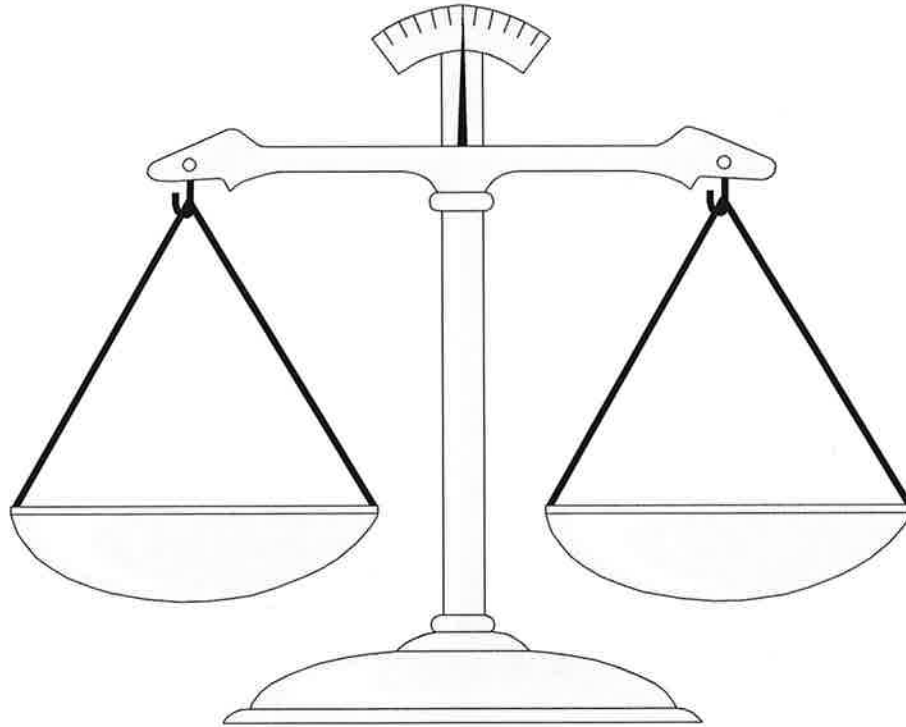


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COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

November 19, 2013

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

COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES

November 19, 2013

TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT THE HANCOCK COUNTY BOARD OF SUPERVISORS BOARDROOM, 854 HIGHWAY 90, SUITE A, BAY ST. LOUIS, MISSISSIPPI, ON THE 19TH DAY OF NOVEMBER 2013 COMMENCING AT 10:00 A.M. AND REPORTED BY NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

JIMMY TAYLOR, Chairman
RICHARD GOLLOTT
SHELBY DRUMMOND
STEVE BOSARGE
ERNIE ZIMMERMAN

ALSO PRESENT:

JAMIE MILLER, Director DMR
JOSEPH R. RUNNELS, ESQ., Asst. Attorney General
SANDY CHESNUT, ESQ., Asst. Attorney General

St. Louis, Waveland, and Long Beach area, and all of them spoke extremely, extremely highly of Ernie and about the passion for conservation and all.

So welcome, Ernie.

MR. ZIMMERMAN: Thank you.

B. Approval of Minutes

MR. TAYLOR: Next on the agenda, approval of the minutes from last month.

Do I have a motion?

MR. GOLLOTT: Mr. Chairman, I'd like to make a motion we approve the minutes.

MR. TAYLOR: Do I have a second?

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

MR. TAYLOR: All those in favor. Passes

unanimously.

C. Approval of Agenda

MR. TAYLOR: Next up is approval of the agenda.

Any changes to the agenda?

Do I have a motion we approve it?

MR. DRUMMOND: So moved, Mr. Chairman.

MR. GOLLOTT: Second, Mr. Chairman.

MR. TAYLOR: All those in favor.

D. Executive Director's Report

MR. TAYLOR: Next up is executive director's

report. Jamie.

A. Call to Order

MR. TAYLOR: We want to welcome all of y'all to the November meeting of the CMR. And we have a few people I'd like to introduce. First of all, Senator Philip Moran from District 46. Stand up.

We would like to thank the Hancock County Board of Supervisors, and I'm going to introduce them, for letting us have the meeting here in this beautiful facility. It's one of the prettiest buildings I have been in since the storm. And David Yarborough, District 1. Kenny Hoda, District 2. Lisa Cowand. Is Lisa here? Okay. Thanks. Steve Seymour. I know he's here. And Tony Wayne Ladner. Are you here, Tony?

Anyway, we sure thank you.

(Applause.)

MR. TAYLOR: Okay. The first thing we are going to do is we're going to have the oath of office administered to our new commissioner Mr. Ernie Zimmerman from Bay St. Louis -- Waveland. And Norma Jean Soroe is going to do it.

(Oath administered by the court reporter.)

(Applause.)

MR. TAYLOR: The commissioners all want to welcome Ernie to work with us. And I want to tell you, I didn't know Ernie when his name started surfacing. We don't have any really thing to do with it, you know. But I had several calls from friends of mine and colleagues over in Bay

MR. MILLER: Thank you, Mr. Chairman. We have -- I've got update on two items. The first, Christy, if you'll come help me do a quick presentation.

Early on, the agency as part of its review and agency assessment, we identified several things that we wanted to implement. One of those was an ethics hotline.

We have now, today actually is the first day for rolling out an ethics hotline. The vendor that we've selected through speaking with others that use these types of hotlines is Ethics Point. Ethics Point is a comprehensive confidential reporting tool to assist management and employees to work together to address fraud, waste, and abuse and other misconduct in the workplace.

Wanted to bring this to the commission and the public today. This is an effort really to encourage our employees. This ethics hotline is put together for our employees so that if the normal chain of command breaks down or for some reason they don't want to report something to the supervisor, they can do it anonymously.

And so, this website, two ways to report, and what we're showing you here is this will be a page on the DMR website. So you go to this page, and you can make a report. When you put report, it leaves the DMR's website and opts to go to this third party independent vendor.

We have trained our staff, our management staff,

1 and we have met with our employees and make sure they
2 understand why we are doing this and need to do it.

3 We believe it's going to be another effective
4 tool to help us manage the agency effectively and honestly and
5 encourage our employees really to have an outlet if they ever
6 see anything or suspect something that may be not quite right,
7 that they're able to bring that to the attention of myself, our
8 HR director, and in the case if there is a report about the
9 executive director myself, that report would go directly to our
10 attorney Sandy Chesnut, and she would bring it to the
11 commission, y'all's attention.

12 So depending on who is a part of that report,
13 obviously the report won't go to the person that's being
14 reported. So there's some safeguards in there.

15 The other thing I just want to mention is the
16 University of Southern Mississippi, University of Mississippi,
17 Mississippi State, all use the same contractor. He's got a
18 proven track record. And the question of cost, this cost to
19 the agency I think it's about \$1800 initial setup, licensing
20 fee, it's about a cost of \$75 a month to operate the system.
21 So we think it's a great value. We think it's important to
22 have moving forward.

23 The other item -- we can have discussion about
24 that, but I think it speaks for itself -- the other issue I
25 just wanted to bring to your attention. Last Wednesday, I

5

1 joined Trudy Fisher for a press conference that announced about
2 seven and a half million dollars of restoration funding. \$3.3
3 million of that will go to the department for our coastal
4 preserves program, management of those coastal preserves,
5 specifically to address invasive species.

6 Trudy has been a great partner to this agency
7 and continues to be. DEQ does. We have made a couple of
8 rounds with each of the county's elected officials as recently
9 as last Wednesday. We were in Hancock County, met with the
10 Board of Supervisors and other local elected officials, to give
11 them an update on restoration efforts. And so we are
12 continuing to make sure the agency is engaged with the public
13 and also elected officials to make sure that we are providing
14 information and also getting input from them on how we're going
15 to restore Mississippi's Gulf Coast.

16 So just want to give y'all a quick update on
17 that.

18 And that's it. Thank you.

19 E. Office of Marine Patrol

20 MR. TAYLOR: Next up, marine patrol, Rusty
21 Pittman.

22 MR. PITTMAN: Good morning, Mr. Chairman,
23 commissioners, Director Miller, Ms. Chesnut.

24 We'd like to welcome Commissioner Zimmerman,
25 too, on board and look forward to working with you.

6

1 And on the subject about the CCA, I would also
2 like to make a nice remark about what they did for the officers
3 on the west side district about two or three weeks ago at their
4 banquet. They presented 12 E curves to 12 of our officers
5 which will help in safety when they're offshore. If they
6 happen to fall off the boat or get separated from the boat, an
7 E curve will send a signal and we'll know where that officer is
8 and help will be sent to him.

9 So again, thank you to the Bay St. Louis Chapter
10 of the Conservation Association.

11 On our report, if you look, we had a few oyster
12 violations this past month. One thing, I am glad that we're
13 down on our saltwater fishing license citations last month. I
14 don't know whether that's the weather or something else, but
15 we're down on that.

16 We did have a boating accident, two boating
17 accidents without injuries. We had one water related fatality
18 and that was over here in the Bay with a young man that went
19 across the bridge on a bicycle.

20 Our dive report. The dive team assisted the
21 Shellfish & Gulf Coast Research Lab in deploying new oyster
22 reef research devices.

23 On our JEA patrols, we had 34 patrols, 409 total
24 man hours. We made 500 contacts, no enforcement action
25 reports, but five state citations were issued.

7

1 Have any questions?

2 MR. GOLLOTT: Rusty, I see illegal gill netting
3 on here. Where did you catch them? Do you remember what body
4 of water?

5 MR. PITTMAN: On the illegal gill netting? Was
6 that the one that was called in? I believe that we have.

7 MR. GOLLOTT: It says illegal gill netting on
8 here.

9 MR. PITTMAN: It was called in.

10 MR. GOLLOTT: The Bay of Biloxi, Pass Christian?

11 MR. PITTMAN: It was over here, Heron Bay area.
12 We do have some reports on that activity picking up again. So
13 we've got an officer at night all night long trying to set up
14 on them.

15 MR. BOSARGE: The three sea turtles, I see where
16 you've got some injured sea turtles.

17 MR. PITTMAN: Those were off the Caldwell Pier.

18 MR. BOSARGE: Okay.

19 MR. TAYLOR: Thank you, Rusty.

20 MR. PITTMAN: Thank you.

21 F. Office of Marine Fisheries

22 MR. TAYLOR: Next up, office of marine
23 fisheries. Joe Jewell.

24 MR. JEWELL: Good morning, commissioners. Can
25 y'all hear me? Marine fisheries would also like to welcome

8

1 Commissioner Zimmerman. Welcome aboard. We look forward to
2 working with you. We realize you've worked with the
3 environmental community, but our agency has a tradition working
4 with public outreach and CCA, and we look forward to working
5 cooperatively with you in the future.

6 Marine fisheries has several items on the
7 agenda. But before we go into the agenda, I want to mention a
8 couple of public outreach items.

9 The seafood technology bureau working with the
10 shrimp and crab bureau used EDRP funds to offer free training
11 to the seafood industry, including state regulatory inspectors,
12 seafood workers, retail market owners, and retail processors.
13 Two free HSSP courses were attended by a total of 42 people and
14 five free safe serve classes were attended by over a hundred
15 people.

16 Second, working with our partnership with the
17 Grand Bay NERR and other partners, the shrimp and crab bureau
18 successfully presented a qualifying seminar of oysters, science
19 on the half shell, that occurred on October 24. It was in the
20 evening, 6:00 to 8:00. It was attended by over 50 people from
21 the public. It's one of our largest ones we've had recently.

22 We've had really good positive feedback on that
23 particular one and the series in general.

24 The next issue that I want to bring forward to
25 the commission and make them aware of, this is recording data

1 Administrative Procedures process.

2 MR. JEWELL: So being quite familiar with the
3 Administrative Procedures Act, that would take quite some time
4 now because in addition to the actual filing process, we'll
5 have to do the EIS statement. That is going to take quite some
6 time to accomplish.

7 MR. BOSARGE: Joe, I have one question. I
8 recall closing it last year, did we actually move the last time
9 that we actually met the quota?

10 MR. JEWELL: We've discussed that. I can only
11 recall one time, I think since I've been here at this agency,
12 that we have closed the red drum quota.

13 MR. BOSARGE: So it's been quite some time.

14 MR. JEWELL: It's been quite some time.

15 MR. TAYLOR: Joe, do you think that maybe you're
16 getting better reporting or something? You said you haven't
17 closed it in a long time. Do you think maybe reporting? I
18 don't know they have -- the commercial fisherman has to have a
19 trip ticket. Getting better reporting than in the past?

20 MR. JEWELL: I think it's a combination of
21 things. We are getting better reporting from all components of
22 the seafood industry because of the enactment of the trip
23 ticket program.

24 But we've also -- we closed the speckled trout
25 season in August of this year. And so they're out there

1 that came in yesterday afternoon. We're likely going to close
2 down the red drum commercial quota fishing season probably
3 towards the end of this week. We'll reach the 35,000 pound
4 quota limit for commercial red drum.

5 MR. GOLLOTT: Joe, can that fishery stand more
6 quota? Could we increase it a couple of thousand pounds this
7 year? What would we have to do to do that?

8 MR. JEWELL: Well, the commission could make a
9 motion for us to check into that. And then we'll follow our
10 process that we do to do the analysis and the scientific data
11 that we captured on the Gulf Coast recently and present that to
12 the commission.

13 If you want -- if my understanding -- Sandy, you
14 need to correct me or refocus this -- if the commission wanted
15 that to happen before their next commission meeting, they may
16 need to empower our executive director with that if we have a
17 finding that it can be -- to take additional pounds from it.

18 MS. CHESNUT: That would have to go through the
19 Administrative Procedures rules process.

20 MR. JEWELL: To change the quota?

21 MS. CHESNUT: Correct. The quota is in the
22 rules; right?

23 MR. JEWELL: It is part of our rules, yes.

24 MS. CHESNUT: If it's in the regulations, you
25 need to change the regulation, and you have to go through the

1 looking for other ways to support income.

2 So there's probably combination of things that
3 are occurring here.

4 MR. GOLLOTT: Do we need a motion to get you to
5 look into that? Or will you look into it for us, increasing
6 the quota on red drum?

7 MR. JEWELL: We can go -- I think the commission
8 can go ahead and pass a motion, and then we'll formally go
9 ahead and start that process.

10 MR. GOLLOTT: I'd like to make that motion, Mr.
11 Chairman.

12 MR. TAYLOR: Do I have a second?

13 MR. BOSARGE: I'll second his motion.

14 MR. TAYLOR: All those in favor. Opposed?

15 MR. DRUMMOND: No.

16 MR. TAYLOR: Passes. Shelby Drummond is nay.

17 Thank you.

18 MR. JEWELL: We'll start that process and get
19 back with the commission.

20 We're going to go right into the agenda items.

21 First up is the red drum presentation that we were asked to
22 bring forward to the commission. That will be Mr. Matt Hill.

23 1. Red Drum Update

24 MR. HILL: Good morning, commissioners, Director
25 Miller, Sandy.

1 On the same theme, I was asked to present a red
2 drum status update.

3 MR. TAYLOR: Can everybody see that with the
4 lights on? Can someone dim them?

5 MR. HILL: Like I say, we did one of these a few
6 months ago. I can't remember exactly when. We have some more
7 up to date data. And we've been working very closely with Dr.
8 Robert Leif at the Gulf Coast Research Lab to look at this in a
9 different way and get some hard numbers to make some decisions.
10 So we decided to go ahead and present this again.

11 Some of the data that we use in our management
12 decisions, we have two sets of data. We have fisheries
13 dependent data and fishery independent data. And we're going
14 to talk about the dependent data first briefly. I'm not going
15 to put it all up here, but just to show what is fishery
16 dependent data.

17 Some of that is the actual recreational picture
18 itself. We look at the angler trips per year. And as you can
19 see, it's going up. It's almost doubled from one million to
20 two million since 1995. We definitely have more effort out
21 there.

22 Our red drum harvest, it was somewhat leveled
23 off for a little while, but it is definitely on the climb in
24 the last five years. We almost have doubled our harvest in the
25 last 12 years.

13

1 One thing that does concern us is our -- we have
2 more anglers out there. We are seeing the harvest going up.
3 But if you look at it in catch per unit effort, which is the
4 catch per unit effort is an angler trip, how many red drum is
5 he going to harvest per angler trip. As you can see, it is on
6 the decline.

7 There may be several factors for that. There
8 might be a population issue. People may not be targeting them
9 as much, targeting other species. That's something you cannot
10 definitely say. But that's what the data shows.

11 That's our dependent data.

12 Our independent data from our gill net samples,
13 some of the other sampling that we do in house, we age the fish
14 there that come out of our nets. As you can see, the ones,
15 zeros, ones and twos, dominate our independent data. We've
16 aged roughly about 3,000 of these fish.

17 Length frequency. I've got the 18 and 30 inch.
18 That's our regulations I've got highlighted. As you can see,
19 we catch more 15 and 16 year olds. Some of that's gear
20 selectivity. Some of it's that just what is in the area.

21 We take all this data, and this is the main
22 thing that we're trying to do with it. We're trying to develop
23 an age and length key, and this tells us a lot. You can see
24 the variability at zero, one, and two, and even up to three
25 years old, they can range -- for instance, at one year old,

14

1 we've seen them ten inches all the way up to 25 inches. But as
2 you can see, the older they get, the more compressed the data
3 gets. So you can have a lot of four year old fish, which all
4 four year old fish according to our data, five percent of those
5 are sexually mature, they're basically going to be 30 or 35
6 inch fish. So we're narrowing that down.

7 You take this age and length key, and you give
8 it to somebody really smart like Dr. Robert Leif, and he gives
9 an escapement rate. And escapement rate is defined the
10 proportion of fish that survive to a given age in the presence
11 of fishing mortality relative to a population not subject to
12 fishing mortality.

13 In simple terms, you're comparing the fished
14 population to an unfished population, but you have to choose an
15 age at which you're going to do them. We've chosen age four
16 fish as our target age for escapement population. One reason
17 is our data show that at age four, a hundred percent of these
18 fish are sexually mature. Some of the literature has age five.
19 But our data is showing in Mississippi it's age four.

20 Red drum fisheries across the Gulf states are
21 measured by escapement rates. The FMP or fishing management
22 plan escapement rate target recommendation for red drum is 30
23 percent. Mississippi, Alabama, and Louisiana follow the FMP
24 regulation 30 percent for stock status and management
25 decisions. Texas and Florida also follow FMP recommendation of

15

1 30 percent escapement as a minimum; however, both states strive
2 for 40 percent of escapement rate when determining stock status
3 and setting their regulations.

4 And you can see the difference in the
5 regulations at 30 and 40 percent. Here is the current
6 regulation across the Gulf states. Florida and Texas do have
7 the most stringent regulations. Like I said, they strive for a
8 40 percent escapement rate. Florida is the same minimum length
9 as we are, but they only allow two fish per person in one of
10 their zones and one fish per person in another zone. Texas is
11 by far the most stringent with 20 inch minimum size, three fish
12 per person. Our two neighboring states have more lenient
13 regulations than we do, Alabama and Louisiana, with a 16 inch
14 minimum. Louisiana with the most lenient, 16 inch with a five
15 fish per person.

16 Here we came, we calculated our escapement rate
17 by year from 2004 to 2012. And keep in mind, 30 percent is the
18 target. 2004, we were at 44 percent. 2005, we're at 48
19 percent. 2006, we're at 24. 2007, we're at 38 percent. 2008,
20 22. 2009, 25. 2010, which is 9 percent. But there are
21 definitely some factors in there with the oil spill taking a
22 toll. 2011, it was 40 percent. And 2012 is 36 percent.

23 So we are in good shape if you use the 30
24 percent rate.

25 The stock status is FMP recommendation is an

16

1 escapement rate of at least 30 percent. Mississippi's average
2 escapement rate from 2004 to 2012 is 31.8 percent. So we're
3 above the threshold.

4 The average escapement rate for this same period
5 excluding the year of 2010 is 34.6 percent.

6 We're very confident in those numbers. We
7 believe if anything they are actually higher than that. Our
8 confidence interval is extremely high.

9 Conclusion was the current regulations are
10 effective in maintaining the recommended 30 percent escapement
11 rate set forth in the fisheries management plan from Gulf
12 States.

13 Any questions?

14 MR. DRUMMOND: Matt, how long are the red fish
15 when they move offshore from the estuary?

16 MR. HILL: They'll start moving offshore, we're
17 starting to see them at -- we're starting our inshore
18 independent gill net data at three years old. So our
19 conclusion is at three years old they begin to move offshore.

20 We would like to see more 3.5 year old fish.
21 Now that's debatable. But just with our data, we start missing
22 those fish when they turn age three. They're not in our
23 inshore fishery any more.

24 MR. TAYLOR: Matt, something that was an
25 anomaly. My boat is at the small craft harbor behind

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1 McElroy's, and three weeks ago, the big fish came in, and
2 people were catching four and five over 30 inches right there
3 on the seawall as they were anchored up. I've never seen the
4 schools of reds come back in. I know the bait was there, the
5 menhaden was coming out of the river -- I mean, out of the bay.
6 But, I mean, I've never seen anything like it, you know.

7 MR. HILL: They're going to follow the food
8 source. And they got a food source that come in like that and
9 you have a school in the area, I mean, we've seen the bigger
10 schools in the Sound.

11 What you're saying, though, especially at the
12 Broadwater, old Broadwater, we were seeing large fish like that
13 for about two weeks consistently.

14 MR. GOLLOTT: Matt, in your opinion, if we got
15 in line with our two sister states with the 16 inch red fish,
16 how big of a bag limit do you think our fishery could go? Do
17 you think it would bring it back down to average of 30?

18 MR. HILL: I think our fishery is in an
19 extremely healthy state right now. It's hard to say what it
20 would do if we brought it down to 16 inches.

21 The reason I can calculate that rate at 18
22 inches is because that is our current regulations.

23 We can look what it would do at 16 inches. We
24 could run this. We just have to make a lot of assumptions.

25 Can it handle it? It probably can. We think

18

1 it's in a good spot or two. Alabama is complaining and it's
2 getting ready to go to 40 percent with their regulations.
3 Louisiana is claiming escapement rate of over 50 percent with
4 their regulations.

5 With the data that we have, these are numbers
6 that we can come up with and we're confident. What it would do
7 at 16 inches, I don't know. And we would not know that for
8 four or five years until we could actually calculate it from
9 the data that we have.

10 MR. DRUMMOND: Matt, there are a lot of 16 inch
11 red fish caught in Jackson County right now. And some sport
12 fishermen are asking what do you think about reducing that size
13 limit. And I tell them I don't know. It probably would take
14 some data to overturn the 18 inch right now.

15 What do you think about moving it like Richard
16 was talking about?

17 MR. HILL: I think it's an option to move it.

18 I think the better option is the more
19 conservative option would be to raise the bag limit. I don't
20 see any problem with raising the bag limit up to where
21 Louisiana is. I don't think that would have any impact on our
22 fishery whatsoever. And I think we can say that somewhat
23 confidently.

24 But dropping it down to 16 inches, I think there
25 is some risk. How much of a risk do you want to take? The

19

1 fishery can handle it probably. But we don't know that for
2 certain.

3 We know for certain at 18 inches that this is
4 what the numbers are. We can speculate at 16 what they would
5 be.

6 MR. GOLLOTT: So you could do an assessment on
7 it and come back to us and tell us something.

8 MR. HILL: We can run it. I would not be near
9 as confident in numbers as I am in these. But we can do that
10 and make assumptions.

11 MR. DRUMMOND: I missed it. But how many can
12 you catch in Louisiana?

13 MR. HILL: Five.

14 MR. DRUMMOND: Five. As opposed to our what?
15 Two?

16 MR. HILL: Three.

17 And as you can see there, some of their upper
18 size limits, maximum size, we have the most stringent at 30
19 inches. Most of them -- or the other ones are 26, 27, and 28.

20 There is some flexibility in the fishery. And I
21 know it's what our neighboring states are doing what they are
22 doing. And Alabama, I talk to them extensively, and they feel
23 very confident in their escapement rate at being where it is.
24 And Louisiana is as always extremely confident in theirs.

25 But with the data we have in our current

20

1 regulations, this is the actual science and the data that we
2 can provide.

3 MR. TAYLOR: Matt, what about removing the 30
4 inch? Would that affect it? The 30 inches or four year old
5 fish, or --

6 MR. HILL: That's what we're seeing, you know,
7 pretty confident that it's around 30, 35 inch fish.

8 The fact of the matter is in my opinion that if
9 you do something like that, most people don't keep those fish.
10 Most of your inshore fishermen are targeting the smaller fish,
11 16, 17, if they were down to an 18 inch fish, they may keep it.
12 But most of your fishermen have no interest in the larger fish.
13 It's more for the for hire industry. And they're actually
14 offshore south of the islands catching these fish.

15 I don't think it would have that much of an
16 impact to do that.

17 MR. DRUMMOND: Do you use a lot of data on
18 larger fish rather than smaller fish?

19 MR. HILL: Sir?

20 MR. DRUMMOND: I say, are using 30 inch fish
21 more that you're using the 16 inch fish as far as your
22 estimates?

23 MR. HILL: No. It's what we have available in
24 our independent data to make the age length key, our
25 independent sampling is all in the bays and the bayous and at

21

1 the mouth of the bays and the bayous, some around the islands.
2 But to get these larger fish, we're proposing a study now to
3 change our mesh size, to change things up to target these
4 larger fish.

5 The only way you can catch these fish over 30
6 inches in a gill net sampling is to target them. We have to
7 change some things up. But this is currently how we're doing
8 it, and we don't have as many -- the proportion is different.
9 We are definitely using a lot of the smaller fish in our key.

10 MR. DRUMMOND: Thank you, Matt.

11 MR. GOLLOTT: Matt, how about coming back to us
12 with a recommendation at the next meeting on what we should do
13 with the red fish? I think we should try to get closer to
14 Alabama and Louisiana personally. But we don't want to put our
15 fishery in jeopardy. Come back and give us a recommendation as
16 to where you all stand.

17 MR. HILL: And the 30 percent escapement rate is
18 not set in stone. I think if we do something like that, we
19 would need to revisit that, and if we're going to break from
20 the other states, I mean, if we can go below -- if we think
21 that it's going to bring it below the 30 percent, I think we
22 probably should state that somewhere.

23 That's something, 30 percent is just something,
24 it's a recommendation. We don't necessary have to follow that.
25 But if we're not going to follow that, I think we should

22

1 explain.

2 MR. GOLLOTT: The question to me sounds that
3 we've got as much habitat in Mississippi as Alabama, you know,
4 as far as what's the difference in Alabama, Mississippi, and
5 Louisiana. I mean, we're sitting right in the middle of both
6 of them, and they have different escapement rates.

7 MR. HILL: And I think we're very comparable to
8 Alabama. It's just with the data, like I said, with the data
9 that we currently have, this is the numbers that we come. And
10 we're very pleased with these numbers, where these numbers used
11 to be around five percent before some of the regulations came
12 into play.

13 So I guess my point I'm trying to make is that
14 the current regulations are working. If we want to change
15 them, we can look at that. But the regulations are effective.

16 MR. GOLLOTT: Can you change it for a year and
17 see what would happen and then, you know, without a lot of
18 rigamarole or studies?

19 MS. CHESNUT: Well, if you're trying to do a
20 rule change or regulation change, you're going to have to go
21 through the Administrative Procedures process. So you're still
22 going to have to do EIS and the regular procedures. And have
23 to go out on notice, have the opportunity for people to
24 comment, the regular procedures.

25 MR. GOLLOTT: We'd have to make an (inaudible)

23

1 study on it?

2 MS. CHESNUT: Yes.

3 MR. GOLLOTT: Can you come back with a
4 recommendation, Matt?

5 MR. HILL: Okay. Thank you.

6 MR. BOSARGE: Matt, I have one question. Can
7 you tell us where we are on the EIS statement for the
8 commercial hook and line license?

9 MR. HILL: We're very close. I got a draft of
10 it, and we have all the necessary questions answered. It's
11 been a process, you know, that we've talked about it before.
12 We're very close. And I'll try to pressure him to get it done
13 and get -- I'm hoping by the next commission meeting that we
14 can get that out.

15 MR. BOSARGE: Good. Appreciate it. Just
16 wondering where we were.

17 MR. HILL: Thank you.

18 MR. JEWELL: I do want to point out, once the
19 impact statement is made, there is still a final process. You
20 have to go through that one last step.

21 Next up is Scott Gordon with the oyster season
22 update.

23 2. Oyster Season Update

24 MR. GORDON: Good morning, Mr. Chairman,
25 commissioners, especially new Commissioner Zimmerman, welcome,

24

1 Director Miller, Ms. Chesnut, and ladies and gentlemen.
 2 Since Matt Hill had a lengthy presentation, this
 3 is going to be an abbreviated presentation.
 4 Doing a shellfish -- I'm sorry. Got the wrong
 5 presentation on here. I apologize.

6 This is for the 2013-2014 Mississippi limited
 7 oyster season update. And I'm stressing limited, because this
 8 is not a full fledged oyster season. We're still in the
 9 recovery phase from various disasters that we have gone
 10 through.

11 As you can see, we have -- going back to Fiscal
 12 Year 90 up to our current time, we've been through a pretty
 13 tremendous roller coaster ride and the entire oyster industry
 14 has.

15 I'm hoping that once again in the next year or
 16 two we'll be up in the levels of the 300,000 sack range like
 17 what we had done previous to Hurricane Katrina.

18 Currently, this information is from up through
 19 November 13. But up through November 16, we have a total of
 20 35,825 sacks being harvested. Last year, we were around 58,000
 21 for the entire season.

22 But up through November 15, we had a total of
 23 2340 trips, 32,067 sacks harvested, that averaged out over all
 24 harvest types of 13.7 sacks per trip.

25 The Mississippi dredge boat trips, 1,339 trips,
 25

1 22,950 sacks. 17.1 sacks per trip. So just about everyone is
 2 getting their legal limit of the 20 sacks.

3 And the nonresident dredge trips, 176 boats,
 4 2,132 sacks, 12.1 sacks per trip.

5 Three hundred ninety-two Mississippi tonging
 6 trips. They're averaging 6.9 sacks per trip. In the
 7 nonresident tonging trips, there's more of those than the
 8 resident tongers, and they're averaging 9.9 sacks per trip.
 9 And the limit on those is ten sacks per day for tonging.

10 Marine patrol is checking the cull very closely,
 11 and I would like to applaud them for that. They're really
 12 keeping an eye on what the boats are bringing in. And that's
 13 very important for the management of this resource.

14 We have been handing out the harvester book that
 15 we told you about at a previous commission meeting. And that
 16 seems to be well received by the fishermen. We've also been
 17 handing out a culling tool for the fishermen to use, and that
 18 has been -- they really enjoy having that.

19 And if I could, I'd like to present Commissioner
 20 Zimmerman -- all the other commissioners have received one of
 21 these harvesters education books. And hopefully you'll find
 22 some useful information in there.

23 The dredging season is I think is quickly
 24 wrapping up. We'll be making a recommendation fairly shortly
 25 on when to close that. The tonging, it looks like that will be

26

1 able to go on for some period of time.

2 We've only had one brief precautionary closure
 3 due to the approach of a tropical storm. And other than some
 4 of the windy, you know, bad weather days, we've had no other
 5 closures.

6 But it seems to be going along pretty well, and
 7 the harvesters are getting a fairly decent price for the
 8 oysters this year, which I'm glad to see that.

9 Are there any questions?

10 Thank you.

11 MR. JEWELL: Our final presentation is Erick
 12 Porche, state fish records.

13 MR. GOLLOTT: Joe, can I ask you a question?
 14 Can you give us -- while we're on oysters, can you give us some
 15 information on Graveline Bayou? Last week when Jamie and Trudy
 16 went and had a press conference, I understand there's quite a
 17 bit of money coming down on streams and eco and birds and all
 18 that stuff. And one of my concerns is Graveline Bayou.

19 Graveline was once a viable commercial tonging
 20 area. But because of pollution in the area, it has been not
 21 available any more.

22 This area has the potential of becoming a
 23 secondary oyster harvest area for the fishermen and an
 24 alternative area when the main oyster areas are closed.

25 I think some of this money should be diverted to

27

1 Graveline and let's find out if it's human, if it's animal, you
 2 know, what's causing this pollution, and let's try to
 3 straighten it out with some of this money that's supposed to go
 4 into the ecosystem.

5 And let me make a motion, if you don't mind.

6 Mr. Chairman, I'd like to make a motion that the
 7 DMR executive director seek funding to identify potential
 8 pollution sources in Graveline Bayou and let's start the
 9 process of trying to get that cleaned up.

10 MR. TAYLOR: Solutions to remedy?

11 MR. GOLLOTT: Yes.

12 MR. JEWELL: I think what he's looking at is to
 13 find some kind of indicators the source of pollution in that
 14 area.

15 MR. TAYLOR: We have a motion on the floor. Is
 16 there a second?

17 MR. DRUMMOND: I second the motion.

18 MR. TAYLOR: Any discussion?

19 MR. BOSARGE: Yes. Commissioner Gollott, would
 20 it be possible to amend that motion where we also include Bayou
 21 Cumbest and Bayou Heron?

22 MR. GOLLOTT: Sure. We're all on the same page
 23 here trying to do something good for the state. And I have no
 24 problem with amending it.

25 Do you want to repeat that and we can add it to

28

1 it?

2 MR. BOSARGE: Amend the motion and substitute to
3 include the two areas of Bayou Cumbest and Bayou Heron, to look
4 at what we can do to clean it up to where we can harvest
5 oysters, commercially harvest oysters out of those areas.

6 MR. JEWELL: Now, a couple of things. What I
7 want to point out that, and I know that most of the
8 commissioners here are aware of this process, this will not be
9 a overnight process or a short process. The State of
10 Mississippi as all shell producing states are in partnership
11 with ISSC, NSSP, and the FDA, and there is a regulatory process
12 that will take several years to change the actual status. And
13 Graveline, that area is in a restricted status. And Bayou
14 Cumbest and Bayou Heron area, those were actually a few years
15 ago available but because of water quality their status
16 dropped. That was conditional approved areas. That's over in
17 Area VIII.

18 Now, Back Bay traditionally hasn't been open for
19 quite sometime, Back Bay of Biloxi. And I think there is some
20 state statute that might regulate commercial activities up into
21 the bay. And so Back Bay Biloxi is a little bit different than
22 areas that we're traditionally looking at that had traditional
23 activities that were not regulated by state statute.

24 So I just want to make sure that y'all are aware
25 of that. Sandy can correct me on that.

29

1 my opinion that we've got a problem there, and I think it's
2 manmade problems.

3 MR. JEWELL: We have done -- and Scott could
4 correct me on that if I'm wrong -- but we have done studies up
5 in there. I think you are correct, it was human waste I think
6 was the issue in Bayou Graveline.

7 MR. BOSARGE: Joe, speaking for myself and most
8 of us up here, we just want to see more conditions in the west
9 end of the state be open for harvesting oysters. And being
10 there's money available, in my opinion that would be a good
11 place to use some of this money to better the state and make it
12 to where we can harvest oysters, maybe not only from the west
13 end of the state, but take the pressure off of that and move it
14 to the east end of the state or wherever they are available.
15 You are the one with the knowledge, whatever is the best spot
16 to work on.

17 MR. JEWELL: Right. Well, Richard and I have
18 had some discussion with that. Back in the '70s, I tonged
19 oysters out of Graveline. That's how long ago that's been.

20 But the issue overall is water quality. When we
21 have areas like Area II, the main commercial tonging areas and
22 dredging areas, there's a lot of flushing there, a lot of
23 controls on actual water quality. We get into restricted areas
24 like Graveline Bayou where things tend to concentrate is the
25 issue that we have.

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1 MS. CHESNUT: That's correct. Back Bay is not
2 open to commercial fishing in that area. I'm not familiar with
3 Bayou Cumbest and Bayou Heron.

4 MR. JEWELL: That's in Area VIII on the
5 Alabama/Mississippi line. And it was traditionally open for
6 harvesting oysters just a handful of years ago. But because of
7 water quality --

8 MS. CHESNUT: And that (inaudible) current
9 statute.

10 MR. JEWELL: Right. And those would be
11 relatively easy areas, if once we found funding, to do source.

12 I do want to point out that we have done some
13 sourcing in Area VIII so we are aware of some of the issues
14 that are over there.

15 Graveline, we have water quality stations in the
16 bayou itself and at the mouth of the bayou, we could direct
17 study to find the actual source of the pollution.

18 MR. DRUMMOND: You're still monitoring the area
19 every month?

20 MR. JEWELL: We do. We're required by NSSP
21 guidelines to monitor those areas to maintain their
22 classifications.

23 MR. GOLLOTT: I think Graveline Bayou was open
24 prior to -- in the 1970s, 1980s, there were oysters tonged out
25 of there. So I don't believe it's animal. I think it's just

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1 So a study over there to locate the sources of
2 those would be appropriate I think. And the commission has
3 mentioned several times and had several presentations -- I
4 think Commissioner Drummond has actually done some field work
5 out in Area VIII, so we are aware of the issues and the
6 concerns over there. So we can address those with the motion,
7 I think RIchard captured that quite eloquently.

8 MR. TAYLOR: We have a motion on the floor. Do
9 I have second?

10 MR. DRUMMOND: I'll second the motion.

11 MR. TAYLOR: All those in favor. Passes
12 unanimously. Thank you, Joe.

13 MR. JEWELL: Thank you.

14 Our final agenda item is state record, Mr. Erick
15 Porche.

16 3. State Records

17 MR. PORCHE: Good morning. I have four records
18 to submit for your approval this morning. The first two are
19 conventional tackle.

20 The first one is for gray triggerfish, Balistes
21 capricus. The old record was 9 pounds 7.33 ounces. It will
22 be a new record of 11 pounds 3.96 ounces caught by Cecily
23 O'Brien. The triggerfish and Ms. O'Brien.

24 The second is a spotfin hogfish, Bodianus
25 pulchellus. The old record was 10.4 ounces. It will be a new

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1 record of 12.64 ounces caught by Hyler Krebs. And Mr. Krebs.
2 The next two will be for fly fishing. The first
3 is for dolphin, *Coryphaena hippurus*. The old record was 3
4 pounds 11 ounces. It will be a new record of 9 pounds 7.88
5 ounces caught by Reed Guice. Our dolphin and Mr. Guice.

6 And last for red snapper, *Lutjanus campechanus*.
7 Old record of 12 pounds 2.9 ounces. It will be a new record of
8 26 pounds 9 ounces caught by Doug Borries.

9 MR. DRUMMOND: Are you sure?

10 MR. PORCHE: You tell me.

11 MR. DRUMMOND: With a fly rod?

12 MR. PORCHE: Yes, sir. In fact, as a little bit
13 of lagniappe, Mr. Borries has submitted this for a line class
14 record IGA state world record.

15 MR. DRUMMOND: Okay.

16 MR. PORCHE: Any other questions?

17 MR. TAYLOR: Do we have a motion?

18 MR. GOLLOTT: I'll make that motion.

19 MR. DRUMMOND: I'll second that motion.

20 MR. TAYLOR: All in favor. Thank you.

21 MR. PORCHE: Thank you.

22 MR. TAYLOR: Up next is Jan Boyd with the office
23 of coastal zone management.

24 G. Office of Coastal Zone Management

25 MR. BOYD: Good morning, Mr. Chairman,

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1 Director Miller who will review them and make a decision about
2 how to proceed.

3 A more detailed update will be presented to the
4 CMR at the next monthly meeting.

5 Any questions?

6 MR. DRUMMOND: Thank you, Jan.

7 MR. BOYD: First up is Chris Pickering.

8 b. Carolyn L. Corley

9 MR. PICKERING: Good morning, commissioners,
10 Director Miller, Ms. Chesnut.

11 I will be presenting a request for after the
12 fact waiver by Ms. Carolyn L. Corley. The location is Davis
13 Bayou at 9392 Ridgeview Drive in Ocean Springs, Jackson County,
14 Mississippi. It is in the general use district. And the agent
15 is Kevin David.

16 The yellow thumb tack represents Ms. Corley's
17 property. That's Highway 90, Government Street and Old Spanish
18 Trail.

19 Here is a zoomed in area. That would be her
20 boathouse right there. Just take note that this is a marsh
21 island here. No one is ever really going to be able to
22 construct anything directly across from her.

23 Her structures, currently she has an
24 unauthorized boathouse 34 feet long by 15 feet wide. This was
25 constructed by a previous landowner without a permit.

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1 commissioners, Director Miller. Welcome aboard, Commissioner
2 Zimmerman. Ms. Chesnut.

3 The office of coastal zone management has two
4 action items for your consideration this morning.

5 1. Bureau of Wetlands Permitting

6 a. MDA

7 MR. BOYD: Before we get to those, I want to
8 give you a short update on MDA system review.

9 MDA's rules and regulations for leasing of state
10 owned marine waters for seismic exploration are being reviewed
11 for coastal zone consistency.

12 State agency actions are subject to review under
13 the Mississippi Coastal Program.

14 Incidentally, the original rules that were
15 published were an old draft, and we readvertised the final
16 adopted rules.

17 The commission is not required to vote on
18 consistency determinations, and the decision is based on the
19 set of findings prepared by the DMR staff.

20 These findings are currently being prepared and
21 include consideration of the comments from the coastal program
22 agencies and the public, as well as permitting and fisheries
23 staff are considering more than 100 comments and preparing
24 these findings.

25 Once complete, the findings will be submitted to

34

1 She's proposing a breakwater 40 feet long.
2 That's going to be no higher than the mud line.

3 The boathouse currently extends 29 percent
4 across the width of the waterway. The applicant has permission
5 from the two adjacent landowners upstream in the bayou to keep
6 the boathouse in place.

7 She's proposing to dredge under the boathouse 35
8 feet long by 15 feet wide from one and a half feet mean low
9 water to three feet mean low water.

10 Here is a diagram, her boathouse and dredging
11 under the boathouse. And here is the proposed breakwater. We
12 asked her to put the breakwater in because she wants to dredge
13 under the boathouse and she would be within ten feet of this
14 marsh area. The breakwater is going to help protect that marsh
15 area once she dredges there.

16 There's a picture of the boathouse.

17 The project does not serve a higher public
18 purpose.

19 The project is allowable within the general use
20 district.

21 Similar projects have been approved by the
22 commission.

23 Ms. Corley's property is near the end of a
24 dead-end canal. She has obtained authorization from the
25 adjacent property owners who would be affected to build 29

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1 percent across the waterbody.

2 Dredging and breakwater construction may
3 temporarily increase turbidity in the construction area and may
4 result in a temporary decrease in the number of benthic
5 organisms.

6 The project proposes potential impacts to
7 navigation. To minimize this negative impact, the structure
8 could be placed within 25 percent of the distance across the
9 waterbody.

10 No offsite alternatives have been considered
11 because this is a private residential lot and the project
12 serves to allow the property owner access to the water.

13 The boathouse, the breakwater, and dredging do
14 require a waterfront location.

15 There are other boathouses in the area, and this
16 project is not expected to adversely affect the natural scenic
17 qualities.

18 A copy of the application was sent to the
19 adjacent landowners and the coastal program agencies on October
20 10. No comments from the adjacent landowners were received.

21 DEQ is reviewing the project. Archives &
22 History has no objection. The project does not require a
23 tidelands lease from Secretary of State. And Wildlife,
24 Fisheries & Parks has asked for best management practices.

25 Based upon departmental review and evaluation,

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1 it has been determined that the project is consistent with the
2 Mississippi Coastal Program. Staff recommends that the
3 commission approve the applicant's request.

4 I discovered the violation on October 8 after
5 doing a site visit. The violation duration has been 42 days.
6 Maximum potential fine is \$21,000; the minimum of \$50. And we
7 are recommending no fine.

8 The previous landowner constructed the boathouse
9 without a permit. The Corleys bought the property without
10 knowing there was a violation. They have received
11 authorization from the adjacent landowners who would be
12 affected by the boathouse. The applicant has been very
13 cooperative throughout the permitting process.

14 And Ms. Corley is here if y'all have any
15 questions for her.

16 MR. DRUMMOND: Chris, what's she going to do
17 with the spoils?

18 MR. PICKERING: The contractor is going to take
19 it offsite somewhere.

20 MR. GOLLOTT: Mr. Chairman, I'd like to make a
21 motion that we accept the staff's recommendation on this
22 project.

23 MR. BOSARGE: I'll second the motion.

24 MR. TAYLOR: All those in favor. Passes
25 unanimous.

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1 MR. GOLLOTT: Let's go back to this MDA request.

2 I'm sorry. It jarred my memory.

3 At the last meeting, we asked you to come back
4 -- get with legal and come back and tell us whether the MDA
5 could override our permit -- if we issued a permit that they
6 didn't think was right they could override it. If we put
7 stipulations on a permit that we would issue for drilling,
8 could they come back and override us?

9 MR. BOYD: I'm going to defer to our legal
10 counsel on that question.

11 MS. CHESNUT: I think there was a comment made
12 at the last meeting saying that the MDA could override those
13 stipulations.

14 That was contained in an old draft of the MDA
15 regulations. And the new draft has provisions where the
16 executive director of the MDA and the executive director of the
17 DMR could make those modifications. But they would have to be
18 justified after a notice of hearing and the agreement -- each
19 executive director has to be in agreement on any modifications.
20 They have to go through a process of decision factors. For
21 instance, justification shall demonstrate that there are no
22 reasonable alternatives to the method proposed and the impact
23 from the alternative methods will not be greater than if the
24 regulations had been followed.

25 So they've tightened that up quite a bit from

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1 the old draft where MDA just can't make that modification on
2 their own. They have to go through a process. The public has
3 to be notified. And it has to be explained why the
4 modification is necessary.

5 c. Chris Jean

6 MS. WILDER: Good morning. I'm going to be
7 presenting a request for a permit by Chris Jean. The location
8 is on St. Louis Bay at 209 Sandy Hook Drive in Pass Christian,
9 Harrison County, Mississippi.

10 It's located in the general use district, and
11 the agent is Lamulle Construction, LLC.

12 This is a map showing the Highway 90 bridge over
13 the Bay of St. Louis down to Highway 90 on the beach.

14 And the thumb tack is right about here, and it
15 shows the location of the request at 209.

16 The project description. They're requesting to
17 build a structure, an access pier 400 feet by 15, a pier 24
18 feet by 32 feet, and a boathouse 50 feet by 14 feet. Shading
19 not including the access pier is going to be 1,768 square feet.

20 This is a diagram showing the shoreline, the
21 pier. This is also a pier on the end, and the boathouse here.

22 This project does not serve a higher public
23 purpose.

24 It is allowable within the general use district.
25 Similar projects have been approved, and no

40

1 precedent setting effects are anticipated with this project.
 2 Piling installation may temporarily increase
 3 turbidity in the construction area and result in a decrease in
 4 the number of benthic organisms.

5 No more than 1,768 square feet of waterbottoms
 6 will be shaded by the terminal structure.

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

9 No offsite alternatives have been considered
 10 because this is a private residential lot, and the project
 11 serves to allow the property owner access to the water.

12 The construction of piers and a boathouse does
 13 require a waterfront location.

14 There are other piers in the area, and this
 15 project is not expected to adversely affect the natural scenic
 16 qualities.

17 Public notification of the project appeared in
 18 the Sun Herald as required by law, and no public comments were
 19 received.

20 DEQ is still reviewing the project. Archives &
 21 History is still reviewing the project. Secretary of State's
 22 Office says the project will not require a tidelands lease.

23 And Wildlife & Fisheries recommends best management practices.

24 Based on the departmental review and evaluation,
 25 staff recommends that the commission approve the applicant's

41

1 request.

2 Any questions?

3 MR. DRUMMOND: Nice job, Jennifer.

4 MS. WILDER: Thank you.

5 MR. TAYLOR: Is there a motion?

6 MR. DRUMMOND: I make a motion we approve the
 7 recommendation --

8 MR. TAYLOR: Second?

9 MR. DRUMMOND: -- of the staff.

10 MR. GOLLOTT: I'll second his motion.

11 MR. TAYLOR: All those in favor. Passes

12 unanimous. Thank you.

13 Next up is office of finance and administration.

14 H. Office of Finance and Administration

15 1. FY14 Monthly Report

16 MR. FEIDT: Good morning, commissioners,
 17 Director Miller, Ms. Chesnut.

18 I just want to run through the financial results
 19 for the year through October, and then I'll give you a quick
 20 tidelands update.

21 As of the end of October, our income was \$4.253
 22 thousand dollars (sic). Predominantly that comes from offroad
 23 fuel tax of \$3 million, general funds of \$562,000, and license
 24 sales of \$375,000.

25 Our expenditures so far: \$2.476 thousand

42

1 dollars (sic) -- million dollars, excuse me. Salaries make up
 2 the bulk of that, \$1.8 million. Contractual services are
 3 almost half a million dollars and commodities of \$111,000.

4 Any questions so far?

5 MR. DRUMMOND: How much travel money have you
 6 spent? \$350?

7 MR. FEIDT: That's what we're showing on the
 8 books. The way the state system --

9 MR. DRUMMOND: You've spent more than that
 10 today.

11 MR. FEIDT: The way the state system works,
 12 there is a lag because we're on a cash basis, there's a lag
 13 between when the travel occurs and when it actually shows up on
 14 the books.

15 So we have incurred more travel than that year
 16 to date, that's just we're working.

17 MR. DRUMMOND: I didn't mean to cut you down.

18 MR. FEIDT: Oh, no, that's fine. There are a
 19 lot of nuances in the state system I'm learning quickly.

20 MR. DRUMMOND: I just thought that \$350 was kind
 21 of erroneous.

22 MR. FEIDT: Well, you've got to remember, too,
 23 this is state funds only. Some of our projects are going
 24 towards federal grants, so that would not show up here.

25 But it's a fair question. But I'd say it's due

43

1 to the lag, and then also some of the other grants we're
 2 supporting.

3 Any other questions?

4 This is unchanged from last month. This is just
 5 our projection of where we will be at the end of the year.

6 Right now we're looking at about \$5.6 million of source
 7 funding. And then on the expenditure side, about \$7.3 million.

8 And Jamie and I will hopefully talk to you more
 9 about this over the next couple of months as we get further
 10 into where we are going to be at the end of the year what our
 11 position will be.

12 If there are no questions on the financial side,
 13 I just want to give you a quick update on tidelands. You
 14 should be receiving your briefing books today if you haven't
 15 gotten them already.

16 Next step, we have a legislative forum, and then
 17 we will proceed on to the legislature.

18 And a quick summary. Sonja Slater presented
 19 this in detail last meeting, but just to give you a summary
 20 right now, we've got submissions of over \$21 million, and the
 21 cut line is going to be about nine and a half million dollars
 22 we expect.

23 Any questions?

24 MR. GOLLOTT: What was the date on the
 25 legislative forum?

44

1 MR. MILLER: December 5.
 2 MR. FEIDT: Nothing further, thank you very
 3 much.
 4 MR. DRUMMOND: Thank you, Bill.
 5 MR. TAYLOR: Next up is public affairs, Melissa
 6 Scallan.
 7 I. Directorate
 8 1. Public Affairs
 9 MS. SCALLAN: Good morning, commissioners,
 10 Director Miller, Sandy Chesnut.
 11 I'd like to welcome Mr. Zimmerman to the
 12 commission. Look forward to working with you.
 13 Since our last commission meeting, we have, the
 14 Department of Marine Resources has been mentioned 75 times in
 15 local, national, and regional media. This includes newspapers,
 16 TV stations and radio stations, and blogs, as well.
 17 I will make a note that we got a lot of national
 18 press when the barrier islands were closed for coastal cleanup
 19 due to the federal government shutdown. That was very widely
 20 reported across the nation. Got a lot of phone calls about
 21 that.
 22 Coastal cleanup was one of our events that we
 23 have had since the last CMR meeting. We had, despite the heavy
 24 rains that day, we had nearly 1,300 volunteers who showed up,
 25 and we collected nearly a thousand bags of trash. So that was

45

1 successful despite the rain, and so that was a good turnout.
 2 We also had our shrimp and crab bureau held with
 3 the Grand Bay NERR, they had a fall science seminar called
 4 Oysters, Science on the Half Shell. That was on October 24,
 5 and that was attended by 50 people, members of the public,
 6 academia, and regulatory agencies staff. Very informational
 7 talk about oysters, and then they had an oyster tasting, which
 8 I'm sure was the highlight of the night.
 9 The feedback was very positive on that event.
 10 They filled out a questionnaire, and it was very positive.
 11 We had some things, the NERR had some events, a
 12 two day research symposium. They also hosted the Mississippi
 13 Environmental Education Alliance, as well as the Southern
 14 Association of Marine Educators meeting, an adventure this past
 15 weekend on purple martins, and a restoration ecology workshop.
 16 So we've been very busy.
 17 Two things I wanted to mention to you that
 18 Director Miller also mentioned at the press conference last
 19 week with Trudy Fisher from DEQ. We had that in Moss Point.
 20 We also had a lot of interest in the press
 21 conference we had with the Secretary of State where the state
 22 purchased nearly 2500 acres in Hancock County and paid for in
 23 part by the Nature Conservancy and part by CIAP. So that was
 24 important announcement.
 25 There's also a press conference today with the

46

1 Secretary of State regarding tidelands.
 2 So any questions? Thank you.
 3 MR. TAYLOR: Thank you very much.
 4 Any other business to come before the
 5 commission?
 6 K. Public Comments
 7 MR. TAYLOR: Now we'll move to public comments.
 8 We ask that you come to the podium when I call you and state
 9 your name, and we'll do three minutes.
 10 First up is Helen Rose Patterson.
 11 MS. PATTERSON: I'm Helen Rose Patterson, and
 12 I'm the Mississippi organizer of the Gulf Restoration Network.
 13 I'd like to speak about MDA's rules on seismic testing and
 14 leasing, specifically like to address three purposes of the
 15 Mississippi Coastal Program as they relate to MDA's rules,
 16 keeping in mind that the MCP does ask that DMR look at the
 17 induced effects of MDA's rules.
 18 It's important that DMR look at not just what
 19 testing and leasing would do, but what leasing will lead to
 20 which is drilling.
 21 First, MCP is supposed to favor the preservation
 22 of coastal wetlands and ecosystems, except where a specific
 23 alteration of a specific coastal wetland would serve a higher
 24 public interest in compliance with the public purposes of the
 25 public trust.

47

1 However, this rule could potentially provide the
 2 state for drilling to be in the best interest of the public
 3 trust. However, the Mississippi Development Authority has
 4 failed to show that that is, in fact, the case. And even
 5 economic impact studies have shown that, in fact, drilling
 6 would be a net loss for the state.
 7 Secondly, the MCP says the DMR should encourage
 8 preservation of natural and scenic qualities in the coastal
 9 area, which we all take very seriously. There's simply no way
 10 that gas rigs within a mere mile of the barrier islands near
 11 shore in Jackson and Hancock Counties and visible from most of
 12 our central shoreline is within the idea of preserving the
 13 natural and scenic qualities of our coast line.
 14 I would point to a recent Forbes article by one
 15 of the travel writers who was here recently that talks about
 16 the Beau Rivage as the best casino in the U.S. outside of
 17 Vegas. The reason it's the best casino outside of Vegas is
 18 that it's in this incredibly beautiful location. The article
 19 mentions barrier islands, the beaches, the access to all of
 20 that that is provided here.
 21 And as of yesterday afternoon, over 5,000 people
 22 had read that article saying that this is an incredible place.
 23 Drilling is simply not in line with continuing to promote that.
 24 Finally, the MCP compels DMR to consider the
 25 natural interest in both in planning for and in the siting of

48

1 facilities in the coastal area. With leased blocks within a
2 mere mile of the barrier islands, which are, of course, part of
3 the National Park System, it would be a significant betrayal of
4 the national public trust to site drill rigs within that area.
5 And gas reserves in state waters are estimated to be less than
6 two weeks worth of fuel for our nation. Whereas, those island
7 are an important part of the National Park Service, something
8 that is owned by all Americans, and will continue to bring
9 visitors and serve that public trust for years to come versus
10 gas drilling will not serve us for very long or particularly
11 usefully.

12 So with the guidance of the MCP in mind, I see
13 no possible way that DMR can justify approving MDA's rules
14 without betraying their mission and the citizens of the
15 Mississippi Gulf Coast, as well as all the people who visit and
16 enjoy our area.

17 Thank you so much.

18 MR. TAYLOR: Thank you very much.

19 Next up is Andrew Whitehurst.

20 MR. WHITEHURST: Thank you all for allowing me
21 to speak. I'm the water policy director for Gulf Restoration
22 Network for (inaudible).

23 I wrote the comments that have been submitted on
24 this consistency review.

25 DMR is now examining whether the MDA's leasing
49

1 document has ten goals with detailed sections on how to look at
2 them when reviewing something like these MDA rules.

3 The public comment period on your MDMR
4 consistency review let us take the MDA rules and go through
5 your Coastal Program documents to see how well they fit the ten
6 goals.

7 One thing your MCP document provides that MDA
8 could have used is the scope of review or called the extent of
9 review. It's Chapter 8, Section 4, Part 1. I'm going to read
10 it to you.

11 Agencies reviewing proposed actions shall
12 consider the direct effects of the proposed action, as well as
13 the indirect or induced effects. If in the opinion of the
14 reviewing agency unintended induced effects can be reasonably
15 expected, the reviewing agency shall consider these effects in
16 its review.

17 So MDA didn't look any farther than paper
18 transactions of the leases. You have the power to do that.

19 And I understand that you all have a review
20 document. It's probably been passed as a public notice in the
21 agency. But the MCP document shouldn't be confined just to
22 that. You can look at economics, and balancing of the ten goal
23 factors that are in the front of MCP program beg for an
24 economic analysis by this agency.

25 DMR wrote the comments for this when they first
51

1 and seismic testing will fit within the requirements of the
2 Mississippi Coastal Program regulations.

3 When MDA pushed these rules out just before
4 Christmas of 2011, they wrote a skimpy economic impact
5 statement. They were thin on content, and the public notice
6 and public meeting for the entire coast happened on a Friday
7 afternoon, one place for everybody on the coast to meet on
8 Friday. No agency that's serious about involving the public
9 does this.

10 Gulf Restoration Network and Mississippi Sierra
11 Club appealed the rules. We began with an agency appeal at
12 MDA, and we carried the appeal to Chancery Court. We have a
13 January court date.

14 MDA was required to write an economic impact
15 statement on the rules for leasing and seismic testing. This
16 analysis treated leasing as a paper transaction between the oil
17 companies and the agency. And it avoided looking at the
18 effects that the leases would have after they're made. This
19 way MDA could avoid a discussion of drilling and the good and
20 bad effects, good or bad economic effects that come with it.
21 It avoided that discussion in its impact analysis.

22 Your agency is doing a review of these same
23 rules, but you have something that the MDA didn't have. You
24 have the Mississippi Coastal Program plan that pretty much
25 spells out how to do the reviews and what to look for. The MCP
50

1 came out in draft form, and those comments didn't produce many
2 changes. So what you all asked for change wise you didn't get.

3 DMR could at least require MDA to write a
4 standard lease form so that you all could see what a lease form
5 looks like. They don't have one of those. And ask for more
6 specific language to protect fisheries and coastal ecosystems
7 that support them.

8 It could ask for specific ways to preserve
9 natural scenic qualities. It could ask for protection of the
10 national interest in the form of the physical stability of
11 those islands. That's part of the national interest.

12 Disallowing directional drilling under the
13 barrier islands is a way to protect those islands from
14 subsidence if you pull those oil and gas fluids out from under
15 the islands. That's the national interest.

16 The national interest is also the national park
17 out there, well visited, well used in this part of the coast.

18 I wanted to point out that in this room in 2005,
19 this county Board of Supervisors put out a resolution against
20 drilling any closer than 12 miles south of the barrier islands.
21 Harrison County did the same thing, and they reaffirmed theirs
22 this past July.

23 This is an important decision, and it should be
24 taken not lightly and not pro forma. And if you have time to
25 do it right, do some economic analysis. We support that
52

1 wholeheartedly.

2 But I brought some data for y'all. Can I pass
3 them to you, Mr Chairman?

4 MR. TAYLOR: Yes.

5 MR. WHITEHURST: About this economic review that
6 we had in our comments. There's seven here. And just some
7 economic data on what drilling looks like if you do an economic
8 analysis.

9 MR. TAYLOR: Thank you very much. Your comments
10 are very well received. Okay.

11 Mr. Ramsey.

12 MR. RAMSEY: Good morning, commission, Ms.
13 Sandy. I'm here to represent the veterans of the United States
14 and global recognition for the hospitality state.

15 I've been before the veterans and the V.A.
16 Hospital. I have them on board with me. I've got the
17 Paralyzed Veterans of America on board with me.

18 What I'm doing is -- excuse me, I'm nervous --
19 I've been before multiple seminars on the Mississippi Gulf
20 Coast, typically addressing it appropriately with the right
21 people.

22 What I've found is I've subsidized a miniature
23 prototype vessel to accommodate mobility impaired people enjoy
24 nature for observation with love and the caretakers.

25 I've enjoyed my exploring this venture together

53

1 opportunities, pure relaxation is one of the most beautiful
2 areas of the country.

3 I personally agree innovation and research is at
4 the frontier science technology and their commitment to
5 community service as demonstrated through the scientific
6 leadership, public education, with community outreach.

7 Eleanor Roosevelt, the purpose of life is to
8 live it, taste, experience it to the utmost and reach out
9 eagerly and without fear to newer and richer experience.

10 What I've found, gentlemen and ladies, I've
11 (inaudible) sports program. (Inaudible) sports program is
12 through the technology learning center disability studies in
13 the University of Southern Mississippi. And what I'm doing to
14 associate myself with the University of Southern Mississippi to
15 associate myself appropriately for apprenticeship program for
16 high school students and veterans, as well, through the WIN
17 support work force industry, and associate myself with them for
18 new composite industry to associate myself further with the
19 people of State of Mississippi.

20 So I'm here to help you understand our
21 considerable package consolidated here. I'm an old country boy
22 with a passionate vision to initiate this appropriately with
23 the right people. And I'm honored to have this opportunity to
24 discuss with Mr. Jamie or at his discretion with his
25 associates, as well, with Mr. Jamie Taylor present and Ms.

55

1 with various organizations, and I'm honored to be here this
2 morning to recognize this. The Regional Tourism Committee is
3 aware of me. I've gone before them. I'm coming before DM&R
4 once again.

5 Originally I came before y'all for the hazard
6 material recovery with Governor Barbour. Now I come before you
7 because of another strategically addressing complicated
8 situation because there's nothing available for mobility
9 impaired to enjoy nature with their loved and their caretakers.

10 And so I'm here to address it appropriately with
11 the right people. So here we go with the process.

12 It's named Backwoods Flight Angels. My website
13 will be online first of the year. And I'm honored to be here.
14 I have Christopher Reeves Foundation sponsor me. And multiple
15 organizations sponsor me, as well.

16 So I'm coming before y'all to ask your
17 assistance and guidance for grant opportunity within your
18 organization for public partnership program with your
19 organization, sir, and ladies.

20 And I'm just here to consult with y'all about
21 what Governor Barbour -- Governor Bryant, excuse me --
22 initially addressed, Mississippi Tourism Guide in 2013. By
23 reviewing this guide, we are sure to find many events,
24 attractions, places, you want to experience when you visit our
25 state. Outdoor adventures include an array of activities,

54

1 Trudy Fisher present because I've been before Ms. Trudy Fisher
2 Restore Act twice at the Coliseum, and I'm here to let you
3 understand this, gentlemen and ladies, I will go before
4 Governor Bryant, I will have paralyzed veterans of America with
5 me, and mass organization.

6 I will initiate this in Jackson County Junior
7 College, that is where Dr. Walters is their vice-president, and
8 I have three locations I initially located, one in Hancock
9 County, one in Harrison County, and one in Jackson County.

10 Ms. Tish Williams met me at the (inaudible)
11 conference at the Hard Rock Casino. I met multiple
12 representatives of NASA, representatives of MSET. So all these
13 organizations have different representation to the State of
14 Mississippi as the system its process.

15 I hope you understand this, Mr. Jimmy and Mr.
16 Miller, I'll be looking forward to hearing from you and honored
17 to be here and look at this opportunity for global recognition
18 for the hospitality state.

19 Thank you very much for your time.

20 MR. TAYLOR: Next up is Mr. Steve Shepard.

21 MR. SHEPARD: My name is Steve Shepard. I am
22 the Gulf Coast Chair of the Sierra Club.

23 And I'm really happy to have Mr. Zimmerman join
24 this commission. He is -- I feel like he's my representative.
25 I've never met him, but I know that being a CCA member, he's

56

1 got to be good. I'm very optimistic that we will get along
2 well. We probably have a lot of similar ideas.

3 I am here about this drilling in the Mississippi
4 Sound. And from what I just heard from one of your DMR
5 presenters, Mr. Miller is really the one that's going to make
6 this decision. It sounds like the commission is not going to
7 vote on this.

8 I really just come up here hoping I could sway
9 the majority of commissioners to back us on keeping these oil
10 rigs out of Mississippi Sound because they're not just going to
11 be a gain for some people who drill and a gain for some
12 employees that will work on those rigs, we are going to be
13 facing the negative, and we on the Mississippi coast, we have
14 to go up against the Mississippi Development Authority. Their
15 job really is to say yes to everything. Let's face it. And
16 they are not weighing -- they clearly are not weighing
17 negatives, just like any opportunity for an economic
18 development, that's all they're doing. They're saying yes.

19 So it's up to us on the coast who are going to
20 receive the negatives, and it will be Mr. Miller now who will
21 have to represent us. He's going to have to stand up and say
22 no to these rigs because things like people who want to go to
23 the barrier islands for a wilderness experience are going to be
24 negatively impacted by rigs out there.

25 Some of us are old enough to remember when

57

1 Dauphin Island did not have rigs around it. We used to -- our
2 family used to go yearly to Dauphin Island. The difference
3 since they put the rigs in is night and day. It really is.

4 And then you look at Alabama where they have oil
5 rigs around Dauphin Island, and they've got X amount of tourist
6 activity and people coming to enjoy nature, and then you go to
7 Gulf Shores, it's night and day different. The water is
8 cleaner at Gulf Shores.

9 When I was a kid the water was no cleaner at
10 Gulf Shores than it was at Dauphin Island. I mean, you
11 literally see the difference in the clearness of the water.

12 We over in Mississippi should worry about that
13 because we never really did have quite as clear water. The
14 further east you go, anybody that goes out in a boat knows
15 water is a little clearer out to the east because it's the
16 continental shelf comes closer to shore, you have a number of
17 reefs.

18 So for us to make our water even muddier which
19 clearly those rigs muddy the water, we've got to ask ourselves:
20 Is this worth it? Because you'll create a few jobs.

21 And then I do want to talk about the negativity
22 of the seismic testing on wildlife. I mean, people come down
23 here to see the dolphins. When you live and grow up with the
24 dolphins, I've taken people out in the boat, and I'm always
25 surprised that I'll be riding along, you know, there's three or

58

1 four dolphins over there, and everybody in the boat with me
2 that doesn't live here, wait a minute, there's a dolphin, you
3 stop, go over there and look.

4 I mean, we don't need that seismic testing
5 having a negative impact on the dolphins. We don't -- these
6 things add up. And so it's really going to be us against the
7 MDA. MDA, they're all from upstate. We're from the coast.
8 We're the ones who are going to face the negatives. They're
9 going to see positives. All they see is oil companies are
10 happy, they get to come down here and look for gas, people get
11 jobs. We need to weigh those jobs against what they're going
12 to do to us and to our environment and to our way of life.

13 So I hope Mr. Miller will seriously represent
14 us, and I know that's not going to be easy, but I hope you will
15 stand up for us and keep the positives of the drilling measured
16 against the many negatives and rule with us on the coast.

17 Thank you.

18 MR. TAYLOR: Thank you very much. Your comments
19 are appreciated, and your passion.

20 Next up is Ms. Ramseur.

21 MS. RAMSEUR: Good morning. Thank you for the
22 opportunity to voice my comments.

23 I am appalled that an organization that should
24 be environmentally friendly would even consider listening to
25 the likes of MDA to drill on the Mississippi Gulf Coast.

59

1 I will leave the scientific reasons of why not
2 to drill to some more learned associates in their educated
3 fields, such as just spoke.

4 When I attended the CMR and DMR meeting last
5 month, the exceptional power point presentation listed an
6 entire screen of comments from citizens opposing drilling. The
7 three proposed reasons to drill were, in essence, to help the
8 tourism industry, help the fishing industry, and tooted the
9 safety record of the oil companies.

10 Number three sounds just like Ripley's Believe
11 It Or Not for us older people that remember the '50s books.

12 Number one, Louis Skrmetta of the 12 Mile South
13 Coalition blew the help tourism proposal out of the water last
14 month with his presentation for a family that has been in
15 business longer than most of us have lived on this earth. I'll
16 take his facts and his family's facts any day of the week over
17 MDA.

18 And Beth Carriere, former Harrison County
19 Tourism Director, had previously presented these same facts and
20 figures that upheld what Mr. Skrmetta stated.

21 Number two said fish, (inaudible) develop in
22 seagrass bed structures only serve to congregate adult fish.
23 Therefore, overfishing near these structures and proposed
24 seismic explosions will take care of any benefits this claim of
25 helping the fishing industry.

60

1 Number three, the site will be (inaudible) with
2 the oil company. You have got to be kidding. The BP oil spill
3 should have been enough to draw criticism to their unsafe
4 records. Exxon Mobil's 50 year old pipeline woke up residents
5 in (inaudible) Arkansas this year with oil running down their
6 subdivision streets like a downpour. At least 10,000 barrels
7 was reported, but the company kept the media from entering the
8 site for over 30 hours so it's anyone's guess of how much oil
9 that really was spewed.

10 This summer a farmer in a wheat field in New
11 Town, North Dakota, discovered a leaking pipeline that was
12 seven foot long field inside. It destroyed ten acres of
13 farmland.

14 Two weeks ago in rural Smithville, Texas, over
15 17,000 gallons of crude oil was spilled from the (inaudible)
16 pipeline. And last week, a gas line punctured by Chevron was
17 close to Dallas that occurred.

18 There have been numerous oil well blowouts
19 spewing much of the land surrounding well sites this year
20 alone. There are too many to mention in the wake of the time
21 element.

22 Every week I read of oil spills and oil sheens
23 in the Gulf which are mostly in Louisiana borders. Look at the
24 area around Lake (inaudible) and the Bayou Pere area in
25 Louisiana that has swallowed so much land. And you claim that

61

1 DMR has a well deserved public reputation some
2 people call Walkergate. Mr. Miller, you and the rest of DMR
3 and CMR work for us. It appears that a number of you have
4 forgotten this fact. With all the problems and fanfare at DMR,
5 voting against this will prove detrimental impact in favor of
6 drilling will not help the coast in any way environmentally and
7 will certainly not help in regaining the much needed public
8 trust of DMR.

9 I hope all of you will consider carefully and
10 ask one question: Why drill?

11 MR. TAYLOR: Thank you for your opinion.

12 Next up is Carol Lightner.

13 MS. LIGHTNER: First of all, thank you for
14 having the citizen comments.

15 This will be in my own words, not scientific
16 terminology.

17 When the last tree has died and the last river
18 has frozen and the last fish has been caught, then and only
19 then will they realize they cannot eat money.

20 Number two, question: Haven't we had enough
21 destruction? Katrina, BP oil spill, recession, construction,
22 BP and Katrina funds misused for their own greed and profit,
23 not restoration of our Gulf Coast islands, rivers, wetlands,
24 homes, etcetera.

25 Number three, question: We have lived off the

63

1 the oil companies have good safety records. I rest my case
2 that the three pro comments presented last month are just a
3 bunch of hogwash.

4 Why does MDA continue to harass the Mississippi
5 Gulf Coast to drill baby drill? In 2004, our oil lobbyist
6 Governor Barbour decided that there were vast amounts of
7 natural gas and oil in the Gulf. The coastal delegation
8 overruled his proposal, and Hurricane Katrina put it on the
9 back burner. Then as he was leaving office, not only did he
10 pardon a number of murderers and sex offenders, but as the
11 mansion door was hitting him in the butt, it appeared that he
12 had put one more gas smelling Phil Bryant to pick up the mantle
13 to drill baby drill.

14 It appears some members of DMR, CMR, MDA, and
15 some politicians are pushing this drum doggle are looking at
16 reading the facts against gas and oil drilling in the
17 Mississippi Sound who they think (inaudible) and are
18 intelligent enough to understand facts and figures, they would
19 not keep on the road most traveled pursuing a project that will
20 detrimentally affect the ecosystem of the tourism industry.

21 The initials DMR stands for the Department of
22 Marine Resources. If you vote with MDA and allow drilling in
23 the Mississippi Sound in clear sight of the coastline, DMR's
24 initials will certainly stand for the destruction of marine
25 resources.

62

1 lands, Gulf, rivers, as the Indians did 2,000 years before
2 Christopher Columbus. Why would you want to take what little
3 we have left and destroy that, too, for two days worth of oil?
4 That's like cutting off your nose to spite your face.

5 We have beauty like no other place in the world
6 for tourism. Our Gulf Coast, our islands, our beaches, our
7 rivers, our trees, our animals. We were once known for our
8 seafood, also, our fish, our shrimp, our oysters, our crabs,
9 etcetera. They didn't taste like the awful ones that we are
10 being imported and shipped here to eat.

11 Thank you very much.

12 MR. TAYLOR: Thank you for your comments.

13 Don Abrams.

14 Let me make a comment here. I really
15 appreciate, you know, over the six years that I've been on the
16 DMR, this is a heated topic, and I appreciate the -- I don't
17 want to say calmness, but the professionalism that most of the
18 speakers that are speaking on this event, I really do. I know
19 all of y'all are passionate, everybody is passionate about this
20 on both sides, but I really appreciate the professionalism.

21 MR. ABRAMS: I'll try to continue. My name is
22 Don Abrams. I'm from Ocean Springs. I want to try to crowd
23 off two sets of comments in my few minutes.

24 First is the conservation and science office or
25 House FLies is the fly fishing club on the coast. We have

64

1 about 60 people that really care about the topic we're talking
2 about today. And I wanted to assure you on behalf of that
3 gentleman that caught that redfish, fly fishermen don't
4 exaggerate when they tell fish stories.

5 But House Flies work pretty closely with CCA on
6 a number of things, and we want to formally welcome Mr.
7 Zimmerman to the commission. We look forward to working with
8 you and continuing to work with CCA.

9 As we were talking about redfish this morning
10 and the success of the redfish fishery, both recreational and
11 commercial here, I remembered that CCA was founded to take care
12 of redfish after the lack of regulations let the thing be
13 almost destroyed in the Gulf of Mexico.

14 Paul Prudomme came out with that great recipe
15 and everybody and his brother was taking redfish any way they
16 could. CCA stood up, organized people across all the Gulf
17 states, got the regulation fixed, and today I can go out and
18 catch redfish because of the CCA. So thank you.

19 Now, speaking for myself, I want to just
20 continue a little bit about what I mentioned last session. I'm
21 concerned about the rules and the seismic survey and leasing.
22 And I look to you folks as our representatives here on the
23 coast. MDA has a completely different viewpoint on this, and I
24 believe they've been irresponsible in the way they've analyzed
25 the situation.

65

1 You folks live here on the coast with the rest
2 of us. We make our livings here with tourism and with fishing,
3 catching them, processing them, serving them to people. That's
4 what our economy is about here.

5 We need to be very careful when we start
6 tinkering with anything that can affect that economy.

7 And I believe you folks are the ones that we on
8 the coast need to (inaudible). It's obvious that MDA is not
9 listening to us.

10 I feel like I'm standing in the path of a
11 locomotive. This thing is barreling down the tracks at us. I
12 don't know why it's being pushed so hard and so fast. What's
13 the big rush? Natural gas prices have plummeted since fracking
14 became popular. It's not economic need. It's not a smart time
15 to be selling natural gas. Prices are down. They're expected
16 to be down for a while. If we have a lot of natural gas, we
17 should bank it while prices are low, sell it in the future when
18 the price rises. In the meantime, don't gamble with the heart
19 of our economy.

20 One thing we need to be clear on, everyone I
21 know that works in the oil and gas industry says there is no
22 oil out there. We're talking about natural gas. There's no
23 oil. This is not a matter of national security. It's not
24 going to replace oil that the Arabs might shut the spigot off.
25 This is not an oil site. It's natural gas.

66

1 Natural gas is cheaper than it's been in years.
2 The production is up. There are lots of other production lands
3 onshore not being used. We're exporting natural gas. This is
4 not national security.

5 There's been no environmental impact statement
6 on the idea of putting these rigs and all the associated
7 commotion, crew boats, helicopters, water quality issues.

8 We heard this morning that an impact statement
9 would be needed for change of a redfish regulation, I believe.
10 The park service is going through an environmental impact
11 assessment now for their changes in the way people use jet skis
12 in the park. So why is it that we are willing to consider
13 putting oil and gas rigs in our waters without an intelligent
14 environmental impact statement?

15 I'm an engineer. I worked in the energy
16 industry for years. I like to approach problems in a rational
17 way and consider the facts on both sides of the issue. MDA has
18 not done that. All their economic numbers assume the absolute
19 best case and best prices, and they completely ignore any
20 negative effects.

21 They have misled us with numbers. They said
22 that none of these rigs will be visible from shore, which is
23 absolute nonsense. The east and the west end of our state has
24 marshes again that are part of our seafood industry. Those
25 leased blocks affect those marshes.

67

1 They've oversold it. I don't think they really
2 understand what it is they're playing with. I pointed out to
3 the gentleman heading the program up back in January, nearly
4 200 people made comments, he was telling me I needed to trust
5 the oil and gas industry because they had a good record, this
6 is done everywhere, and any problem would be promptly taken
7 care of. I cited the Taylor energy well in Louisiana, which
8 began leaking in September of 2004 after damage from Hurricane
9 Ivan. It continues to leak today. I've flown over it. I've
10 smelled it. I've photographed it several times.

11 In a conversation on Friday, I was again told by
12 MDA that no, doesn't happen, any leaks are promptly dealt with
13 by federal government and the State of Louisiana.

14 I sent them copies of some Coast Guard
15 statements, a lawsuit regarding the rig, and observations from
16 NOAA where they can see the oil slick from this thing from
17 space and satellites. As of 2012 was the last time I could
18 find these numbers. The thing has discharged about four
19 million gallons of crude oil up to 125 million -- excuse me --
20 one billion two hundred fifty thousand gallons.

21 So it's a significant leak that's going on. MDA
22 continues to deny that it exists as of last Friday.

23 The public comment period, nearly 200 folks made
24 comments. None of those comments produced a single change in
25 the rules, not a single change. Even the misspellings that I

68

1 pointed out weren't incorporated. And, in fact, the rules they
2 passed along to pass on to post on DMR's website for our
3 consideration, your consideration, were the version from late
4 2012 after they had been through the public comment process,
5 released what they were talking the final rules with no changes
6 whatsoever.

7 Only in the last few months has a new version
8 appeared which is incorporated roughly a quarter to a third of
9 things that DMR asked for in their letter.

10 So I don't know what the rush is. I can't see
11 that we've evaluated this issue in a smart way. We're looking
12 only at positives, and, you know, we should have gone over that
13 when we first came and realized it wasn't going to be a pony
14 under the Christmas tree.

15 Again, you folks are the people we turn to, and
16 I hope we can count on you. Thank you very much.

17 MR. TAYLOR: Thank you very much for your
18 comments.

19 Ms. Collins.

20 MS. COLLINS: Hi. My name is Terese Collins. I
21 represent Gulf Islands Conservancy.

22 First, Mr. Zimmerman, I'd like to congratulate
23 you and welcome you to the commission. And we do look forward
24 to you being the environmental member of this commission, and
25 good luck to you.

69

1 Thank you for allowing us to comment.

2 Two things first before I get into the leasing,
3 drilling, seismic testing issue.

4 The size limit projection you ought to be
5 concerned about, and I hope you study that carefully if you do
6 consider it because we took a long time to get where we are, an
7 avid recreational fisher person, I seem to be able to catch my
8 fair share of fish and don't see a problem with the limits we
9 have. So if you're going to change it, again talk to the
10 public.

11 But I know there's always been, even when I
12 worked for DMR 400 years ago, the fish limit was always the
13 fight. And if wasn't, it was eight inches and you went to ten,
14 there was a scream. If you went from 10 to 12, you had to go
15 back to eight. Everybody always catches a fish smaller than
16 what you are allowed to use to measure that fish.

17 So I don't think it's going to change the
18 attitude that you always want the limit to be smaller. We have
19 a very safe limit now. It works for everyone. So unless
20 there's a reason to change it, I would say, you know, carefully
21 consider it before you change any size limit.

22 In terms of the motion you made for studying the
23 water quality issues we have on the Gulf Coast, I commend you
24 for that because we've been pushing for this for years. Nobody
25 seems to want to do it or there's no money to do it or to

70

1 address the problem. Now we have money to correct the
2 problems.

3 You may say that Back Bay cannot be commercially
4 harvested, but Back Bay has been used to relocate oysters so
5 that they could be harvested. It's a seed ground for oysters.
6 And we would hope that you could rejuvenate that because it's a
7 very important part of the process. It's not just to eat.
8 Oysters actually filter water. So they are part of the cleanup
9 process.

10 So congratulations to you for moving forward
11 with that idea.

12 In terms of the MDA's rules on seismic testing
13 and leasing, I'd like to thank Mr. Miller for working with us
14 on this and agreeing to extend the process a little bit and
15 hear more on the issue because it's very complicated.

16 MDA's rules are woefully inadequate. They don't
17 take into account the negative impacts on tourism, on the
18 National Park Service, the Gulf Islands National Seashore, or
19 the national resources of the Gulf Coast.

20 The economic projections are horribly
21 inadequate. We did our own economic study. We recommend that
22 everyone do their own and see the truth. The money doesn't
23 work financially. There's no reason for this.

24 We would lose more money in tourism if we have a
25 three percent drop in tourism than we will gain over 20 years

71

1 of drilling. It's not worth it. Are you willing to lose those
2 tourists, those international writers that came in here? What
3 are they going to write about if we have rigs offshore or
4 leaking rigs, even worse, offshore or pipelines?

5 When we fly over Louisiana for whale shark
6 research and other things that we have done, we aren't looking
7 for leaks, but I can't name a day that we haven't found a leak
8 out there, from a rig or a pipeline or a crew boat, but mainly
9 rigs and pipelines. Something is always leaking.

10 How are you going to protect us against that?

11 Who is going to monitor that?

12 Where are the funds to do it?

13 Who's going to be trained and where is that

14 training?

15 None of that is in these regulations.

16 When it comes to seismic testing, the same
17 problems are there. And there are very lax regulations. Who's
18 going to pay for that monitor to be on the seismic boat? What
19 is that person's qualifications? Do they have to be there in
20 the day and the night? Can they blow up something right next
21 to a guy on the beach? Did y'all look at these rules? Has
22 anyone really read them? We have. They're inadequate. They
23 need to be much stronger, if you're even going to allow this to
24 happen.

25 One thing that should be added maybe because

72

1 fracking is a big thing, maybe these drillers are really
2 thinking they can get out there and frack the Sound. That's
3 not just conventional drilling. We're looking at something
4 else. And we don't even know it because that's how MDA plays
5 the game.

6 So these regulations should say specifically no
7 fracking is allowed in Mississippi coastal waters.

8 And really, what is the rush? The oil prices
9 and gas prices are down. There's no need to do this. If you
10 lease now, you may get less money for the lease than you would
11 if you wait for the gas prices to go up. And it hasn't been
12 vetted publicly properly.

13 MDA did no public hearing. They did a public
14 listening session in Gautier on Friday, and you had to come and
15 go. That's not a public hearing.

16 We had public forums on the coast in 2005 and in
17 2013 or '12, I don't remember which date, where people came out
18 and gave their opinions, not radical crazy people screaming,
19 but people that honestly had opinions on the issue, pro or con,
20 we didn't care, just how you thought. And I think that's what
21 this agency should do now.

22 There seems to be a move away from public
23 hearings for some reason because you're afraid you're going to
24 get screamed at, I don't know. But you should hear the public.
25 Don't just expect us to keep taking off from work and coming to

73

1 these meetings and talking to you.

2 We represent people that have opinions but can't
3 come to the meetings for various reasons, and we can't keep
4 coming either. But it's incumbent on you to let the public be
5 heard. Why not have a real public hearing? What's the purpose
6 of not having one so that you could really hear what people
7 have to say? Pro or con, it doesn't matter, let them speak.
8 They don't have that voice right now.

9 There are no definitions for the terms used in
10 the MDA seismic testing and leasing document. What exactly
11 does it mean to notify and have a hearing? I don't know. They
12 could stick a tack, a tacked up notice on a door, and that
13 could be a notice. That's legally acceptable.

14 What's environmentally responsible manner? I
15 don't know.

16 What's a justified decision? I don't know that,
17 either.

18 So there should be specific definitions on these
19 leasing regulations, and the seismic regulations, so we know
20 what these terms actually mean. And when it comes to making a
21 decision, the decision should not fall down on shoulders of two
22 men or two women and nothing personal, Mr. Miller, it's just
23 you're the head.

24 So if the DMR direction and the MDA director
25 decide that all these rules and regulations mean nothing, they

74

1 could throw them out the door and say because we have done a
2 justifiable study, we decided that they don't mean anything,
3 and you can go do whatever you want to do. That's not right.

4 So it should have to come back before a
5 commission and the public before any changes can be made to the
6 lease documents or the seismic lease or whatever they get
7 there. It's just not enough to have two people sign off on
8 something that we have no notice of or don't know what the
9 changes are.

10 Based on the public forums, it's obvious that
11 the public is opposed to this. So if you represent the public
12 and the public's need and the public's interest that you stress
13 on all these other issues, then you should consider this as
14 such, also.

15 This is not in the public interest from what we
16 see on the Gulf Coast in all the hearings that we have had.

17 During the comment period, the federal
18 government was shut down at the end of that section, so did the
19 National Park Service and the other people get their comments
20 in? I don't know.

21 The cumulative secondary impacts and the
22 balancing issues need to be addressed.

23 How can all the pertinent agencies that are
24 responsible here adequately review this issue when the real
25 documents aren't even available to us?

75

1 MDA sent two different versions out so who knows
2 what they commented on. And also the lease document is not
3 available. Where is the lease document? Why is that not
4 available to review so we know exactly what we're making a
5 decision on?

6 And that lease document should be the only
7 document that they approve or will accept. And if the industry
8 wants to add something to that document, add it as an addendum
9 so that everyone applies by the same form you fill out or
10 whatever you want to call it, and we can all see that form and
11 know what all the issues are and all the specifics are, and
12 then you can read the addendum for any attachments.

13 Having them waive that right or that regulation
14 to be a different lease document is not right. It's wrong. So
15 there should be one lease document that everyone uses and add
16 the other information as an addendum.

17 Again, we've got to balance the very uses and
18 demands placed on our coast and protect and preserve those
19 resources.

20 MDA lease documents should be reviewed under the
21 Coastal Program consistency process. MDA should have the one
22 lease document; I've said that. Not waive any requirements.
23 Additional information is needed, and I hope you're trying to
24 get it. We can't get it. I don't know if you can get it.
25 We've been sent to the Secretary of State to get some economic

76

1 study. Nobody can find all this information. And we don't
2 know who has it.

3 We, the people, should not have to do this. Why
4 is that not in MDA's office? And why can't we get it with one
5 request? And let DMR have this information. DEQ just signed
6 off on this and said it was all okay without even really
7 looking at this. Why?

8 We certainly expect more.

9 Anyway, the bottom line is thank you for letting
10 us comment. Thank you for taking more time on this issue.

11 Please consider it carefully. This is more important than most
12 issues that have come before you in a long time. This agency
13 is under an intense scrutiny, and this issue has been publicly
14 vetted. The public and the elected officials have come out
15 opposing it, and I think you should listen to that. And if
16 nothing else, at least have a public hearing and give people
17 time, and don't rush the decision for some arbitrary December
18 deadline that we don't understand. Thank you.

19 MR. TAYLOR: Next up is Julia O'Neal.

20 MS. O'NEAL: My name is Julia O'Neal, and I'm
21 speaking as a public citizen, not representing any
22 organization.

23 I submitted my comments on the consistency
24 review and right now I want to speak a little more generally.

25 As we congratulate ourselves on the three

77

1 National Fish & Wildlife Foundation projects that will occur in
2 Mississippi next year, one of which is DMR's coastal preserves,
3 it is important to remember where this money comes from.

4 BP was not a natural disaster like Katrina. The
5 storm did not affect the fishery nearly as much as we expected.
6 But BP's oil disaster did. There are no bay balls out there
7 around the condo, no whales, no dolphins, and at the bottom,
8 the benthic layer that breathes life in the ocean is covered
9 with sunken oil.

10 At first because there had been a no fishing
11 rule imposed on a very large area of the Gulf for sometime, the
12 harvest was great. But now we are beginning to see what really
13 happened. Scientific reports are finally being allowed to be
14 released.

15 This spring, I was in a seminar at USM's Gulf
16 Coast Research Lab. It was a program to train citizen
17 scientists to reach out to other lay people with the true
18 science of the spill. It was called Community Outreach for
19 Accurate Science Translation.

20 What we learned and what we have communicated is
21 that it is the very smallest living things that are
22 experiencing the most effects. While mega fauna, the oiled
23 pelicans and the beached dolphins, attracted the most
24 attention, the larvae and plankton were floating into the
25 dispersed oil and absorbing it.

78

1 The effects are still going on because the oil
2 broken up and melded to the dispersant is still there. We
3 can't see it except with a microscope. But these are just the
4 microscopic particles that grass shrimp larvae, blue crab
5 larvae, and other plankton ingest.

6 The bottom of the food web is drastically
7 affected. Exactly what changes this may cause, inability to
8 form a shell, or whether it may lead to a permanent loss of
9 this vital component of the food chain, we don't know yet.

10 The total amount of natural gas in the area that
11 will be drilled, as several people have noted, even by MDA's
12 exaggerated estimates, is only enough to keep the U.S. running
13 for two weeks. And we would spend 20 years destroying our
14 environment, our view, our dolphins who would be rendered deaf
15 and unable to communicate with each other and their calves, and
16 very possibly what's left of our seafood industry just for that
17 two weeks of natural gas for the U.S.

18 I can't help thinking of the rhyme of the
19 Ancient Mariner. As penance for shooting the albatross, the
20 mariner driven by guilt is forced to wander the earth, tell his
21 story, and teach a lesson to those he meets.

22 He prayeth best who loveth best, all things both
23 great and small, for the Dear God who loveth us, he made and
24 loveth all.

25 MR. TAYLOR: Thank you very much.

79

1 As I said earlier, we appreciate your comments.
2 They are not taken lightly.

3 So any other business?

4 MR. DRUMMOND: I make a motion we adjourn, Mr.
5 Chairman.

6 MR. GOLLOTT: I'll second that motion.

7 MR. TAYLOR: All in favor.

8 (Meeting adjourned 12:00 noon.)

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1 COMMISSION ON MARINE RESOURCES

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COURT REPORTER'S CERTIFICATE

I, Norma Jean Ladner Soroe, Certified Shorthand Reporter, do hereby certify that to the best of my skill and ability I have reported the meeting of the Commission on Marine Resources and that the foregoing 80 pages constitute a true and correct transcription of said meeting held on the 19th day of November 2013.

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

Witness my signature this the 12th day of December 2013.

NORMA JEAN LADNER SOROE, CSR #1297
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