 Resources Management.

22 JEFF CLARK: Jan is out today, so I'm standing  
23 in for him.

24 Good morning Commissioners, Director Miller, Ms.  
25 Chestnut.

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1 Coastal Resources Management has three items for  
2 your consideration today.

3 The first one will be a permit request from  
4 Maritime Development Center, and presenting will be Greg  
5 Christodoulou.

6 GREG CHRISTODOULOU: Good morning everyone.

7 As Jeff mentioned, my name is Greg Christodoulou  
8 and I will be presenting a permit request by Maritime  
9 Development Center. It is at the U.S. Marine facility  
10 located on the Industrial Seaway Canal adjacent to  
11 Lorraine Road in Gulfport, Mississippi. It is in the  
12 Industrial Development Use District, and the agent is  
13 Culpepper and Associates.

14 The purpose of the project is to enlarge the  
15 facility by installing a travel lift.

16 The impacts associated with the project are the  
17 excavation of a boat slip, or launch, two launch piers  
18 within the slip, a bulkhead along the slip, riprap along  
19 the side slope within the slip, some dredging right out in  
20 front of the new slip, and the dredging will impact  
21 approximately a hundred square feet of black needle rush,  
22 and the applicant is proposing to transplant that just  
23 down the shoreline on the property.

24 You can see the yellow thumbtack, the project  
25 location, Industrial Seaway, and this is the Wilkes Bridge

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1 over the seaway, and, then, kind of a zoomed in aerial of  
2 the location. It is going to be this wooded area, right  
3 here (indicating photographs).

4 Here is a drawing of the project showing the  
5 slip and the location of the dredging right out front,  
6 and, then, here are some cross sections looking into the  
7 slip and the two launch piers, and, then, from the side.

8 This is a picture at the site of part of the  
9 area that is going to be excavated. Again, it is an  
10 upland area. There will be no impacts to any coastal  
11 wetlands, or aquatic resources, in this section.

12 Then, here is a photo of the canal itself, and  
13 the sparse amount of vegetation.

14 The project will provide for the expansion of a  
15 current shipbuilding facility, by allowing the service of  
16 larger vessels, and that will provide long-term employment  
17 opportunities, construction-related employment and  
18 expansion of the local tax base.

19 The project is allowable in the Industrial  
20 Development Use District.

21 The applicant has requested three variances for  
22 the project, and I will go through each one of those with  
23 the justification for it.

24 Section 2, Part III.C.8 states, "Indented boat  
25 slips with the angled sides should be used in preference

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1 to keyhole boat slips".

2 The applicant is limited on the amount of  
3 shoreline that they have. They would have to remove  
4 current docking facilities in order to do this, and, of  
5 course, with the travel lift, it needs to be aligned  
6 perpendicular with the waterway.

7 Section 2, Part III.C.6, "Marinas and boat slips  
8 shall not be sited in areas of known high siltation and  
9 shoaling rates".

10 In this particular area, there is a ditch that  
11 runs along the property. Sediment does come down that  
12 ditch and is probably the reason why, when we get to the  
13 next variance, the vegetation is there in the first place.

14 The applicant has designed the project to where  
15 there will be sediment traps located to catch the sediment  
16 and have it fall out before it enters into the slip, or  
17 into the seaway area.

18 Section 2, Part III.C.2, "Alignments shall avoid  
19 shellfish beds, submerged and emergent vegetation, and  
20 archaeological and historical sites".

21 Again, the vegetation is kind of an anomaly  
22 there. It is a very highly-used waterway, and the only  
23 reason the vegetation is likely there is because of the  
24 silt that is running down that ditch.

25 The justification is from Chapter 8, Section 2,

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1 Part I.E.2.b.ii, "There is a significant public benefit in  
2 the activity, impacts to public access and adverse  
3 environmental impacts have been minimized, the general  
4 public as well as governmental agencies were notified of  
5 the project, and a public hearing was held". We will talk  
6 more about that momentarily.

7 Similar projects have been approved by the  
8 Commission. This should not set a negative precedent.

9 The boat launch will be excavated from uplands.  
10 No impacts to coastal wetlands, or public trust tidelands.  
11 There will be minimal dredging required, approximately  
12 eight hundred and thirty-five yards.

13 Again, approximately a hundred square feet of  
14 marsh vegetation will be transplanted and it will be  
15 monitored. If the transplant is unsuccessful, staff will  
16 require them to mitigate at a three-to-one ratio. They  
17 would have to create three hundred square feet of marsh in  
18 another location, if the transplant is not successful.

19 The applicant is proposing the construction of a  
20 boat slip/launch to facilitate the installation of a  
21 travel lift system that will expand the shipbuilding and  
22 servicing capability at the U.S. Marine Facility.

23 Best management practices will be utilized  
24 throughout all phases of the construction.

25 The applicant did contemplate using a pile-

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1 supported launch runway, but, due to the nature of the  
2 alignment, the pile-supported structures would stick too  
3 far out in the waterway and hinder navigation.

4 No additional sites were considered. This is an  
5 existing shipbuilding and servicing facility.

6 A boat slip/launch does require a waterfront  
7 location.

8 The project is in an industrial use area. There  
9 are other water-dependent industries along that canal.  
10 This should not affect the scenic qualities.

11 The U.S. Marine Facility does contract with the  
12 government and military to produce vessels that support  
13 their functions.

14 Public notice was placed in the Sun Herald.  
15 There was a public hearing held, on May 25<sup>th</sup>, and no public  
16 comments were received from either the public hearing, or  
17 the public notice.

18 DEQ is reviewing the project.

19 Archives and History has not objections.

20 Secretary of State stated that the project is  
21 not located in Public Trust Tidelands.

22 Wildlife, Fisheries and Parks recommends that  
23 best management practices be utilized.

24 Staff's recommendation is that the project  
25 supports a water-dependent industry, it will have a

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1 significant public benefit, and serves the national  
2 interest by servicing and constructing government and  
3 military vessels.

4 Staff recommends approval of the variance  
5 requests and the permit, contingent on water quality  
6 certification from DEQ.

7 COMMISSIONER GOLLOTT: Greg, what is going to  
8 happen to the eight hundred and thirty-five cubic yards of  
9 mud?

10 GREG CHRISTODOULOU: Is it just going to be  
11 dredging down to about eight feet.

12 COMMISSIONER GOLLOTT: How are you going to  
13 dispose of it?

14 GREG CHRISTODOULOU: It is going to be disposed  
15 of in on-site uplands. They don't have to go beneficial  
16 use with it because it is not Public Trust Tidelands, or  
17 Coastal Wetlands, and it doesn't meet the requirement of  
18 the twenty-five hundred yards.

19 COMMISSIONER GOLLOTT: Does anyone else want to  
20 say something?

21 (No response.)

22 COMMISSIONER GOLLOTT: Do I have a motion to  
23 accept the staff's recommendation?

24 COMMISSIONER BOSARGE: I'll make the motion we  
25 accept the staff's recommendations.

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1 COMMISSIONER GOLLOTT: Do I have a second?

2 COMMISSIONER HARMON: So seconded, Mr. Chairman.

3 COMMISSIONER GOLLOTT: We have a motion and a  
4 second.

5 All those in favor say aye.

6 (All in favor.)

7 COMMISSIONER GOLLOTT: Opposed?

8 (None opposed.)

9 COMMISSIONER GOLLOTT: Motion carries.

10 Thank you, Greg.

11 JEFF CLARK: Next is a permit request from the  
12 Harrison County Sand Beach Authority. Presenting will be  
13 Chris Pickering.

14 CHRIS PICKERING: Good morning Commissioners,  
15 Director Miller, Ms. Chestnut.

16 I will be presenting the next action item on the  
17 agenda. This is a request for a permit by the Harrison  
18 County Sand Beach Authority. It is located along U.S.  
19 Highway 90 in the Mississippi Sound from Henderson Point  
20 to Chalmers Drive in Harrison County, Mississippi. It is  
21 in the General Use District, and the agent is BMI  
22 Environmental Services.

23 They are proposing to dredge two hundred and  
24 ninety-five thousand five hundred and twenty cubic yards  
25 of sand from pre-designated borrow areas. The proposed

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1 depth is ten to fifteen feet below mean low water. The  
2 borrow areas range from one thousand one hundred and fifty  
3 feet to two thousand five hundred and fifty feet from the  
4 seawall.

5 These are the nine areas of the beach that they  
6 are planning to renourish. I'm not going to go through  
7 all the cubic yards for each one, but it is from Henderson  
8 Avenue in Pass Christian to Chalmers Drive in Biloxi  
9 (indicating slide).

10 Here is an overview of the nine separate areas.  
11 Here is Henderson Point and there is Chalmers Drive. Here  
12 is the profile of the beach (indicating slides).

13 In your writeups, you had each area broken down  
14 so you could see those. It shows a zoomed-in area of the  
15 fill areas for each one, and, then, also their borrow  
16 areas.

17 The project serves a higher public purpose, by  
18 restoring portions of the Harrison County Sand Beach that  
19 have eroded away. The beach will supply recreational  
20 opportunities, expand beach habitat, protect existing  
21 storm outfalls, and protect the seawall and U.S. Highway  
22 90.

23 The proposed project is allowable within the  
24 General Use District.

25 The applicant is requesting a variance to the

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1 Coastal Program, under Chapter VIII, Section 2, Part  
2 III.G.4, which states, "Access canals shall be designed to  
3 insure adequate flushing and shall not create stagnant  
4 pockets; they shall use existing drainage patterns to  
5 maximum advantage; they shall be uniform depth, or become  
6 gradually shallower, proceeding from the receiving body of  
7 water; they shall be no deeper than the parent body of  
8 water and, where feasible, shall be aligned with  
9 prevailing summer winds to increase circulation".

10 The applicant justified the variance request  
11 under Chapter 8, Section 2, Part I.E.2.c.i., and Section  
12 2, Part I.E.2.c.iii, and Section 2, Part I.E.2.c.iv.

13 We do not agree with their first justification  
14 which states that impacts to coastal wetlands would be no  
15 worse than if guidelines were followed because they are  
16 dredging to a depth greater than the surrounding parent  
17 body of water which could create low dissolved oxygen  
18 levels, but we do agree with their other two  
19 justifications which state that no feasible alternative  
20 sites, or construction techniques, are available; there is  
21 a significant public benefit in the activity; the activity  
22 requires a waterfront location; and a public hearing has  
23 been held.

24 They applicant also justified the request under  
25 Chapter 8, Section 2, Part III.L, Guidelines for Other

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1 Mineral Extraction. This guideline states, "Extractions  
2 of marine mineral resources (sand, gravel, shell,  
3 phosphates, et cetera) from coastal wetlands within  
4 fifteen hundred feet of tidal marshes, or within one mile  
5 of the base of live reefs, is prohibited except for  
6 obtaining cultch material, or material for beach  
7 replenishment."

8 There are no precedent setting effects expected,  
9 based on this project, since the dredge sites have  
10 historically been utilized as borrow areas and the fill  
11 sites have historically been utilized as a sand beach.  
12 This method of beach renourishment has been utilized  
13 during all previous renourishment projects in Harrison  
14 County, since the original project in 1952. Similar  
15 projects have been approved by the Commission.

16 There will be a temporary increase in turbidity  
17 during dredging operations and a loss of benthic organisms  
18 within the dredging area. Dredging in the borrow areas to  
19 a depth greater than the parent body of water could cause  
20 low dissolved oxygen levels within the borrow areas.

21 The proposal is for a single dredging event at  
22 each borrow area. The applicant has plans to apply at a  
23 later date for a ten-year maintenance permit to use near  
24 shore sand retrieval to maintain the beach profile and to  
25 reconstruct the outfall structures along the beach.

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

3 Alternatives considered was a no-action  
4 alternative. That alternative isn't really going to serve  
5 the purpose of the project.

6 They looked at upland sources. It would cost  
7 approximately twenty dollars per cubic yard to get the  
8 sand to fill these areas for that alternative. It is  
9 going to cost about eight dollars and fifty cents per  
10 cubic yard with the proposal they have now, using the  
11 borrow areas. There is a big cost difference there.

12 They looked at retrieving sand blown over the  
13 seawall. Right now, they estimate it at forty-eight  
14 thousand cubic yards of material that is blown over the  
15 seawall each year, but they need the two hundred and  
16 ninety-five thousand cubic yards. That is not feasible.

17 They also looked at near-shore retrieval. Using  
18 that alternative right now, with the two hundred and  
19 ninety-five thousand cubic yards that they need, they  
20 would be impacting about seven times more of an area than  
21 they are now.

22 These areas are currently utilized as the  
23 Harrison County Sand Beach and pre-designated borrow  
24 sites. No alternative sites were considered.

25 Dredging and a beach renourishment project does

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1 require a waterfront location.

2 This project is in areas that have been utilized  
3 as a sand beach and borrow sites, and will restore the  
4 beach to the original profile. Therefore, the project  
5 should not affect the natural scenic qualities.

6 The project did appear in the Sun Herald, on May  
7 21<sup>st</sup>, May 28<sup>th</sup>, and June 4<sup>th</sup>, 2017. We received no  
8 comments.

9 A public hearing was held on Tuesday, June 13<sup>th</sup>,  
10 here in this room in our building, and we received no  
11 comments from that either.

12 DEQ is currently reviewing the project.  
13 Archives and History has no objections.

14 Secretary of State says there are no lease  
15 issues.

16 wildlife, Fisheries and Parks, we did just  
17 receive a letter from them and they recommend best  
18 management practices.

19 The Harrison County Sand Beach is designated as  
20 a special management area. The Mississippi Coastal  
21 Program states, "It is imperative that beaches be  
22 maintained primarily for public recreation benefits. When  
23 properly maintained, beaches protect the shore from  
24 storms, and are visual resources because of their natural  
25 scenic quality at the land/water interface."

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1 Based upon departmental review and evaluation,  
2 it has been determined that the project is consistent with  
3 the Mississippi Coastal Program because it will serve a  
4 higher public purpose, by supplying recreational  
5 opportunities, expanding beach habitat, protecting the  
6 existing storm outfalls, and protecting the seawall and  
7 U.S. Highway 90.

8 Therefore, staff recommends approval of the  
9 requested variance and the project, contingent upon water  
10 quality certification from MDEQ.

11 The agent is here, if y'all have any questions.

12 COMMISSIONER GOLLOTT: Thank you, Chris.

13 Any questions?

14 (No response.)

15 COMMISSIONER GOLLOTT: Can we get a motion?

16 COMMISSIONER BOSARGE: Yes, sir. I'll make a  
17 motion that we accept the staff's recommendations. I  
18 think this is a good project. We need to keep the sand on  
19 the beach, keep it looking good, and I think that's about  
20 as good a spot to get it. It is going back offshore, a  
21 lot of it, and we are going back and getting it and  
22 putting it back. Good deal.

23 COMMISSIONER GOLLOTT: We have a motion.

24 Can I get a second?

25 COMMISSIONER TRAPANI: I'll second it.

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1 COMMISSIONER GOLLOTT: We have a second.

2 All those in favor say aye.

3 (All in favor.)

4 COMMISSIONER GOLLOTT: Opposed?

5 (None opposed.)

6 COMMISSIONER GOLLOTT: Motion carries.

7 Thank you, Chris.

8 CHRIS PICKERING: Thank you.

9 JEFF CLARK: The last item for Coastal is a  
10 violation by Don Shaddix. Presenting is Jennifer Wilder.

11 JENNIFER WILDER: Good morning. I am Jennifer  
12 wilder, and I will be presenting the violation by Mr. Don  
13 Shaddix at his home on Kings Bayou at 8240 Egret Lane in  
14 Gautier.

15 It is in the General Use District, and his agent  
16 for the restoration plan, not for the actual violation,  
17 was Randy Ellis.

18 The structures in dispute are a keyhole boat  
19 slip that was constructed resulting in the destruction of  
20 Coastal Wetland vegetation and unauthorized pilings.

21 Here is an overview. You can see I-10, Gautier  
22 Vanleave Road, and this little mark here is Mr. Shaddix's  
23 home (indicating slide).

24 These are pictures from 2013, as the area was  
25 when I first was on the property before the keyhole slip

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1 was constructed.

2 These two pictures show the pilings and the  
3 keyhole slip as it is now.

4 August 21<sup>st</sup>, 2014, Mr. Shaddix received his first  
5 authorization from DMR for the fill of zero point zero  
6 nine acre of non-tidal wetlands to construct driveways on  
7 his property.

8 August 26<sup>th</sup>, 2014, Mr. Shaddix applied for a  
9 permit to dredge and to construct a boat slip, boat house,  
10 pier and access pier.

11 August 26<sup>th</sup> through December 4<sup>th</sup>, 2014, we were in  
12 the process of trying to find ways for Mr. Shaddix to have  
13 the structures that he wanted, without being in violation  
14 of the Coastal Program. During that process, Mr. Shaddix  
15 was instructed he could not construct a keyhole boat slip  
16 and he could not impact marsh vegetation.

17 December 5<sup>th</sup>, 2014, a General Permit was issued  
18 for the construction of an access pier, boathouse and  
19 debris removal. A keyhole boat slip was not authorized.

20 May 12<sup>th</sup>, 2015, DMR staff received notification  
21 of a potential violation at Mr. Shaddix's address, stating  
22 that a keyhole boat slip had been constructed.

23 On May 15<sup>th</sup>, 2015, staff went to the site and  
24 found a keyhole boat slip had been constructed, tidal and  
25 tidally-influenced marsh vegetation had been destroyed,

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1 submerged aquatic vegetation had been destroyed, tidal  
2 marsh fringe and other wetland vegetation had been  
3 destroyed by the unauthorized dredging and fill. More  
4 than the original zero point zero nine acre of fill had  
5 been placed in non-tidal wetlands. There was a violation  
6 of the August 21<sup>st</sup>, 2014, authorization.

7 June 30<sup>th</sup>, 2015, staff conducted a meeting with  
8 Mr. Shaddix and a representative of the Corps of  
9 Engineers.

10 January 28<sup>th</sup>, 2016, Mr. Shaddix's agent submitted  
11 a modification request and a restoration plan.

12 Now, you have a copy of that in the handout you  
13 received, showing you the modification request and the  
14 restoration, with the highlighted portion where they state  
15 they had built the unauthorized boat slip and that they  
16 would restore it.

17 On May 4<sup>th</sup>, 2016, Mr. Shaddix was issued a  
18 General Permit Modification based on that request.

19 The restoration plan included reducing the  
20 amount of non-tidal wetland fill to zero point zero nine  
21 acre, or less, restoring the area that had previously  
22 contained SAV, tidal marsh fringe, and other wetland  
23 vegetation to its previous condition, in hopes that we  
24 would find regrowth, and that he would restore the keyhole  
25 boat slip to its previous condition, again, hoping the

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1 vegetation would regrow.

2 This is a copy of that, with the highlighted  
3 portion that you got in your packet (indicating slide).

4 On February 22<sup>nd</sup>, 2017, DMR staff received  
5 notification of a potential violation at Mr. Shaddix's  
6 address, stating that a keyhole boat slip had been  
7 constructed.

8 On February 23<sup>rd</sup>, 2017, staff went to the site  
9 and found that the keyhole boat slip still existed and  
10 that there were now unauthorized pilings.

11 February 23<sup>rd</sup>, 2017, a cease and desist letter  
12 was sent by certified mail and regular mail to Mr.  
13 Shaddix.

14 On February 28<sup>th</sup>, 2017, he signed for that  
15 letter, and we have the green card back.

16 April 12<sup>th</sup>, 2017, there was a notice that the  
17 violation would be presented at the Commission meeting.  
18 It was mailed to Mr. Shaddix. The Commission meeting was  
19 on April 18<sup>th</sup>.

20 On April 17<sup>th</sup>, his agent contacted us and asked  
21 if we would have an on-site meeting.

22 We requested that you take the violation off the  
23 agenda in April, and you did.

24 On April 19<sup>th</sup>, staff met with Randy Ellis on  
25 site.

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1 After that meeting, we met with Ricky Register  
2 who was the contractor who had installed the pilings. He  
3 admitted to installing them without seeing a permit.

4 On April 27<sup>th</sup>, we received a restoration plan  
5 from Mr. Shaddix's agent. It was approved by DMR, and a  
6 site visited showed that all the pilings had already been  
7 removed.

8 May 31<sup>st</sup>, June 15<sup>th</sup> and June 19<sup>th</sup> site visits by  
9 staff found that the keyhole boat slip still exists and  
10 the area has not been restored.

11 After our investigation, staff concludes that  
12 there were four separate violations:

13 More than zero point zero nine acre non-tidal  
14 wetland fill, and that has been corrected.

15 Unauthorized pilings. That also has been  
16 corrected.

17 There was an unauthorized keyhole boat slip.  
18 That is still in place.

19 The destruction of tidal and tidally-influenced  
20 marsh vegetation has not been corrected.

21 Based on those findings, staff recommends that  
22 Mr. Shaddix be required to restore the area surrounding  
23 the unauthorized boat slip within thirty days and be  
24 issued a fine according to Mississippi Code 49-27-51.

25 We recommend that the fine be issued to Mr. Don

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1 Shaddix in the amount of eight thousand dollars, with four  
2 thousand dollars being suspended because he has corrected  
3 two of the four violations, contingent on the restoration  
4 being completed within thirty days, the fine being paid  
5 within ninety days, no violations within two years, that  
6 the impacted area of marsh vegetation be allowed one  
7 growing season to recover and, if it does not, Mr. Shaddix  
8 be required to restore the area.

9 Failure to comply will result in the matter  
10 being forwarded to the Attorney General's Office for  
11 further enforcement action.

12 The violation was discovered on February 22<sup>nd</sup>,  
13 2017, and, as of today, has lasted a hundred and seventeen  
14 days.

15 Maximum potential fine for a residential  
16 violation of this length is fifty-eight thousand five  
17 hundred dollars.

18 You have heard our recommendation for the eight  
19 thousand, with four thousand suspended, based on the fact  
20 Mr. Shaddix has received previous authorizations and was  
21 aware that he needed a permit for the work he did. We met  
22 with him on site several times and explained what would be  
23 allowed and what would not be allowed, and he did submit a  
24 restoration plan stating he would correct the area where  
25 the keyhole slip is located.

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1 This is staff's recommendation.

2 Any questions?

3 COMMISSIONER GOLLOTT: Mr. Shaddix is not here?

4 JENNIFER WILDER: He is not. He was notified by  
5 certified mail of today's meeting.

6 COMMISSIONER GOLLOTT: Give us staff's  
7 recommendation again.

8 JENNIFER WILDER: That Mr. Shaddix be issued a  
9 fine of eight thousand dollars, with four thousand  
10 suspended, contingent on the fact that he restore the area  
11 within thirty days, pay the fine within ninety days, no  
12 violations within two years, and that the vegetation be  
13 given a growing season, one year, to restore and, if it  
14 does not, then, he will have to work within the Marsh  
15 Restoration Guidelines to repair the area.

16 COMMISSIONER BOSARGE: You think he can restore  
17 that in one year, one growing season?

18 JENNIFER WILDER: We think that we will know in  
19 one year if the marsh is going to come back, and, then, we  
20 will monitor it, if it is showing signs of regrowth.

21 COMMISSIONER BOSARGE: I think that would be my  
22 only recommendation, instead of saying that it is  
23 completed in one year, that it is in the process of moving  
24 in that direction.

25 You know what I'm saying?

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1 JENNIFER WILDER: Yes, sir.

2 COMMISSIONER BOSARGE: It is going to take more  
3 than one year for it to grow back.

4 JENNIFER WILDER: To totally restore, yes.

5 COMMISSIONER GOLLOTT: I would like to see it  
6 coming back before the Commission, instead of sending it  
7 to the Attorney General. Let us have a another look at  
8 it. We might want to send it straight to the Attorney  
9 General.

10 JENNIFER WILDER: Okay.

11 COMMISSIONER GOLLOTT: Can we get a motion?

12 COMMISSIONER HAVARD: Has he been given other  
13 alternatives for a boat slip?

14 JENNIFER WILDER: Yes, sir. He actually has a  
15 permit standing for a boathouse, right now. This is in a  
16 separate section.

17 The first time that I went out there, you could  
18 tell that the area was having a small boat, or a kayak,  
19 dragged through it, and we addressed it that first time  
20 back in 2013, that he was killing the marsh vegetation and  
21 that he had to stop with that. That was the first time we  
22 tried to give him a permit for the boathouse.

23 He does have an open permit for a boathouse.  
24 This is just another boat and where he wants to put it.

25 COMMISSIONER GOLLOTT: Do we have a motion?

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1 SANDY CHESTNUT: If I understand the motion, it  
2 is just as staff recommends on the screen, with the  
3 exception of the growing season to be extended to how  
4 long?

5 JENNIFER WILDER: Let me explain that. What the  
6 Marsh Restoration Guidelines say is that it is not grown  
7 back and you actually have to plant.

8 We are talking about it just restoring  
9 naturally, just by virtue of where it is. If he restores  
10 the slope and elevation, with the water that it is going  
11 to get, it should restore by itself.

12 After one year, then, we would require him to  
13 actually do plantings and to monitor it from that point  
14 until it was restored.

15 SANDY CHESTNUT: And that is typically a five-  
16 year monitoring plan.

17 Right?

18 JENNIFER WILDER: Yes, ma'am.

19 SANDY CHESTNUT: Is that sufficient?

20 COMMISSIONER BOSARGE: I think so.

21 SANDY CHESTNUT: And, then, the other change is  
22 failure to comply will result in the matter being brought  
23 back before the Commission for further action.

24 COMMISSIONER GOLLOTT: Any objections to the  
25 modifications?

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1 (No response.)

2 COMMISSIONER GOLLOTT: Can I get a motion on  
3 this?

4 COMMISSIONER HARMON: Yes, sir. Mr. Chairman, I  
5 would like to make a motion that we accept the staff's  
6 recommendations on this, with the amendments to it.

7 COMMISSIONER GOLLOTT: Do we have a second?

8 COMMISSIONER HAVARD: I'll second the motion.

9 COMMISSIONER GOLLOTT: We have a motion and a  
10 second.

11 All those in favor say aye.

12 (All in favor.)

13 COMMISSIONER GOLLOTT: Opposed?

14 (None opposed.)

15 COMMISSIONER GOLLOTT: Motion carries.

16 Thank you, Jennifer.

17 JENNIFER WILDER: Thank you.

18 COMMISSIONER GOLLOTT: Next is Office of  
19 Finance.

20 KACEY WILLIAMS: Good morning Commissioners,  
21 Director Miller, Ms. Chestnut.

22 These are the financial results for fiscal year  
23 2017, as of May 31<sup>st</sup>, 2017.

24 The end of May, we had State revenue of six  
25 point two million. We had a Total Agency revenue of

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1 twenty-seven point four million.

2 Our State net income was actually a loss of one  
3 point seven million, and the Agency had a net loss of one  
4 point five million.

5 Now, there are several contributing factors for  
6 why this report displays figures this way. First, this  
7 report is only reflecting our current fiscal year revenue  
8 intake versus current expenditures. Some of the current  
9 year expenditures are for revenues which were received in  
10 previous fiscal years which we refer to as cash on hand.

11 Our overall agency cash position is still  
12 positive across prior and current revenue streams.

13 Our cash on hand spending for State is one point  
14 two million and Tidelands is five million. These are some  
15 of the contributing factors to the net loss.

16 Also, we had incurred four budget cuts in fiscal  
17 year 17, totaling just slightly more than two hundred  
18 thousand dollars. This is mandated at the state level.

19 We have also had revenue shortfalls throughout  
20 all levels of State government which is one of the reasons  
21 for this year's budget cuts.

22 The MDMR has also had similar revenue gaps that  
23 have prevented us from meeting our revenue projections  
24 this year.

25 Our accounts receivables have been delayed, due

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1 in part to Senate Bill 2362 this year. There were lots of  
2 changes to that, and we have not been able to recover some  
3 of our receivables, and there are also delays in federal  
4 funding availability, due to other federal rules and  
5 regulations this year.

6 One last contributing factor for the net loss is  
7 state treasury does not physically transfer the revenues  
8 for allotted appropriations each year. This has been a  
9 new change, since the MAGIC system came online. They  
10 offset the appropriation expenditures, after the fiscal  
11 year has closed each year, when their final figures are  
12 in. That is around one million dollars.

13 We are still in good shape. It is just  
14 reflecting this way on this one report. Overall we are  
15 doing well.

16 COMMISSIONER GOLLOTT: Kacey, I've got a  
17 question for you.

18 Are we going to be all right?

19 KACEY WILLIAMS: We are going to be all right.  
20 We are all right.

21 COMMISSIONER BOSARGE: I think I followed you.  
22 It sounds like we've got revenue that is headed our way,  
23 but we haven't received yet

24 KACEY WILLIAMS: Yes, sir, that is correct. We  
25 are waiting on several revenue streams to open up, and

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1 there are also several other things in the works that are  
2 going to help this in the coming months. We are doing all  
3 right. It is just reflecting this way at this time.

4 COMMISSIONER BOSARGE: Keep us up to date.

5 KACEY WILLIAMS: Yes, sir.

6 COMMISSIONER TRAPANI: Do we know how much is  
7 coming in accounts receivables that we haven't received?

8 KACEY WILLIAMS: We do. We have several revenue  
9 streams. We are waiting on lots of money from the Gulf  
10 States Marine Fisheries. We get that after the fact.

11 We are also waiting on some GOMESA revenue that  
12 is coming. That always comes after they receive it at the  
13 federal government.

14 We are waiting on NFWF money. That was as a  
15 result of Senate Bill 2362, but they have recently fixed  
16 that in the current legislature.

17 We are just waiting on several things for people  
18 to click buttons.

19 Wildlife, Fisheries and Parks license revenues,  
20 we are waiting on some of that as well.

21 We have several different areas we are waiting  
22 on.

23 After eleven months of this fiscal year, you can  
24 see from our budget standpoint, we still have a lot of  
25 budget authority remaining. It is just the revenues have

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1 not shown up yet.

2 In Operating funds, we have forty-nine point  
3 eight percent remaining, and in Tidelands Trust funds, we  
4 still have twenty-three point five percent remaining.

5 We are still doing all right.

6 COMMISSIONER GOLLOTT: Thank you, Kacey.

7 KACEY WILLIAMS: Thank you.

8 COMMISSIONER GOLLOTT: Come on, Melissa. We  
9 need some picking up here, after that budget.

10 MELISSA SCALLAN: The agency was mentioned a  
11 hundred and one times in local, state and national media,  
12 since our last meeting.

13 Some of the things people were focused most on  
14 were the opening of shrimp season, the changes to the  
15 Federal Red Snapper Season, we had a lot of attention from  
16 the boating accidents that occurred in the past week, and  
17 our oyster aquaculture project at the Port of Gulfport.

18 I did get several comments from people  
19 complementing Marine Patrol on their actions with families  
20 and the way that they helped those families, during these  
21 past tragedies.

22 At the end of last month, we held the  
23 Mississippi Seafood Cookoff. It was our eighth annual  
24 cookoff. Chef David Dickensauge of Gulfport won that  
25 contest, and he will represent us in New Orleans at the

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1 Great American Seafood Cookoff and at the World Food  
2 Championships in Gulf Shores. He is also opening an  
3 Italian restaurant in Bay St. Louis soon.

4 We have had quite a few outreach events.

5 Public Affairs and Ashley Smith in Human  
6 Resources were at the Maritime and Seafood Industry  
7 Museum's Wooden Boat Show.

8 Jennifer Frye presented at North Bay Elementary  
9 School's Career Day, as well as at the USM Gulf Coast  
10 Research Lab's Science Camp.

11 Public Affairs also had booths at the  
12 Mississippi Association of Supervisor's Convention in  
13 Biloxi and the City of Gulfport's Summer Jamboree in Jones  
14 Park and the Symphony by the Shore in Jones on Friday  
15 night.

16 Marine Patrol has participated in quite a few  
17 events; the Osprey Open Water Swim, the Torch Run for  
18 Special Olympics and the Wooden Boat Show. They have also  
19 participated in several career days and career fairs at  
20 different schools, before the end of the school year.

21 In training, Marine Patrol took part in some DUI  
22 training. We took some photos of that training and posted  
23 them on Facebook, and it reached more than twenty thousand  
24 people. People are interested in that kind of thing.

25 We, also, will be at the Deep Sea Fishing Rodeo

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1 coming up next week.

2 COMMISSIONER BOSARGE: Sounds Good, Melissa.  
3 Keep it up.

4 MELISSA SCALLAN: Thank you.

5 COMMISSIONER GOLLOTT: Next we have Mr. Jason  
6 Rider.

7 JASON RIDER: Good morning Commissioners,  
8 Director Miller, Ms. Chestnut.

9 I want to talk briefly about Title 22 Part 14  
10 Derelict Vessel Regulations Repeal.

11 Before we get started, I would like to give you  
12 a quick update on the Derelict Vessel Program. Since  
13 2011, we have removed a hundred and four vessels; sixty-  
14 three fiberglass vessels, thirty-seven wood vessels and  
15 four steel vessels, or barges. We are making progress  
16 with that.

17 Regarding the Derelict Vessel Regulations  
18 Repeal, on July 1<sup>st</sup>, 2016, the Mississippi Legislature  
19 passed Senate Bill 2699 revising the procedures for the  
20 removal of derelict vessels.

21 The new State statute removed burdensome court  
22 processes, expedited the removal process and requested  
23 that the DMR work with other state agencies for accurate  
24 reporting.

25 What we did is we looked at our Derelict Vessel

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1 Regulations and asked the state legislature to update it  
2 and make it easier for us.

3 Title 22 Part 14, as currently written, reflects  
4 the procedures outlined in the old version of Mississippi  
5 Code 49-27-71.

6 Since the law's update in Senate Bill 2699, the  
7 regulatory procedures no longer match the statutory  
8 procedures. The DMR regulations no longer match the State  
9 statutory procedures.

10 Where there is a conflict between State statutes  
11 and DMR regulations, the State statute prevails.

12 The new statutory procedure is very clear. At  
13 this time, the MDMR does not believe new regulations are  
14 needed.

15 We are requesting that the old regulations are  
16 repealed.

17 At this time, we are requesting a motion to  
18 repeal Title 22 Part 14 in its entirety.

19 COMMISSIONER GOLLOTT: If this is repealed, can  
20 you fall back on State law?

21 JASON RIDER: That's correct.

22 COMMISSIONER GOLLOTT: Does anyone have any  
23 questions?

24 COMMISSIONER HAVARD: Are we doing our part to  
25 locate the owners to hold them responsible for helping, at

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1 least, getting these vessels recovered?

2 JASON RIDER: We are. A lot of times it is  
3 difficult because the boats are so old, by the time they  
4 get reported to us, but that is part of the process is to  
5 locate an owner and try to assess them a cost, if  
6 possible.

7 COMMISSIONER GOLLOTT: We need a motion on this.  
8 Can I get a motion?

9 COMMISSIONER HAVARD: I would like to make that  
10 motion that we go out on Notice of Intent to repeal Title  
11 22 Part 14 in its entirety.

12 COMMISSIONER GOLLOTT: We have a motion.  
13 Can we have a second?

14 COMMISSIONER BOSARGE: So seconded.

15 COMMISSIONER GOLLOTT: All those in favor say  
16 aye.

17 (All in favor.)

18 COMMISSIONER GOLLOTT: Opposed?

19 (None opposed.)

20 COMMISSIONER GOLLOTT: Motion carries.

21 Thank you, Jason.

22 JASON RIDER: Thank you.

23 COMMISSIONER GOLLOTT: Now we have other  
24 business.

25 Does anyone have any other business to bring

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1 before the Commission?

2 (No response.)

3 COMMISSIONER GOLLOTT: If not, we will go to  
4 public comments, Gilbert Ramsey.

5 You have three minutes, Gilbert.

6 GILBERT RAMSEY: Good morning Commission.

7 My name is Gilbert Ramsey. I'm the veterans  
8 outreach coordinator. I'm introducing a public community  
9 partnership program. What this requires is accessibility  
10 for the disabled community, a platform to initiate an  
11 environmental friendly vessel to accommodate the disabled  
12 community for fishing, and enhancement opportunities for  
13 education, recreation and employment.

14 What I'm introducing is environmental friendly  
15 vessels, meaning that we have various prototypes to  
16 initiate for this enhancement of recreational  
17 opportunities.

18 I have been before the City Council in Biloxi  
19 and D'Iberville, and they are receptive to what we are  
20 doing.

21 Now, I'm coming forward for y'all's introduction  
22 appropriately for international recognition of the  
23 hospitality state.

24 At the end of this month, I will be at the Lyman  
25 Community Center; employment recreational opportunities

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1 for the disabled community.

2 Here we go ladies and gentlemen. We have done  
3 this. Y'all recognized me, and I recognize y'all's  
4 assistance. Here we go with this initiative to make sure  
5 it is implemented appropriately in our community, the  
6 pilot location for this outreach assistance.

7 If there are any questions, I will be more than  
8 willing to come forth with an introduction with a  
9 PowerPoint presentation with everyone's assistance.

10 Stand by. We will be with our counsel to  
11 address this appropriately and to implement things  
12 appropriately in our community for outreach assistance.

13 Thank you very much for assistance and  
14 cooperation.

15 COMMISSIONER GOLLOTT: Thank you, Gilbert.

16 With no further business to come before this  
17 Commission, can I get a motion to adjourn?

18 COMMISSIONER BOSARGE: So moved, Mr. Chairman.

19 COMMISSIONER GOLLOTT: We have a motion to  
20 adjourn.

21 Do we have a second?

22 COMMISSIONER HARMON: So seconded, Mr. Chairman.

23 COMMISSIONER GOLLOTT: All those in favor say  
24 aye.

25 (All in favor.)

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1 COMMISSIONER GOLLOTT: Adjourned.

2 (Whereupon, at 11:35 o'clock, a.m., the June 20,  
3 2017, meeting of the Commission on Marine Resources was  
4 concluded.)

5 C E R T I F I C A T E

6 I, Lucille Morgan, Certified Shorthand Reporter, do  
7 hereby certify that the above and foregoing is a true and  
8 correct transcript of the June 20, 2017, meeting of the  
9 Commission on Marine Resources, as taken by me at the time  
10 and place heretofore stated in the aforementioned matter  
11 in shorthand, with electronic verification, and later  
12 reduced to typewritten form to the best of my skill and  
13 ability; and, further, that I am not a relative, employee,  
14 or agent, of any of the parties thereto, nor financially  
15 interested in the cause.

16  
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18 \_\_\_\_\_  
19 COURT REPORTER  
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