

Commission on Marine Resources

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, December 15, 2015
9:00 a.m.
Bolton State Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

- Richard Gollott, Chairman
Shelby Drummond, Vice Chairman
Steve Bosarge
Ron Harmon

Also Present:

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

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Do we have any modifications, or can get we get
2 an approval of the agenda as written?
3 COMMISSIONER DRUMMOND: So moved, Mr. Chairman.
4 COMMISSIONER GOLLOTT: We have a motion.
5 How about a second?
6 COMMISSIONER BOSARGE: So seconded.
7 COMMISSIONER GOLLOTT: Motion and second.
8 All those in favor say aye.
9 (All in favor.)
10 COMMISSIONER GOLLOTT: Opposed?
11 (None opposed.)
12 COMMISSIONER GOLLOTT: Motion carries.
13 Next we have the Executive Director's report.
14 JAMIE MILLER: Thank you, Chairman, a brief
15 report.

16 The agency hosted its 2015 legislative forum at
17 the Biloxi Visitors Center on December the 5th. It started
18 at 5:30. We gave an overview of the agency and its 2015
19 accomplishments. Additionally, we provided the
20 legislators in attendance with a copy of the fiscal year
21 2015 Tidelands proposals and discussed legislative
22 proposals to be introduced, or considered, during the
23 upcoming session.

24 The upcoming legislative session begins January
25 the 5th. It's a Tuesday.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 COMMISSIONER GOLLOTT: I would like to call this
2 meeting to order and welcome everyone to our regular
3 Commission meeting.

4 The first thing on the agenda is we are going to
5 have the Pledge of Allegiance, and I would like to ask
6 Steve Bosarge to lead us.

7 (Whereupon, the Pledge of Allegiance was
8 recited.)

9 COMMISSIONER GOLLOTT: The next thing we have is
10 approval of the minutes as presented, or modified.

11 Do we have a motion?

12 COMMISSIONER HARMON: Mr. Chairman, I make a
13 motion we approve the minutes.

14 COMMISSIONER GOLLOTT: We have a motion.

15 Do we have a second?

16 COMMISSIONER DRUMMOND: I'll second the motion,
17 Mr. Chairman.

18 COMMISSIONER GOLLOTT: Mr. Drummond seconded the
19 motion.

20 All those in favor say aye.

21 (All in favor.)

22 COMMISSIONER GOLLOTT: Opposed?

23 (None opposed.)

24 COMMISSIONER GOLLOTT: Motion carries.

25 Next we have approval of the agenda.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Also, the Christmas Holiday schedule, just so
2 the public is aware, the agency will be closed December
3 the 24th, Thursday, and December 25th, Friday, in observance
4 of Christmas.

5 I would also like to remind anyone wishing to
6 make a public comment to fill out a public comment form
7 located at the back table. Please indicate if you wish to
8 provide comments on a specific agenda item, or, if you
9 wish to speak on an issue that is not identified on the
10 agenda, you will be recognized at the end of the meeting
11 during the public comments section.

12 Thank you. That concludes my report.

13 COMMISSIONER GOLLOTT: Thank you, Mr. Director.

14 Next we have Marine Patrol, Chief Davis.

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

17 Ours is going to be a short report because I
18 believe we have a lot that is fixing to come up behind us.

19 I'm going to ask you if there are any questions
20 that you see on the report, I will be glad to try to
21 answer them for you.

22 COMMISSIONER GOLLOTT: Doesn't look like we have
23 any.

24 RUSTY PITTMAN: We wish y'all a Merry Christmas
25 and a safe and Happy New Year.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 COMMISSIONER GOLLOTT: Thank you, Rusty.
 2 COMMISSIONER DRUMMOND: Merry Christmas to you.
 3 COMMISSIONER GOLLOTT: Next we have Marine
 4 Fisheries, Joe Jewell.
 5 JOE JEWELL: Good morning Commissioners,
 6 Counselor Chestnut, Director Miller.
 7 We have several items on the agenda this
 8 morning.
 9 First, I would like to give you a quota update
 10 on our commercial quotas.
 11 As I reported last Commission meeting, red drum
 12 and spotted seatrout closed at the end of October.
 13 Flounder is still open. The commercial quota of
 14 flounder is seventy-four thousand. We are at twenty-eight
 15 thousand two hundred and thirteen.
 16 We have several items on the agenda. As Rusty
 17 mentioned, we have a rather lengthy agenda for December.
 18 I would like to wish everyone a Merry Christmas
 19 and a Happy New Year. It's a wonderful time of the year.
 20 It doesn't feel like it. We are having such warm weather,
 21 but it doesn't diminish the holiday spirit.
 22 First on the agenda is Ms. Carly Somerset. She
 23 is going to provide an update on our Finfish Otolith
 24 Program.
 25 CARLY SOMERSET: Good morning Commissioners,

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 Director Miller, Ms. Chestnut.
 2 I will give a brief presentation on our
 3 collection and processing of otoliths for age
 4 determination.
 5 Otoliths are calcareous structures, primarily
 6 calcium carbonate, located behind the brain in all boney
 7 fishes similar to other vertebrates. Boney fishes use
 8 otoliths for spatial orientation and sound detection.
 9 There are actually three otoliths behind the
 10 brain, but usually only the Sagitta are collected because
 11 they are the largest of the three and the easiest to
 12 remove.
 13 This is a picture of the three different
 14 otoliths. The largest is the Sagittae, and, then, there
 15 is the Asterisci and the Lapilli. They all have similar
 16 functions related to sound and spatial orientation.
 17 We collect the Otoliths because they provide an
 18 accurate method of age determination, and the use of
 19 Otoliths for aging fish is widespread.
 20 Although other hard structures can be used, such
 21 as spines, vertebrae and scales, otoliths are the most
 22 accurate because they have a lack of resorption. Once the
 23 material is deposited, it remains there. Otoliths are the
 24 only calcified structures known to grow in a continuous
 25 manner throughout the life of the fish.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 Probably the most important aspect of collecting
 2 Otoliths is that by collecting many samples for a
 3 particular species is useful in providing age structure
 4 for determining population size.
 5 With this information from Otoliths, we can
 6 estimate growth rates, age at maturity, mortality; all
 7 very important in stock assessments.
 8 This is an example of a section taken from a
 9 five-year-old spotted seatrout. You can see the rings
 10 that are counted. You start from the core, the nucleus,
 11 and, then, you move out (indicating photograph). It is
 12 similar to counting tree rings.
 13 Otoliths are collected primarily from commercial
 14 fish dealers and recreational fishermen. The commercial
 15 otoliths are collected based on federal landing
 16 notifications, and the recreational otoliths are collected
 17 on a scheduled basis from recreational anglers through our
 18 Marine Recreational Information Program surveys. Both of
 19 these allow us to collect a large number of samples from a
 20 variety of species.
 21 This is an example of how otoliths are typically
 22 removed. This is a really great picture from a red
 23 snapper. You can push the gills back and there's a
 24 capsule. You can break through the capsule and remove the
 25 otoliths on either side. For larger fish, we usually have

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 to go through the back of the head.
 2 Our processing procedure. Once they are
 3 collected in the field, we bring the samples back to the
 4 lab and collect them there. Each one is given a unique
 5 number to identify it. That is recorded on an envelope --
 6 I will show you a picture after this -- along with data
 7 such as weight and length and where the fish was
 8 collected, and, then, the whole otolith is embedded in a
 9 plastic cell with a two-part epoxy medium.
 10 The epoxy hardens in an oven and the embedded
 11 otolith is cut into very thin sections, using a low-speed
 12 isometric saw, and, then, a thin core section is placed on
 13 a microscope slide to read. For accuracy, we have three
 14 different readers.
 15 This is a picture of the otolith envelope, with
 16 all of the corresponding biological data, the plastic cell
 17 that the embedded otolith is in. It is cut on the low-
 18 speed isometric saw, and, then, the microscope used by
 19 each reader to determine the age of the fish.
 20 This is an example of what we can do with age
 21 information gathered from collecting otoliths. This is a
 22 graph of red drum age distribution and the number of each
 23 fish caught at what age.
 24 We collect samples from many different species,
 25 but we have a quota for some species. For very important

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 recreational and commercial species such as red drum,
2 spotted seatrout and red snapper, every sample that we
3 collect is aged.

4 The primary funding for this biological sampling
5 is provided by the Fisheries Information Network through
6 the Gulf States Marine Fisheries Commercial. We work
7 really closely with them to make sure our collection and
8 processing methods are accurate and standardized with
9 other State and Federal agencies, and we also work closely
10 with the Gulf Coast Research Lab for further collection
11 and research across the state.

12 Any questions?

13 COMMISSIONER BOSARGE: I have one.

14 Just out of curiosity, how long have you been
15 doing this?

16 CARLY SOMERSET: I started at the Research Lab
17 with Gary Gray. He does a lot of sampling, but he reads
18 and cuts all the otoliths. I started over there, and,
19 then, I continued here.

20 COMMISSIONER BOSARGE: So we have a pretty good
21 time line of samples?

22 CARLY SOMERSET: Yes. The program is over
23 twenty years old.

24 COMMISSIONER BOSARGE: Great. Thank you.

25 COMMISSIONER DRUMMOND: Do you have plenty of

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 tax, and, then, the boaters pay taxes on the fuel as well.

2 This money is collected by the Federal
3 Government and distributed to the states by the U.S. Fish
4 and Wildlife Service, and it is distributed to the State
5 Fish and Wildlife agencies.

6 The states receive these funds through grants,
7 specialized grants, and they take this money and they
8 implement projects and programs to help improve wildlife
9 and fisheries.

10 What this leads to is better fishing, boating,
11 hunting and wildlife-associated recreation for the sports
12 men and women who purchase this equipment.

13 That's why we call it the cycle of success. It
14 just continues to revolve. As more money is being put
15 into the program, there are better and more improved
16 hunting and fishing opportunities.

17 To give you some numbers on how large this
18 program is, since 1937, the Wildlife and Sport Fish
19 Restoration Programs have contributed more than sixteen
20 billion dollars to conservation.

21 From here on out, I will focus on sport fish, as
22 we don't deal with wildlife here at the DMR.

23 The Sport Fish Restoration Program, since 1950,
24 has contributed more than eight billion dollars for
25 fisheries research, habitat restoration, recreational

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 money, Carly?

2 CARLY SOMERSET: Sir?

3 COMMISSIONER DRUMMOND: Do you have plenty of
4 money?

5 CARLY SOMERSET: It is a well-established
6 program. We are doing well.

7 COMMISSIONER GOLLOTT: Thank you.

8 CARLY SOMERSET: Thank you.

9 JOE JEWELL: Next on the agenda is a Sport Fish
10 Restoration Program update by Mr. Rick Burris.

11 RICK BURRIS: Good morning Commissioners,
12 Director Miller, Ms. Chestnut.

13 Today I'm going to update the Commission on the
14 Sport Fish Restoration Program in Coastal Mississippi.

15 If you're not familiar with the Wildlife and
16 Sport Fish Restoration Programs, I will give you a brief
17 rundown. I will spare you the history and the legislative
18 acts because I know we've got a lot on the agenda today.

19 The Wildlife and Sport Fish Restoration Programs
20 are based on a user pay-user benefit principle, and we
21 like to think of it as having a cycle of success.

22 The cycle of success begins with the purchase of
23 certain hunting and fishing equipment and motor boat fuels
24 by hunters and anglers and boaters.

25 The manufacturers of these items pay an excise

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 boating access, construction of fish hatcheries, and
2 aquatic education.

3 The total Sport Fish Restoration Money for 2015
4 was approximately three hundred and forty-six million
5 dollars, the State of Mississippi received four million
6 dollars, and the DMR approximately six hundred thousand
7 dollars.

8 How do we utilize those funds?

9 We have several ongoing projects funded through
10 the Sport Fish Restoration Program. The first one being
11 our very own Artificial Reef Program.

12 As you are all aware, the Artificial Reef
13 Program is instrumental in creating habitat for a wide
14 variety of our finfish species, while also providing
15 fishing opportunities for our recreational anglers.

16 Through the program, we have deployed over
17 sixteen thousand acres of artificial reefs in the
18 Mississippi Sound and adjoining Gulf of Mexico, including
19 over twenty steel hull vessels, three hundred Florida
20 Limestone Pyramids, three hundred and fifteen Goliath Reef
21 Balls, five hundred and fifty Bay Reef Balls, and over
22 thirty different deployments of concrete rubble.

23 We also have the Mississippi Coastal Sport Fish
24 Studies Program which began in 1992. It is responsible
25 for conducting fishing independent surveys throughout the

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Mississippi South and its tributaries to collect extremely
2 important data to help us manage several species, and this
3 project is actually granted through us to the Gulf Coast
4 Research Lab. It started as a study to assess spotted
5 seatrout stocks and has since evolved to include several
6 other species that we manage, including our coastal
7 sharks.

8 Next we have the very popular Sport Fish Tag and
9 Release Program. It is also managed by GCRL. They
10 actually do something unique. They utilize anglers to go
11 out and tag and release and recapture cobia, spotted
12 seatrout and tripletail. It is a very successful program,
13 not just in Mississippi, but Gulf wide and nationwide
14 actually.

15 Since 1988, they have tagged over seventeen
16 thousand cobia from Texas all the way to Virginia.

17 Over nineteen thousand spotted seatrout have
18 been tagged in Mississippi waters, since 1995.

19 Over three thousand tripletail have been tagged
20 in the Gulf of Mexico and the southern Atlantic, since
21 2001.

22 They take this data and it aids fishery managers
23 in determining geographic ranges and the migratory
24 patterns for these species which are very beneficial for
25 defining management jurisdictions.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 A relatively new program that we began last
2 year, early last year, is Assessment of Red Drum Stock in
3 Mississippi Coastal Waters. This program was designed to
4 capture data on ages three to five red drum that was
5 missing.

6 As we collect this data, we can develop an
7 accurate escapement rate and length-at-age key to aid us
8 in future stock assessments.

9 Some of the other projects we have that are not
10 researched related, the Boating Infrastructure Grant
11 program, or the BIG Program, has provided nearly two-and-
12 a-half million dollars for the construction, renovation
13 and maintenance of public and private boating
14 infrastructure facilities across the Coast.

15 The Clean Vessel Act, or the CVA, provides funds
16 to harbors and marinas to install pump outs.

17 The Public Access Program has provided funds for
18 improvements to public access facilities along the Coast,
19 including boat ramps and piers.

20 That was a very brief overview of what we do
21 here at the DMR for the Sport Fish Restoration Program.
22 We work very closely with the Fish and Wildlife Service
23 and the Gulf Coast Research Lab. It is a really
24 collaborative effort.

25 This program is known as the most successful

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 conservation program in U.S. History, and you can see that
2 just by the amount of money that is actually spent on
3 this.

4 If you have any questions, feel free to ask.

5 COMMISSIONER GOLLOTT: Thank you very much.

6 RICK BURRIS: Thank you.

7 JOE JEWELL: Thank you Rick and Carly for those
8 important updates.

9 Next on the agenda are a couple of items that I
10 will be presenting for the consideration of the
11 Commission. First, is Item F(3), oyster season update.

12 I will give a brief synopsis of the history of
13 the current season. The Commission met on October 20th and
14 provided the opening orders for the 2015-2016 season that
15 included a special dredging season November 3rd through the
16 7th. The regular season opened on November the 11th for the
17 tongers with a seven sack limit, for the dredgers with a
18 ten sack limit.

19 The Commission met again on November the 17th
20 with additional direction for the DMR staff. They placed
21 a moratorium on oyster license and established a hardship
22 clause with that moratorium. They changed the sack limit
23 to ten for the tongers and fifteen for the dredgers, and
24 they established a quota for thirty-five thousand sacks of
25 oysters.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Again, the Commission met in special session on
2 Friday, December the 4th, and gave additional direction to
3 the DMR. They gave the Executive Director of the DMR the
4 authority to set the 2015-2016 daily sack limit, they gave
5 the Executive Director the authority to set the season
6 oyster quota, and, finally, they gave the Executive
7 Director the authority to close areas that are deemed over
8 harvest.

9 I will give the Commission a summary of where we
10 were, when we closed the regular season due to the harmful
11 algae bloom this past Friday, December the 11th.

12 Pass Christian for dredging, they harvested
13 fifty-eight sixteen sacks. Tongers, we had twenty-five
14 hundred and thirty-three.

15 Bayou Caddy had forty-one eighty-one sacks
16 harvested for dredging and zero tonging.

17 Total sacks for dredging, we had ten thousand
18 nine hundred and ninety-seven and for tonging we had two
19 thousand five hundred and thirty-three, for a current
20 total of thirteen thousand five hundred and thirty sacks
21 harvested.

22 We want to talk a little bit about effort and we
23 will have to discuss trips.

24 At Pass Christian for dredging, we had a total
25 of four hundred and eighty trips taken, and we had a total

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

Commission on Marine Resources

1 of two hundred and ninety-eight at Bayou Caddy.

2 For tongers at Pass Christian, we had a total of
3 three hundred and one trips, and at Bayou Caddy we had
4 zero trips for tonging.

5 Total effort at Bayou Caddy was seven hundred
6 and seventy-eight for dredging and a total of three
7 hundred and one for tonging.

8 what that relates to, as far as effort, sacks
9 per trip, for dredging is fourteen point one and for
10 tonging eight point four. The overall effort would be
11 twelve point five, if you combine both dredging and
12 tonging.

13 I also want the Commission to be reminded that
14 we had several closures, during the initial part of the
15 season. They closed specific areas, and, additionally, we
16 changed the sack limit from seven to ten for tongers and
17 from ten to fifteen for dredgers. The overall effort, we
18 have to sort of dice down to get to it.

19 As we stand today for dredging, we are
20 approaching the mandatory limit of fifteen at fourteen
21 point one and for tongers we are a little bit lower at
22 eighteen point four.

23 We are getting cursory reports from the field
24 that the tongers are now moving off of the historic
25 tonging area and into the traditionally dredging areas, in

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 an effort to find more resource.

2 A little number crunching. Most of the harvest
3 that is occurring so far to date is occurring on the
4 Henderson Point Reef. We have harvested nine hundred and
5 three sacks tonging and nine thousand two hundred and
6 sixty-two sacks from the Henderson Point area for a total
7 of ten thousand one hundred and sixty-three sacks.

8 That's about seventy-five percent of the total
9 effort this season so far occurring on the Henderson Point
10 Reef area.

11 COMMISSIONER GOLLOTT: Joe, a thousand seventy-
12 nine, is that per day?

13 Is that pretty much an average for the daily
14 sack quota coming in?

15 JOE JEWELL: For an average daily limit, I think
16 we are just at, or just under, a thousand. Our largest
17 sack day was this past Friday, December the 11th, which is
18 just under fifteen hundred sacks.

19 COMMISSIONER GOLLOTT: Are there any updates on
20 the algae bloom?

21 JOE JEWELL: I'm going to give the Commission an
22 update, after we move through the regular agenda items.

23 COMMISSIONER GOLLOTT: okay.

24 JOE JEWELL: Does the Commission have any other
25 questions on the oyster season update?

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 COMMISSIONER BOSARGE: I have one question.

2 JOE JEWELL: Sure.

3 COMMISSIONER BOSARGE: Is there any collection
4 of information that collects number, or average number of
5 oysters per sack?

6 Do we have any of that information?

7 In other words, the oysters I have seen so far
8 are small oysters.

9 JOE JEWELL: We have some historical values. It
10 is right under, or right at, three hundred oysters per
11 sack for the Mississippi sack which is a little bit larger
12 than some of the other sacks that are harvested from Gulf
13 states.

14 In the past, many years back we were doing
15 estimates of numbers of oysters per sack and it is going
16 to vary, but, on average, that would be a good estimate.

17 Recently, we have not done a calculation on the
18 number of oysters per sack.

19 COMMISSIONER BOSARGE: To me it would be kind of
20 an indicator of the health of the reef so to speak. If
21 all you see are small oysters continuously, then, that is
22 all that's there and there are no large oysters.

23 I was just wondering if that may be something
24 that is beneficial.

25 JOE JEWELL: Our Marine Patrol is charged with

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 enforcing the three-inch legal size and above limit, and
2 our Marine Patrol office has been very diligent in
3 performing that duty.

4 COMMISSIONER BOSARGE: I'm not saying that they
5 are smaller than three inch. I'm saying there are a lot
6 of three inch.

7 JOE JEWELL: We have been doing a cursory
8 inspection of the oysters ourselves, and we have noted
9 that there is a lot of culling that is occurring. We have
10 found a moderate to heavy spat set that occurred late in
11 the summer, or early fall, and there is a culling effort
12 that is occurring. We have noted that.

13 COMMISSIONER BOSARGE: Thank you.

14 COMMISSIONER GOLLOTT: Joe, excuse me.

15 JOE JEWELL: Yes, sir.

16 COMMISSIONER GOLLOTT: At this time, we've got a
17 Mr. James Wright that sent us a comment that he wants to
18 make a comment on the oyster season.

19 James Wright, come to the podium and make your
20 comment, please.

21 JAMES WRIGHT: My name is James Wright.

22 This season has been pretty tough on the
23 fishermen.

24 COMMISSIONER GOLLOTT: Excuse me. Hold that
25 mike closer to you so we can hear you.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

Commission on Marine Resources

1 JAMES WRIGHT: How is that?
 2 COMMISSIONER GOLLOTT: That's better.
 3 JAMES WRIGHT: This season we opened later than
 4 normal and it really puts us in a bind with the algae
 5 bloom and, also, we always have rain that starts in
 6 December every year and lasts through the middle of
 7 January, and, then, back again in April.
 8 I really would like to start seeing the oyster
 9 season open a little earlier every year.
 10 The biologists that sampled made us believe that
 11 the oysters were all dead that we are working on, now, and
 12 they are really good.
 13 Another thing I would like to do is steer clear
 14 from using the equipment they are using and maybe think
 15 about going with more like what the professionals use
 16 because every year I think that they show that we are
 17 don't have much and, when they let us go, we always do
 18 good.
 19 I went Friday by myself and got my limit tonging
 20 in four hours. I mean, it was just as simple as it could
 21 be.
 22 Marianne has been really good. That's a good
 23 thing. Over the years we have made a lot of money out
 24 there. I think we should protect it. Along with it,
 25 Telegraph. They used to coincide with each other. I

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 think we should keep a close eye on those reefs. I think
 2 they are making a comeback.
 3 I guess that's it.
 4 COMMISSIONER GOLLOTT: Are you tonging on
 5 Marianne?
 6 JAMES WRIGHT: Well, we are right on the line
 7 out to the south at the end of the tonging reef. You have
 8 the tongers at the end of the tonging reef, and, then, the
 9 dredgers right across. It is really healthy on both
 10 sides. It is looking really good. There is a lot of
 11 fresh spat like he said.
 12 I got my limit by myself in four hours. That is
 13 record breaking for me.
 14 COMMISSIONER GOLLOTT: Thank you, James.
 15 JAMES WRIGHT: Thank you.
 16 JOE JEWELL: Next on the agenda is an item that
 17 came up with our interaction with the charter for hire
 18 industry. They have expressed their concerns about
 19 remaining under the jurisdiction of the Gulf Council, and
 20 they have expressed that concern both to the DMR staff and
 21 to their representative on the Marine Commission,
 22 Commissioner Ron Harmon.
 23 With the Commission's permission, I would like
 24 to present to the Commissioners, or read into the public
 25 record, the Charter For Hire Resolution.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 Okay?
 2 COMMISSIONER GOLLOTT: Please do that.
 3 JOE JEWELL: The resolution would read:
 4 "Whereas the Mississippi Commission on Marine
 5 Resources, a duly constituted governmental entity created
 6 to serve the great State of Mississippi, and whereas said
 7 service includes the management and enforcement of any
 8 matters pertaining to Mississippi saltwater aquatic life
 9 and marine resources, and whereas the Mississippi
 10 Commission on Marine Resources acknowledges the
 11 contribution to the better of the fisheries of the Gulf of
 12 Mexico through significant biological industrial
 13 legislative enforcement, or administration activities;
 14 "Whereas the Mississippi Charter for Hire
 15 Industry desires to remain under the jurisdiction and
 16 management of the Gulf of Mexico Fisheries Management
 17 Council;
 18 "Now, therefore, be it resolved in a duly
 19 constituted and assembled meeting that the Mississippi
 20 Commission on Marine Resources supports the will and
 21 desire of the Mississippi Charter for Hire to remain under
 22 the jurisdiction and management of the Gulf of Mexico
 23 Fisheries Management Council.
 24 "Done and resolved in this duly constituted and
 25 assembled meeting, on this the 15th day of December 2015."

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 COMMISSIONER GOLLOTT: Thank you. I agree with
 2 this a hundred percent.
 3 Do I have a motion to approve this resolution?
 4 COMMISSIONER HARMON: Mr. Chairman, I make a
 5 motion we approve the resolution.
 6 COMMISSIONER GOLLOTT: We have a motion.
 7 Do we have a second?
 8 COMMISSIONER BOSARGE: So seconded.
 9 COMMISSIONER GOLLOTT: We have a motion and a
 10 second.
 11 All those in favor say aye.
 12 (All in favor.)
 13 COMMISSIONER GOLLOTT: Opposed?
 14 (None opposed.)
 15 COMMISSIONER GOLLOTT: Motion carries.
 16 JOE JEWELL: For the final consideration for the
 17 Commission --
 18 COMMISSIONER GOLLOTT: (Interposing) Excuse me,
 19 Joe.
 20 JOE JEWELL: Yes, sir.
 21 COMMISSIONER GOLLOTT: Clarence Seymour wanted
 22 to make a comment on this.
 23 CLARENCE SEYMOUR: Clarence Seymour, Charter
 24 Boat SYL Biloxi.
 25 I just want to say thank you for the Commission.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 It's a wonderful job. Thumbs up. We are going to move
2 forward in the charter boat industry.

3 Thank you.

4 COMMISSIONER GOLLOTT: Thank you.

5 Sorry, Joe.

6 JOE JEWELL: The final item for the Commission's
7 consideration, as you all know we have a significant red
8 tide, or harmful algae bloom, occurring in Mississippi
9 territorial waters, and I want to give the Commission an
10 update on the event that is occurring, now.

11 First, I want to talk about the sort of
12 background levels, or cell counts, that are important for
13 consideration.

14 The NOAA guidance document for the cell count
15 levels for *Karenia brevis* as you will see, if they are not
16 present, the background levels are a thousand, or below.

17 Very low ranges between a thousand and ten
18 thousand, and that can cause respiratory issues and it
19 does include harvest area closures. The management plan
20 for us is five thousand counts per liter. A very low
21 incidence of occurrence ranges between ten thousand and a
22 hundred thousand, and, at this range, it can cause
23 respiratory issues, possible fish kills, bloom, chlorophyll
24 probably detected by satellites.

25 Somewhere around a hundred thousand is where you

*Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788*

1 and has occurred every day since then.

2 We took four samples on December 2nd and December
3 3rd. We increased our sampling. We took five in the
4 morning south of Ship Island where, in that area where the
5 fisherman got the samples, we again detected *Karenia*
6 *brevis* in significant numbers, but inshore the numbers
7 were relatively small. They ranged less than twenty cells
8 per liter and, as you see, that was a very insignificant
9 number according to the NOAA guidance document.

10 That Friday, we increased our sampling up to
11 eighteen samples throughout the Mississippi Sound and that
12 included a flyover of a plane.

13 To date, we have taken a total of a hundred and
14 twenty-six water samples and thirty-nine of these have
15 tested positive for *Karenia brevis*.

16 Just sort of a little history here. Our agency
17 was founded a little over twenty years ago in 1994, and we
18 have had a couple of significant outbreaks, including
19 *Karenia brevis*; a large *Karenia brevis* outbreak in 1997
20 and a smaller one two, or three, years ago.

21 We have collected more water samples in this
22 event than we ever have in the history of our agency, and
23 we are continuing with water samples.

24 We have sampled and clarified more samples in
25 one day, twenty-five and twenty-six samples, than we ever

*Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788*

1 can visibly and clearly see it the water column.

2 A medium bloom, the range would be between a
3 hundred thousand and a million, and it could cause
4 respiratory irritation and likely fish kills.

5 An extremely high count would be between a
6 million and above, and it would be a very visible
7 discoloration of the water column. At that point, you
8 could see a very bright orange, red, or brown
9 discoloration of the water.

10 With that in mind, I'm going to move into our
11 update of the program. This is sort of a little history
12 and guideline of where we started and where we are today.

13 On Tuesday, December 1st, I actually received a
14 call from a Mississippi fisherman who had been fishing on
15 an extended trip, three or four days in Louisiana, on
16 Chandelier, and he reported a visible algae bloom which
17 would be above that hundred thousand threshold, and he
18 took a couple of water samples and brought them back for
19 us to examine.

20 I went and received those water samples and
21 brought them back to our laboratory where they were
22 examined and clearly detected what would be an algae bloom
23 of *Karenia brevis*.

24 We, at that point, initiated our response which
25 was water sampling, and that occurred the following day

*Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788*

1 have in the history of our agency.

2 I just want to let the public know that we take
3 this particular event seriously and we are doing
4 everything that we can, as an agency, to respond to this
5 event.

6 We have sampled a total of fifteen days. Every
7 day, since we found out about this event, we have been out
8 sampling and monitoring.

9 We have a total of three coordinated flights
10 that have occurred that work in conjunction with the boats
11 that are out. They direct the boats as to where to take
12 samples, when they visibly see a bloom.

13 On December 10th, we coordinated a field trip
14 with the units at USM Stennis, a field sample with a
15 flowCAM. This is an instrument that is able to realtime
16 detect algae blooms, the size and the amount that is out
17 there in the water.

18 So far today, we have had a total of
19 approximately fourteen reported fish kills that we have
20 investigated and added to our fish kill database. We also
21 have several more that are being currently investigated.

22 The most intense ones occurred early in the fish
23 cycle on front beach Biloxi, on December the 2nd through
24 about the 4th, and, then, a second what we consider medium
25 to high fish kill in the Pascagoula area.

*Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788*

1 This is the chart that reflects where the fish
2 kills have occurred. They have gone from Mobile Bay all
3 the way over to Bay St. Louis, with the most significant
4 ones occurring here on Biloxi beach and in the Pascagoula
5 area.

6 These are our water sampling stations. As I
7 said, we have done over a hundred and twenty total
8 samples. We continue to water sample.

9 This chart right here shows the areas that have
10 tested positive for Karenia brevis.

11 This chart shows the aerial flyovers that we
12 have done. This was the one we did initially, on December
13 3rd, when we detected from the samples that we had an
14 active bloom going here just north of Chandelier and just
15 south of Ship and Cat Islands.

16 Again, these were coordinated flyovers. You can
17 see they were primarily focused on the Mississippi Sound
18 and our oyster reef areas where the plane would fly over
19 and direct our field crews to the most concentrated areas
20 of the algae bloom.

21 These are photographs that were supplied to me
22 by our Mississippi fisherman who was down on Chandelier.
23 You can see that most of the fish being impacted -- this
24 is on Chandelier -- were mullet and there were a few
25 spotted seatrout.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 In this photograph, you can see a very distinct
2 line right here. This large bright yellow area is the
3 bloom, active bloom of Karenia brevis.

4 This is the bloom that was detected on front
5 beach Biloxi. It occurred from about Sharkheads all the
6 way down to Kuhn Street pier.

7 This is the bloom that occurred. It has
8 actually occurred multiple times in Pascagoula, west beach
9 area.

10 I wanted to show this particular photograph to
11 the Marine Commission. You saw those count levels. At a
12 hundred thousand per liter, it becomes visible in the
13 water column, and above a million it becomes very bright
14 and distinct. These photographs were taken on December
15 10th, from our airplane, just south of Horn Island.

16 The most important thing to take from this
17 photograph is this is the tide line. The tide line is a
18 pretty strong event here in our waters, the tidal front.
19 It almost acts as a barrier. Most fishermen will fish on
20 either side of the tide line because it will even become
21 the barrier for fish.

22 As you will notice, see the overreaching of the
23 tide line, the wind has blown the Karenia brevis over the
24 top, over the tide line, and that's what occurred when we
25 had that front that came through. That strong wind that

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 blew out of the south and southeast, when the high
2 pressure system moved out of the Atlantic over into the
3 Florida Panhandle and gave us those clockwise wind
4 directions, that tidal front -- it remained primarily
5 south of the islands, the main concentrations, but, when
6 the front came through and moved over the Florida
7 Panhandle, it breached the tide line and pushed
8 significant counts into the Mississippi Sound.

9 In closing I want to make one statement. I know
10 that the public has been very concerned about the harmful
11 algae bloom that is occurring and ongoing, and we do share
12 that concern.

13 We have been coordinating with our sister
14 agencies, the Department of Health, the Department of
15 Environmental Quality, and Gulf Coast Research Lab. There
16 is an ongoing effort between these sister agencies.

17 We have had multiple calls from the public
18 expressing concerns about is seafood safe to eat.

19 I would like to reassure the public it is very
20 safe to eat. We do caution the public not to capture, or
21 consume, fish that is dead, or in distress. This is not a
22 jubilee where it is a low oxygen event.

23 If, in the normal course of fishing, they
24 capture a fish that is feeding in a normal situation, it
25 is absolutely safe to eat.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Karenia brevis is primarily a shellfish issue
2 because shellfish tend to accumulate the organism and the
3 toxin in its tissue and, as a precautionary measure, our
4 agency closed all reefs on December the 11th and DEQ closed
5 all of the beaches on December the 11th.

6 As far as the human standpoint, the toxin can
7 cause respiratory issues. It can be an irritant to the
8 eyes, ears, nose and throat. It can cause headaches.
9 Those are sort of the main symptoms, when it rises to
10 large numbers per liter, the cell counts.

11 In an effort to sort of steer the public through
12 the myriad of State and Federal agencies when these events
13 occur, our agency has posted a public fact sheet on our
14 web page that is available, now, that the public can
15 access through our DMR online web page that can answer
16 some of the questions, and they certainly can call our
17 offices and ask and our staff will be happy to answer any
18 questions they have, or direct them to the appropriate
19 agency.

20 with that being said, I will answer any
21 questions.

22 COMMISSIONER GOLLOTT: Joe, the article on WLOX
23 was a little fuzzy last night. What they said was
24 correct, but I don't think they made the public understand
25 that eating seafood in restaurants and the seafood in

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 retail markets right now is safe.

2 We closed these areas, before any shellfish
3 could be harvested out of them. So the restaurants and
4 the retail markets, their shellfish that they have in
5 their counters, now, came from Louisiana, or other states,
6 but none of this stuff got into the market, and that's the
7 reason we closed it down like we did to make sure the
8 public didn't get any of this stuff.

9 Is that correct?

10 JOE JEWELL: We absolutely believe that the
11 seafood out there is safe for consumption to the public.
12 The reefs were closed as a precautionary measure to
13 prevent that from occurring.

14 We do want to reassure the public that eating
15 seafood in restaurants is completely safe. We do want to
16 reassure the public that eating seafood is safe.

17 We did close the reefs, like you said, on
18 December the 11th, as a precautionary measure, in advance
19 of major cell count numbers into the Mississippi Sound.

20 We were detecting large cell counts south of the
21 island, prior to the closure, and, as a precautionary
22 measure, we closed as quickly as possible to prevent any
23 possible harm to the public.

24 We feel very confident that all seafood is safe
25 to consume.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 COMMISSIONER GOLLOTT: Thank you, Joe.

2 Any questions?

3 COMMISSIONER DRUMMOND: You can't eat oysters?

4 JOE JEWELL: Not from Mississippi, right now.

5 COMMISSIONER DRUMMOND: Well, how can we eat
6 fish, then, from Mississippi?

7 JOE JEWELL: Well, the *Karenia brevis* organism
8 is not accumulated in the tissue of fish, or shrimp, or
9 crabs.

10 What we are cautioning the public is that it
11 will accumulate, if the fish ingest, in the intestines and
12 the stomach tissues. If the public is going to consume
13 fish, it's mainly the meaty, or the tissue, part that we
14 are saying.

15 There are a lot of people in the public that
16 enjoy, like, the gizzard from a mullet, and we are
17 cautioning the public not to do that, until the cell count
18 levels drop below five thousand, and we will advise the
19 public when that happens.

20 There are other tissues in the fish that the
21 public does enjoy this time of the year. Pate is made
22 from liver. There are certain other internal organs that
23 are consumed that are a delicacy this time of the year,
24 and we are cautioning the public not to do that and not to
25 consume that, but that the tissue of fish are safe to eat

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 because the toxin and the organism itself, *Karenia brevis*,
2 does not accumulate in that tissue.

3 COMMISSIONER GOLLOTT: Anyone else?

4 COMMISSIONER HARMON: Joe, have we ever seen
5 this in December before?

6 I know that we've got some unusually warm
7 seasonal weather, right now, but I don't ever recall
8 seeing this in December.

9 JOE JEWELL: It is very uncommon this time of
10 the year. It more typically occurs in late summer, or
11 early fall.

12 In 2011, or 2012, we saw a minor event. It is
13 very uncommon this time of the year, but we are having
14 very unusually warm water temperatures and very unusually
15 warm air temperatures and high salinity numbers which are
16 the perfect environment for it to thrive. It is an
17 unusual event. It is an unusual event for this time of
18 the year. We are being very cautious in how we are
19 approaching the sampling for the current event going on.

20 COMMISSIONER HARMON: Thank you.

21 COMMISSIONER GOLLOTT: One more thing.

22 Friday, at night, we are supposed to drop down
23 in the forty degree range.

24 won't that kill the stuff?

25 We understand that cold water will wipe this

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 stuff out.

2 Is that correct?

3 JOE JEWELL: There is a temperature threshold
4 for *Karenia brevis* and we are anticipating that, and,
5 then, a high wind event is also not very conducive for it
6 to continue to bloom.

7 That last front that came through didn't
8 significantly drop the ambient air temperature, nor the
9 water temperature.

10 We are anticipating that over the weekend and we
11 are hoping for lot cooler temperatures. Should that
12 occur, we do expect and anticipate the bloom to subside,
13 and we will be monitoring during those periods and we will
14 be making that information available to the public.

15 COMMISSIONER BOSARGE: Joe, I understand this
16 algae bloom really extends from about Panama City,
17 Florida, back this way.

18 Is that correct?

19 In other words, we are not the only state having
20 problems with this algae bloom?

21 JOE JEWELL: That's correct. The original bloom
22 originated in Florida, and, then, started moving
23 progressively west. It moved through Alabama and caused
24 significant water closures in Alabama, and we have
25 detected it, and, now, Louisiana has detected it and

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 closed all of their oyster areas east of the Mississippi
2 River on Friday, December the 11th, also.

3 COMMISSIONER BOSARGE: Hopefully, we will get
4 some rain and some cold weather to get rid of this algae
5 bloom.

6 JOE JEWELL: Absolutely.

7 COMMISSIONER GOLLOTT: Thank you very much, Joe.

8 JOE JEWELL: Thank you.

9 COMMISSIONER GOLLOTT: Next we have Coastal
10 Resources Management, Mr. Jan Boyd.

11 JAN BOYD: Good morning Commissioners, Director
12 Miller, Ms. Chestnut.

13 We have seven action items on the agenda for
14 your consideration this morning, and Jennifer Wittmann
15 will be our first presenter.

16 JENNIFER WITTMANN: Good morning. I'm Jennifer
17 Wittmann. I will be presenting the first item on the
18 agenda today which is a request for permit modification by
19 the Jackson County Board of Supervisors, located adjacent
20 to the Mississippi South and the Lake Yazoo Canal in
21 Pascagoula. It is in the General Use District, and
22 Compton Engineering is the agent.

23 The purpose of the project is to restore safe
24 navigation within the Lake Yazoo Canal. The applicant is
25 seeking authorization to replace two day markers at the

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 north end of the channel.

2 They are currently authorized to maintenance
3 dredge approximately forty thousand cubic yards of silt
4 and sand from the canal.

5 This map shows the location of the Lake Yazoo
6 Canal and the Mississippi Sound, in reference to Market
7 Street and Highway 90.

8 This is where the two day markers will be
9 placed. The public boat ramp is in this area.

10 The project serves a higher public purpose by
11 restoring safe navigation within the canal.

12 It is allowable within the General Use District.

13 Similar projects have been approved by the
14 Commission, and there are no precedent setting effects.

15 The project should not have a negative effect on
16 the biological integrity and productivity of coastal
17 wetlands.

18 The previously permitted dredging project will
19 result in a loss of benthic organisms. However, the
20 activity will remain well away from the shoreline and will
21 not affect the natural supply of sediments, nutrients,
22 temperature, salinity, water flow, or circulation. An
23 increase in turbidity is expected during the dredging
24 process, but those conditions should not exceed DEQ
25 guidelines.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 The day markers will be placed on twelve inch
2 diameter single pile structures to limit impacts.

3 There have been no off-site alternatives
4 considered.

5 The project will not change the location of the
6 existing navigation channels and there should not be an
7 affect on the natural scenic qualities.

8 Notification appeared in the Sun Herald as
9 required. No public comments were received.

10 DEQ is currently reviewing the project.

11 Archives and History has not objections.

12 Wildlife Fisheries and Parks is currently
13 reviewing the project.

14 The Secretary of State's office has stated that
15 there are no lease issues.

16 Based on the results of the evaluation, it has
17 been determined that the project is consistent with the
18 Mississippi Coastal Program and serves a higher public
19 purpose by restoring safe navigation within the Lake Yazoo
20 Canal, and, therefore, staff recommends approval of the
21 modification request.

22 COMMISSIONER GOLLOTT: Any questions?

23 (No response.)

24 COMMISSIONER GOLLOTT: Do I have a motion?

25 COMMISSIONER BOSARGE: I'll make a motion we

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 accept the staff's recommendations.

2 COMMISSIONER GOLLOTT: We have a motion.

3 Do we have a second.

4 COMMISSIONER DRUMMOND: I second the motion.

5 COMMISSIONER GOLLOTT: We have a motion and a
6 second.

7 All those in favor say aye.

8 (All in favor.)

9 COMMISSIONER GOLLOTT: Opposed?

10 (None opposed.)

11 COMMISSIONER GOLLOTT: Motion carries.

12 JENNIFER WITTMANN: Thank you.

13 JENNIFER WILDER: Good morning. I'm Jennifer
14 wilder. I'm also presenting a permit modification request
15 by Jackson County Board of Supervisors.

16 The location is in Davis Bayou in Ocean Springs,
17 in Jackson County. It's in the General Use District, and
18 the agent is Seymour Engineering.

19 The purpose is to restore the inlets of the
20 identified bayous to safe water depths to ensure the
21 public's use of the waterway.

22 They previously received a permit to dredge
23 Davis Bayou, but this is for the inlets that come into the
24 bayou.

25 The project description. They are asking to

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 continue maintenance dredging one thousand two hundred
 2 feet by twenty feet. Existing depth is two feet below
 3 mean line water. The proposed depth is five feet below
 4 mean line water. There are approximately five thousand
 5 cubic yards of material to be removed, and it will be
 6 placed at a DMR Beneficial Use Site on Deer Island.
 7 This is one of two slides showing Davis Bayou
 8 and the inlets are marked showing where they wish to do
 9 their maintenance dredging. That's slide one, and here is
 10 the second slide.
 11 This is a picture of just one of the inlets
 12 coming into Davis Bayou.
 13 The project does serve a higher public purpose
 14 by restoring safe navigational depths and providing public
 15 access to and use of the waterway.
 16 The proposed project is allowable within the
 17 General Use District.
 18 Similar projects have been approved by the
 19 Commission and this is not expected to have any precedent
 20 setting effects.
 21 The project should not have any adverse impacts,
 22 other than the loss of benthic organisms. An increase in
 23 turbidity is expected during the dredging process;
 24 however, conditions will not exceed Mississippi Department
 25 of Environmental Quality guidelines.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 Best management practices will be utilized
 2 during all phases of construction to minimize adverse
 3 impacts to coastal wetlands.
 4 No offsite alternatives have been considered
 5 because this is maintenance dredging.
 6 The project will not change the location of the
 7 navigation channels and should not affect natural scenic
 8 qualities.
 9 The project appeared in the Sun Herald, as
 10 required by law. One comment was received from an
 11 adjacent property owner concerning potential impacts to
 12 his boat slip. The comment period actually ends tomorrow.
 13 As of now, DEQ is reviewing the project.
 14 Department of Archives and History has no
 15 objections.
 16 Wildlife Fisheries and Parks is still reviewing
 17 the project.
 18 Based on the results of a departmental review
 19 and evaluation based on decision factors in Chapter VIII,
 20 Section 2, Part I:E:2 of the Mississippi Coastal Program,
 21 it has been determined that the project will have
 22 significant public benefit. Therefore, staff recommends
 23 the Commission issue the requested modification, as long
 24 as no objections, or proposed conditions, are received
 25 from any agencies.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 COMMISSIONER GOLLOTT: Does anyone have any
 2 questions?
 3 (No response.)
 4 COMMISSIONER GOLLOTT: Do we have a motion?
 5 COMMISSIONER DRUMMOND: I make a motion, Mr.
 6 Chairman, that we accept the recommendation of the staff.
 7 COMMISSIONER GOLLOTT: Do we have a second?
 8 COMMISSIONER HARMON: I second that, Mr.
 9 Chairman.
 10 COMMISSIONER GOLLOTT: We have a motion and a
 11 second.
 12 All those in favor say aye.
 13 (All in favor.)
 14 COMMISSIONER GOLLOTT: Opposed?
 15 (None opposed.)
 16 COMMISSIONER GOLLOTT: Motion carries.
 17 JENNIFER WILDER: Thank you.
 18 GREG CHRISTODOULOU: Good morning. My name is
 19 Greg Christodoulou. I will be presenting the next item on
 20 the agenda for Coastal.
 21 This is a request by the Army Corps of
 22 Engineers, Mobile District. It is located at Bayou Caddy,
 23 Hancock County, and the use district is Preservation.
 24 The project description is there will be a
 25 proposed riprap breakwater a thousand feet in length and

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 twenty-five feet in width, and, then, there will be a
 2 segmented, engineered living shoreline consisting of five
 3 segments with each segment measuring approximately three
 4 hundred feet in length and thirty feet in width.
 5 Also for construction, there will be an access
 6 channel for installation thirty-five hundred feet in
 7 length and seventy-five feet in width and a final depth of
 8 six feet below mean low water.
 9 Here is a broad aerial of the location marked by
 10 the thumbtack, I-10 and Highway 90.
 11 The zoomed-in location here would be the Silver
 12 Slipper Casino and the Bayou Caddy site.
 13 This is a restoration site that the Corps has
 14 been working on for several years. It was approved in
 15 2006 under the Mississippi Coastal Improvement Program.
 16 There are several projects that are involved in
 17 this, but for this one it was restoring a heavily eroded
 18 shoreline here at Bayou Caddy.
 19 I just kind of threw this slide in here. The
 20 yellow line indicates where the shoreline was, in 2007.
 21 So this Corps restoration project actually restored this
 22 large area located here, and this is the most recent image
 23 that we have.
 24 This is a more recent aerial done from a flight
 25 recently. The structures here are geotubes which are

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 Geotextiles, basically bags that hold dredge material and
2 have been aligned along the shoreline to help protect that
3 area, and this area in here is a marsh restoration.

4 This is just a little schematic of the project.
5 Here is the site location of the temporary channel, the
6 living shoreline itself, and, then, the breakwater, and,
7 then, just another more engineering-type drawing
8 (indicating slide).

9 The project will protect Coastal wetlands,
10 create habitat for oysters, fish and a variety of marine
11 organisms, and serve as a future Beneficial Use Site for
12 dredge material disposal.

13 The project does require a use plan change from
14 a P1, Preservation District, to a S6, Special Use
15 Restoration District.

16 Justification has been provided from the Coastal
17 Program by stating that no significant environmental
18 impacts would occur as a result of the use allowed, no
19 feasible alternative sites in the use designation being
20 requested are available, the general public as well as
21 governmental entities were notified of the activity, no
22 significant conflict with surrounding uses, or public
23 access to coastal wetlands, would occur, and the activity
24 does not adversely affect the public interest in wetlands
25 protection.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Again, this project will help protect coastal
2 wetlands. The area is a current restoration site, and the
3 public will have access to the area for fishing along the
4 breakwater and the shoreline from their vessels.

5 Three variances are requested.

6 The first is alignment of channels and canals
7 shall make maximum use of natural, or existing, channels
8 to minimize initial and maintenance dredging requirements.

9 The second is permanent upland disposal sites,
10 or deep water disposal sites, shall be used in preference
11 to coastal wetland disposal.

12 Finally, permanent filling of coastal wetlands
13 because of potential adverse and cumulative environmental
14 impacts is discouraged.

15 Justification for those variances are that the
16 activity requires a waterfront location, there is a
17 significant public benefit in the activity, and a public
18 hearing has been held.

19 Again, this is an existing marsh restoration
20 site, and the project will help protect coastal marshland
21 that has been subject to excessive erosion. It will also
22 create favorable area for a variety of marine organisms,
23 and a public hearing was held on December 8th.

24 Similar projects have been previously
25 authorized, so the project should not set a negative

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 precedent.

2 The project will impact approximately one point
3 seven two acres of unvegetated, state-owned waterbottoms.
4 There will be a loss of benthic organisms within the
5 project footprint, but it is expected that the
6 productivity will be increased in and around the project
7 area as the structures will provide additional habitat for
8 fish and attachment sites for algae and invertebrates.

9 This project serves to protect an existing Corps
10 restoration site, and, once this project is complete, it
11 is anticipated that this will become a DMR Beneficial Use
12 Site for dredge material disposal. Currently, there is
13 not a dredge disposal site in Hancock County and, right
14 now, the site itself, that open area we saw earlier can
15 accommodate approximately a hundred and forty thousand
16 cubic yards of dredge material.

17 Best management practices will be implemented
18 throughout the project.

19 No additional sites were considered as the
20 project is to provide additional protection to the Corps'
21 restoration site.

22 As far as scenic qualities, there is a
23 breakwater/key structure composed of broken remains of the
24 old Bay St. Louis bridge that is just to the east of the
25 project. The construction of another breakwater and

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 living shoreline structure should not affect scenic
2 qualities.

3 Public notice was placed in both Sun Herald and
4 Sea Coast Echo. We received no public comments.

5 This project has also been on public notice with
6 the Corps of Engineers since February, and they have
7 received no public comments, or negative comments from
8 agencies.

9 We did hold a public hearing last week. No one
10 showed up for the public hearing, so no public comments
11 were received.

12 DEQ is reviewing the project.

13 Archives and History and Secretary of State have
14 no reservations.

15 wildlife Fisheries and Parks recommend that best
16 management practices be utilized.

17 The recommendation is that based on departmental
18 review and evaluation, the staff has determined the
19 project is consistent with the Mississippi Coastal Program
20 and asks the Commission approve the applicant's request
21 for a use-plan change and variances contingent on water
22 quality certification from DEQ.

23 Just as an extra, the living shoreline
24 technology, we just found out last week, is going to be
25 what they call wave attenuation devices, or WADs for

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 short. Basically, they are concrete pyramidal shaped
2 structures.

3 This is just a small ceramic sample, but they do
4 have holes for the fish to actually go into, and, then,
5 oysters, barnacles, and algae can attach to this
6 (indicating).

7 COMMISSIONER DRUMMOND: Let's see that, Greg.

8 GREG CHRISTODOULOU: Sure.

9 COMMISSIONER BOSARGE: Where are these going to
10 be used, Greg?

11 GREG CHRISTODOULOU: If you look at this
12 diagram, these are the segments of living shoreline; three
13 hundred feet, three hundred feet. They will have fifty
14 foot gaps in-between them to allow water circulation.
15 They are going to make up this portion out here. This
16 breakwater here is going to protect from waves from this
17 direction from the south. That is going to be solid.
18 This will be composed of those structures, the sample you
19 have up there (indicating slide).

20 COMMISSIONER BOSARGE: So for the most part, the
21 living shoreline will go outside of the breakwater?

22 GREG CHRISTODOULOU: Yes. It is approximately
23 three hundred feet off the current shoreline.

24 COMMISSIONER BOSARGE: Looks good.

25 COMMISSIONER GOLLOTT: Any more questions?

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 (No response.)

2 COMMISSIONER GOLLOTT: Do we have a motion?

3 COMMISSIONER BOSARGE: I make a motion we accept
4 the staff's recommendations.

5 COMMISSIONER GOLLOTT: We have a motion.

6 Do we have a second?

7 COMMISSIONER HARMON: I'll second that motion,
8 Mr. Chairman.

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

11 All those in favor say aye.

12 (All in favor.)

13 COMMISSIONER GOLLOTT: Opposed?

14 (None opposed.)

15 COMMISSIONER GOLLOTT: Motion carries.

16 CHRIS PICKERING: Good morning. My name is
17 Chris Pickering, and I will be presenting the next two
18 action items for your consideration.

19 First, we got a request for a permit
20 modification by the City of Pascagoula, DMR Number 110063.

21 The project is located just waterward of the
22 existing seawall on Beach Boulevard in Pascagoula, Jackson
23 County, Mississippi. It's in the General Use District,
24 and the agent is BMI Environmental Services.

25 The purpose and need of the project was to

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 provide shaded open-air rest areas along the previously
2 permitted ten thousand five hundred linear feet of
3 pathway, as well as provide designated places where beach
4 goers can safely have beach bonfires. The proposed
5 modification will enhance the project and provide
6 additional public benefits without negatively impacting
7 coastal wetlands.

8 The proposed structures are two shade
9 structures, each four hundred and twenty square feet in
10 size, that will extend approximately two feet beyond that
11 area currently permitted.

12 There is also proposed ten fire pits that are
13 going to be ten-feet-by-ten-feet that will be placed
14 approximately one thousand feet apart along the beach and
15 approximately one hundred feet north of the current line
16 of mean high tide.

17 Here's an aerial of Pascagoula Beach, Highway 90
18 and Market Street coming down (indicating).

19 This is a zoomed-in area of the beach. There
20 was already ten thousand five hundred linear feet of
21 walkway permitted, and these two blue dots indicate the
22 two shade structures that will be placed, and, then, the
23 red dotted line indicates basically the guideline for
24 where the fire pits will be placed (indicating).

25 Here's a diagram of the shade structures. As

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 you can see, they extend approximately twelve feet out
2 from the seawall, and they were already permitted to go
3 ten feet out with a sidewalk, so that will approximately
4 be going out another two feet (indicating).

5 This project serves a higher public purpose, by
6 providing a safe place for pedestrians to rest and build
7 bonfires along Beach Boulevard and by improving traffic
8 flow.

9 The proposed project is allowable within the
10 General Use District.

11 A variance to the Mississippi Coastal Program
12 was asked for under Chapter VIII, Section 2, Part III.0.1,
13 which states that permanent filling of coastal wetlands
14 because of potential adverse and cumulative environmental
15 impacts is discouraged.

16 This was justified under Chapter VIII, Section
17 2, Part I.E.2.C.I. It states that impacts to coastal
18 wetlands would be no worse than if the guidelines were
19 followed. The coastal wetlands were filled long ago,
20 during the construction of the sand beaches.

21 Similar projects have been approved and no
22 precedent setting effects are anticipated with the
23 project.

24 The biological integrity and productivity of
25 coastal wetland communities will not be affected as the

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 area where the proposed pathway will be constructed has
2 already been filled with the sand for the purpose of beach
3 renourishment/creation and no habitat essential for the
4 survival, or reproduction, of coastal wetland species will
5 be filled.

6 There are no plans for development beyond the
7 already described regulated activities.

8 Best management practices will be utilized
9 during all phases of construction to minimize adverse
10 impacts to coastal wetlands.

11 No off-site alternatives have been considered.
12 This is a modification to the existing permit and is
13 preferable to a new location in a previously unimpacted
14 location.

15 Shade areas and fire pits do not require a
16 waterfront location; however, since the purpose of this
17 project is to provide safe access to an already heavily
18 traveled area of the beach, it does require a waterfront
19 location.

20 The construction of the shade areas and fire
21 pits could affect the coastal wetlands viewshed, as the
22 highest point of the shade structure is sixteen feet. The
23 effect will be limited to the two relatively small areas
24 where the shade structures will be located.

25 Notification of the project appeared in the Sun

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 they want to put there?

2 CHRIS PICKERING: If it comes before us before
3 this permit expires, yes.

4 COMMISSIONER GOLLOTT: Anybody else?
5 (No response.)

6 COMMISSIONER GOLLOTT: Do we have a motion?

7 COMMISSIONER DRUMMOND: I make a motion, Mr.
8 Chairman, that we approve this project for the City of
9 Pascagoula.

10 COMMISSIONER GOLLOTT: We have a motion.

11 Do we have a second?

12 COMMISSIONER BOSARGE: So seconded.

13 COMMISSIONER GOLLOTT: We have a motion and a
14 second.

15 All those in favor say aye.

16 (All in favor.)

17 COMMISSIONER GOLLOTT: Opposed?

18 (None opposed.)

19 COMMISSIONER GOLLOTT: Motion carries.

20 CHRIS PICKERING: Next is a violation by Peter
21 G. Vicari and Coastal Marine Contractors, LLC, DMR Number
22 02183.

23 It is located in Back Bay of Biloxi at 2269
24 Baywood Drive, Biloxi, Harrison County, Mississippi, and
25 it is in the General Use District.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Herald, on November 22nd, 29th, and December 6th, 2015. No
2 comments were received.

3 The agency's comment period ends on December
4 23rd, 2015.

5 Secretary of State says there is already a lease
6 in place.

7 Mississippi Department of Environmental Quality
8 and Archives and History are currently reviewing the
9 project.

10 I did receive an email from Wildlife Fisheries
11 and Parks this morning, and they said they have no
12 objections as long as best management practices are
13 utilized.

14 Based upon departmental review and evaluation,
15 staff recommends that the Commission approve the
16 applicant's request, as long as no objections, or proposed
17 conditions, are received from any agencies.

18 The agent if here, if you have any questions.

19 COMMISSIONER BOSARGE: I have a question.

20 I didn't quite understand why you are bringing
21 it before us for fire pits and a shaded area.

22 CHRIS PICKERING: It's additional proposed
23 structure to an existing permit.

24 COMMISSIONER BOSARGE: So anytime they want to
25 do anything to this, it will come before us, any structure

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Marine Patrol reported dredging activities being
2 conducted by use of wheel wash.

3 As you can see, here is Pass Road, Popp's Ferry
4 Bridge and the Back Bay of Biloxi (indicating).

5 Here is a zoomed-in aerial. This is Mr.
6 Vicari's boathouse and pier (indicating).

7 Mr. Vicari had previously applied for a permit
8 that was denied, and this is the diagram he previously
9 sent in to conduct the dredging. As you can see, here is
10 his boathouse, and he was proposing to dredge a channel
11 through here to reach the main navigation channel that
12 runs north and south with Popp's Ferry Bridge (indicating
13 slide).

14 Here is a picture. This is Mr. Vicari's
15 boathouse here, and, as you can see, there were white PVC
16 pipes placed along here, and this is where Marine Patrol
17 spotted the tugboat that was conducting the dredging.

18 On May 21st, 2014, DMR received an application
19 from Matthews Marine, Incorporated, who was the agent for
20 Mr. Peter G. Vicari, the applicant, to conduct dredging in
21 his boat slip and the canal providing access from his
22 property and the adjacent landowners to the nearby
23 navigation channel.

24 On November 14th, 2014, after phone conversations
25 with the agent for months, a letter was mailed to the

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 applicant and agent requesting authorization from the
2 adjacent landowners to conduct dredging adjacent to their
3 property.

4 On January 29th, 2015, the requested information
5 from phone conversations and the additional information
6 letter was never received. DMR denied the application
7 without prejudice due to lack of information.

8 On September 8th, 2015, Marine Patrol received a
9 report stating a tugboat was aground just west of Popp's
10 Ferry Bridge. The tugboat appeared to be trying to get
11 off a mud flat after attempting to enter a small channel.
12 The officer made contact with the tub boat which was the
13 Ms. Ashley to find out how this occurred.

14 The Captain explained that he was not familiar
15 with the area and he was attempting to tie up to a
16 resident's dock in order to perform some work for them.

17 The officer used his depth finder to guide the
18 tugboat off the mud flat and into the Biloxi River
19 channel.

20 The Captain thanked the officer and said he
21 would contact the resident he was working for to find an
22 alternate docking spot.

23 Note that this was on the west side of Popp's
24 Ferry Bridge.

25 On September 11th, 2015, Marine Patrol reported a

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 wetland violation involving a tub boat using his wheel
2 wash to dredge in the Back Bay of Biloxi.

3 The tub boat captain, Mr. Marlon Dawsey, told
4 the officers that he was dredging on behalf of Peter G.
5 Vicari.

6 The officers asked Mr. Dawsey if he had a permit
7 to dredge, and Mr. Dawsey said he did not know he needed
8 one, and stated that they could dredge by use of wheel
9 wash in Louisiana without a permit.

10 The officers advised Mr. Dawsey that the
11 dredging operation had to stop until a permit was in hand.
12 Mr. Dawsey was given the address to the DMR office and was
13 advised to ask for DMR's wetland Permitting office to
14 apply for the permit.

15 I will note that when they saw this tug boat
16 dredging this time, it was the same tug boat, but this was
17 on the east side of Popp's Ferry Bridge.

18 On November 9, 2015, neither Mr. Dawsey nor Mr.
19 Vicari had submitted an application. A Notice of
20 Violation was mailed to both men.

21 On November 16, 2015, staff received a phone
22 call from an administrative assistant with Coastal Marine
23 Contractors, LLC, stating that Mr. Dawsey was an employee
24 for the company. The assistant was notified a fine would
25 likely be involved with the violation.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 On November 24, 2015, staff received a phone
2 call from Mr. Vicari. He explained that he personally
3 knew the tub boat captain and allowed him to dock at his
4 pier, but did not give permission to conduct any dredging.
5 Mr. Vicari stated he would send staff an email explaining
6 the situation.

7 On December 1st, 2015, staff called Coastal
8 Marine Contractors and asked if there was a contract
9 between Mr. Dawsey and Mr. Vicari. The administrative
10 assistant said she would have the manager call back.

11 On December 7th, 2015, staff received a phone
12 call from Travis Warriner who was the Operations Manager
13 who stated that he was the owner of the Miss Ashley of
14 Coastal Marine Contractors, LLC. He said he owns the Miss
15 Ashley and there was no contract signed.

16 Mr. Warriner said he was friends with a close
17 friend of Mr. Vicari and that they had talked about
18 dredging for Mr. Vicari for a while. He also said that
19 they spoke with the U.S. Army Corps of Engineers and were
20 told it was okay to conduct dredging by use of wheel wash
21 without a permit.

22 Mr. Warriner said he would email staff an
23 explanation of the situation, but no email has been
24 received.

25 Staff spoke with two members of the U.S. Army

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Corps Engineers, Mobile District, both of whom said that
2 the use of wheel wash is a regulated activity and requires
3 a permit.

4 On December 7th, 2015, staff received a letter
5 from Mr. Vicari explaining the situation. This was his
6 letter and it states:

7 "In response to your Notice of Violation letter
8 on November 9, 2015, I offer the following:

9 "The narrative report that was prepared is not
10 an accurate report and is misleading to the true facts of
11 the matter.

12 "On September 10th, there was no dredging being
13 performed at my property, 2269 Baywood Drive. The
14 individuals who own the tug boat are friends of mine and
15 asked if they could dock their boat at my property.

16 "I understand, from the owners of the tug boat,
17 that they had some work to do, but the work was performed
18 when they were on the west side of the Popp's Ferry Bridge,
19 not on my property.

20 "I was home one of the days when the tug boat
21 arrived at my property and the captain told me someone
22 made a complaint while they were on the west side of the
23 bridge.

24 "Also, the tug boat did not run aground on
25 September 11th, as the report implies, as they were coming

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 back to my dock at my property, when the flatboat they
 2 were pulling got sucked under the tug boat. It took the
 3 better part of the morning to get the flatboat out.
 4 "There was no wheel wash, or dredging, that took
 5 place on my property as the report implies. The dredging,
 6 or wheel washing, that the captain is referring to was
 7 done on the west side where Mike Brown lives and I'm not
 8 sure what property that is.
 9 "As the tugboat was just docked at my property
 10 and was not conducting any activities, I do not believe I
 11 was in violation of any Mississippi Codes in my property.
 12 "Respectfully, Peter G. Vicari."
 13 On December 10th, 2015, Marine Patrol informed
 14 staff, when heading north along the east navigational
 15 channel of Popp's Ferry Bridge, you can see dirt on a low
 16 tide and that that has been pushed into areas of the Bay.
 17 This appears to be caused from the wheel wash of the
 18 tugboat. Officers have also heard concern from local
 19 fishermen who have run aground in areas that were
 20 previously accessible, since the tugboat conducted
 21 dredging in this area.
 22 On December 10th, 2015, staff called the
 23 Louisiana Department of Natural Resources and spoke to a
 24 woman with the Permitting Office. She said wheel wash is
 25 authorized as a form of dredging in certain areas of

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 Louisiana, but it is still a regulated activity that
 2 requires a permit.
 3 A violation was discovered on September 11,
 4 2015. The violation duration up to today has been ninety-
 5 six days. The maximum potential fine for residential is
 6 forty-eight thousand dollars, and the maximum potential
 7 fine for commercial is nine hundred and sixty thousand
 8 dollars.
 9 Staff is recommending a fine be issued to Peter
 10 G. Vicari in the amount of five thousand dollars, and a
 11 fine issued to Coastal Marine Contractors, LLC, in the
 12 amount of ten thousand dollars.
 13 These were our decision factors:
 14 Mr. Vicari's previous application was denied for
 15 lack of information, and he was aware a permit was needed
 16 to conduct dredging activities.
 17 The boat captain was advised by Marine Patrol
 18 officers to stop the dredging operation and to visit the
 19 Office of Wetland Permitting to apply for a permit, and no
 20 application was received for the dredging.
 21 The officers that spoke to the tugboat captain
 22 at Mr. Vicari's property are here, if you have any
 23 questions for them.
 24 Mr. Vicari said he was not going to be able to
 25 make it today, but I believe Mr. Warriner with Coastal

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 Marine Contractors is here, if you have questions for him,
 2 or if he would like to make a statement.
 3 COMMISSIONER GOLLOTT: Please approach the mike
 4 and state your name.
 5 TRAVIS WARRINER: I'm Travis Warriner with
 6 Coastal Marine Contractors, and we had talked to Mr. Pete
 7 about wheel washing his slip and on the side of his slip
 8 and in front and his neighbor's slip.
 9 When we arrived there the week before, or two
 10 weeks before the incident where they were asked to stop,
 11 we showed up and the tide was about two foot above normal
 12 tide which we couldn't do any wheel washing because it
 13 would have made no point. We drove right over what
 14 normally you would run aground at. That's why we came
 15 back two weeks later.
 16 When they were asked to stop dredging on the
 17 east side of the bridge, they came back to Pete's house to
 18 tie up. Now, we didn't run aground there. Like he said,
 19 they sucked the flatboat underneath. The stern rope got
 20 caught in the wheel. That's what they were doing that
 21 night.
 22 We didn't go back to wheel washing. We were
 23 going back to Pete's house to tie up which, then, in turn,
 24 the next morning head back to Louisiana.
 25 When they asked us to stop, we didn't continue.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 We did leave.
 2 Pete is the one who called me and said the Corps
 3 of Engineers recommended to him to do Cajun dredging which
 4 is the wheel washing, since he couldn't get his permit and
 5 that, after dealing with one of the companies, it would be
 6 too expensive to bring a crane in for excavation. That's
 7 where he ended up asking us to do the wheel washing.
 8 COMMISSIONER GOLLOTT: I'm a little confused.
 9 Why were you on the east side, and, then, on the
 10 west side?
 11 TRAVIS WARRINER: Looking for more work.
 12 Driving around for more work. People has seen us there
 13 and wanted us to do more.
 14 COMMISSIONER DRUMMOND: More dredging?
 15 TRAVIS WARRINER: Yes, sir. They wanted us to
 16 come and do their docks, and we couldn't get to the...
 17 COMMISSIONER DRUMMOND: What is your name, sir?
 18 TRAVIS WARRINER: Travis Warriner.
 19 COMMISSIONER DRUMMOND: Travis?
 20 TRAVIS WARRINER: Yes, sir.
 21 COMMISSIONER DRUMMOND: Ten thousand dollars is
 22 a lot of money.
 23 Have you got that much money?
 24 TRAVIS WARRINER: I don't want to spend it on
 25 fines.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 COMMISSIONER DRUMMOND: Didn't you realize that
 2 you didn't have a permit to do this?
 3 TRAVIS WARRINER: Not for the wheel washing
 4 part. It's for his dock. I'm not making, or creating, a
 5 new channel. I'm going through something that was
 6 previously there. I'm not, you know, digging a whole new
 7 channel. It has been there for years. It silts in.
 8 COMMISSIONER DRUMMOND: Have you ever had the
 9 law tell you ignorance is no excuse?
 10 TRAVIS WARRINER: Yes, sir.
 11 COMMISSIONER DRUMMOND: Well, you did a sin back
 12 last month, I guess.
 13 Do you want to get penalized for it?
 14 TRAVIS WARRINER: No, I don't. That's why I'm
 15 here to try to explain, or if we can work it out. I don't
 16 know.
 17 COMMISSIONER GOLLOTT: Anymore questions for
 18 this gentleman?
 19 (No response.)
 20 COMMISSIONER GOLLOTT: Since Mr. Vicari is not
 21 here, and Mr. Vicari was the one that knew he had to have
 22 a permit...
 23 CHRIS PICKERING: We've got one more
 24 recommendation.
 25 COMMISSIONER GOLLOTT: Okay. Go ahead and give

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 it to us.
 2 CHRIS PICKERING: Because there have been
 3 reports that, since they wheel washed, there have been
 4 some low areas that have been called in by fishermen that
 5 these low areas were not previously there, we would like
 6 to make a recommendation that they have to go in and put
 7 it back where it was before.
 8 COMMISSIONER GOLLOTT: How would they do that?
 9 CHRIS PICKERING: Well, they are going to have
 10 use the equipment that is in our General Permit
 11 Guidelines. They wouldn't be able to do it by wheel wash
 12 again.
 13 COMMISSIONER GOLLOTT: Do they have the
 14 equipment, or is that something they are going to have to
 15 acquire?
 16 TRAVIS WARRINER: I don't understand what he
 17 wants.
 18 I mean, how would you want to put it back?
 19 CHRIS PICKERING: Basically, by mechanical
 20 means. You would have to go in with a trackhoe, or
 21 something, off a barge and put it back.
 22 TRAVIS WARRINER: How much do they say is moved?
 23 CHRIS PICKERING: That's one thing we have no
 24 idea how much material was moved.
 25 TRAVIS WARRINER: The spot that was done was in

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 front of the -- there was one low spot in front of the
 2 three docks, and, then, there was one in front of his that
 3 we dealt with. All three people in that area were in
 4 agreement of this. I didn't just show up over there and
 5 start wheel washing. They had three houses; one low spot
 6 during this high tide. We got through that which is
 7 basically just driving over it.
 8 Just like any flatboat, or person would dig
 9 their slip out by reverse and forward, it just blows the
 10 silt out. You are not actually moving material that has
 11 been there. This is just from your normal currents that
 12 carry silt in and out.
 13 The channels were already there from the bridge
 14 being built back in the day. They had the crane and tug
 15 go to their dock before, back then. It was already a six-
 16 foot, or seven-foot, channel. The tug draws four-and-a-
 17 half feet.
 18 You can't really move a lot of material with it.
 19 It's just what is underneath the boat.
 20 COMMISSIONER GOLLOTT: The second proposal that
 21 you had, going back in there, could do more damage than
 22 what is there, now, is my concern.
 23 Ms. Willa, do you want to say something?
 24 WILLA BRANTLEY: We are just talking about the
 25 few little high spots that people have called in to

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 complain to Marine Patrol about, that they have gotten
 2 stuck on.
 3 The material that he washed out of the channel
 4 that he says existed had to go somewhere. Obviously, it
 5 has moved into those areas that used to be deeper areas
 6 that were okay for boats to go through without getting
 7 stuck, and, now, people are getting stuck where they are
 8 not expecting to.
 9 We just found out about this last Thursday
 10 afternoon, when we did our review of this and the Marine
 11 Patrol officers were able to attend.
 12 We don't have any specific areas. We can get
 13 Marine Patrol to help us.
 14 COMMISSIONER GOLLOTT: Can we table this until
 15 January and let's get a chance to really look at this
 16 thing and get an estimate on what we are looking at and
 17 how much damage was done?
 18 Wheel wash is usually dispersed in the current,
 19 unless it piles up.
 20 WILLA BRANTLEY: Right. That is kind of what we
 21 thought which is why we didn't originally, in the writeup,
 22 put any restoration in. We didn't think there were any
 23 areas, until Thursday afternoon when we heard from Marine
 24 Patrol that there were some low spots.
 25 We can definitely table this. There is no time

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 limit on when a decision has to be made, and possibly the
 2 property owner could be here next month as well.
 3 COMMISSIONER GOLLOTT: Do any of the rest of you
 4 want to say something?
 5 COMMISSIONER DRUMMOND: Travis, please don't do
 6 this again in Mississippi, would you?
 7 TRAVIS WARRINER: Yes, sir.
 8 COMMISSIONER GOLLOTT: I make a motion that we
 9 table this until January.
 10 Do I have a second?
 11 COMMISSIONER DRUMMOND: I second the motion.
 12 COMMISSIONER GOLLOTT: We have a motion and a
 13 second.
 14 All those in favor say aye.
 15 (All in favor.)
 16 COMMISSIONER GOLLOTT: Opposed?
 17 (None opposed.)
 18 COMMISSIONER GOLLOTT: Motion carries.
 19 Thank you.
 20 CHRIS PICKERING: Thank you.
 21 WILLA BRANTLEY: My name is Willa Brantley, and
 22 I have the final presentation for Wetlands Permitting.
 23 This is a Petition for Reconsideration of the
 24 permit that was issued to Mississippi Department of
 25 Environmental Quality at last month's Commission meeting.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 Just a reminder, the location is in the
 2 Mississippi Sound south of the Hancock County marshes,
 3 extending from the Pearl River to approximately four miles
 4 northeast of Heron Bay and it includes some work within
 5 Heron Bay. It is south of Ansley in Hancock County.
 6 It is in the General Use District and
 7 Preservation District; however, those were changed, at
 8 last month's meeting, to a Special S6 District for
 9 restoration projects.
 10 The agent is Covington Civil and Environmental,
 11 LLC.
 12 COMMISSIONER DRUMMOND: Excuse me, Willa.
 13 Mr. Chairman, could we take a break?
 14 COMMISSIONER GOLLOTT: If it is okay with Willa.
 15 WILLA BRANTLEY: I don't mind.
 16 COMMISSIONER GOLLOTT: Let's take a ten-minute
 17 break.
 18 (Whereupon, a short recess was taken.)
 19 COMMISSIONER GOLLOTT: I would like to call this
 20 meeting back to order.
 21 Go ahead, Ms. Willa.
 22 WILLA BRANTLEY: Again, this is a Petition for
 23 Reconsideration of the permit that was approved for the
 24 Mississippi Department of Environmental Quality last
 25 month.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 It is located in the Mississippi Sound in
 2 Hancock County south of Ansley, and the use district was
 3 changed last month from the General Use District and
 4 Preservation District to an S-6 District for restoration
 5 projects.
 6 The agent is Covington Civil and Environmental.
 7 A short project description. We've got a
 8 structure that serves as a breakwater and a high profile
 9 reef that is approximately six miles in length. We've
 10 also got approximately forty-six acres of marsh creation
 11 and forty-six acres of submerged reef creation within
 12 Heron Bay.
 13 This project was approved on November 17th, 2015,
 14 along with a requested variance to the Coastal Program and
 15 the Coastal Wetlands Use Plan change that I mentioned.
 16 On December 1st, 2015, Mr. Chris Lagarde filed a
 17 petition for reconsideration of the Commission's decision,
 18 asking to revoke the permit.
 19 Title 22, Part 15 covers petitions for
 20 reconsideration. It requires that the petition shall
 21 state specifically the points of law, or facts, which the
 22 party requesting the reconsideration believes the
 23 Commission overlooked, or misapprehended.
 24 This petition had four points.
 25 The petitioner stated that the total impact of

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 the project, from Bayou Caddy to the Pearl River, was
 2 overlooked.
 3 He asked whether the Commission had reviewed the
 4 Master Plan for the Beneficial Use of Dredged Material on
 5 Coastal Mississippi, and he stated that based on the
 6 current permitted project, the site would not allow for
 7 future placement of dredged material.
 8 He also stated that neither the project team nor
 9 the Commission considered moving the proposed living
 10 shoreline project footprint out to the 1953 historic
 11 shoreline within the Hancock County Coastal Preserve. He
 12 says that if this were done, it would provide the
 13 opportunity to restore several hundred acres of tidal
 14 marsh that have been lost to coastal erosion.
 15 He also states that there was no mention of the
 16 proposed Corps Bayou Caddy project at the mouth of Bayou
 17 Caddy which is currently out for public comment, and that
 18 project that he was referring to was the one that Greg
 19 presented earlier.
 20 At this point, the Commission has four options
 21 for actions you can take.
 22 You can make a final disposition of the petition
 23 by either granting, or denying, the requested action
 24 without further argument.
 25 You can request a response from DMR, prior to

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 making a final disposition.
 2 You can set the matter for an evidentiary
 3 hearing.
 4 You can make a further order as you deem
 5 appropriate under the circumstances.
 6 I do have a response prepared. You received
 7 that in your writeup a couple of weeks ago, but, if you
 8 would like me to go through that, I will.
 9 At this point, we will need a motion as to which
 10 of these four options the Commission chooses.
 11 COMMISSIONER GOLLOTT: Willa, I know Chris
 12 Lagarde didn't state that he wanted to make a public
 13 comment, but I think it would be fair to invite him to
 14 come talk, if he wants to, before we go through your
 15 response.
 16 WILLA BRANTLEY: Okay.
 17 COMMISSIONER GOLLOTT: Would you like to talk,
 18 Chris?
 19 CHRIS LAGARDE: Good morning. I really don't
 20 know else to say because I've said it, probably, in five
 21 public hearings and written it numerous times.
 22 I'm not opposed to the project. I think we have
 23 an opportunity here to really restore some marsh as the
 24 Restore Act which most of this BP money is coming through
 25 was named.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 The seven million cubic yards of dredge material
 2 that is available, or that will be available, I believe
 3 will be available from the Gulfport turning basin is
 4 certainly something that I don't think we considered.
 5 Right now, as I understand, they are talking
 6 about maybe putting that out in the Biloxi Marsh which I
 7 don't have an opinion on, but it just seems to me that we
 8 ought to be looking at these projects, the total
 9 cumulative impacts of these projects.
 10 We've got the Corps project which I had no idea
 11 was that far along on the permitting process. There is
 12 nothing I can do about that, I understand, the one that
 13 was approved this morning.
 14 The Port of Gulfport project, I went to the
 15 meeting last week, and the comment period for that was
 16 over yesterday.
 17 It seems like we are doing these projects in
 18 isolation, and we are not really considering everybody.
 19 The material from the Port ought to be on the
 20 table. This Corps of Engineers, I believe, should have
 21 been on the table.
 22 Years ago when the casino industry first came
 23 here I remember one of the big things about wetlands is
 24 you had to do a cumulative impact. You couldn't get
 25 something permitted and come back in and permit a parking

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 lot, and, then, come back in and permit something else.
 2 You had to say what the full project was going to be.
 3 Again, we need to restore that shoreline, and
 4 I'm not opposed to that. I think we have to do that.
 5 We've got Port Bienville just to the north of this.
 6 I don't have problems with putting the culture
 7 materials at Heron Bay. If you put oysters there, you are
 8 going to have to deal with the pirates because they will
 9 go in there and get them, and I'm not saying I blame them.
 10 I don't have a problem with the forty-six acres
 11 of marsh creation inside Heron Bay, but, if you could get
 12 a chart and look at the 1953 line, I understand going out
 13 to 1953 might be a bit far, but we have lost a lot of that
 14 shoreline.
 15 I'm just going to say this, to draw the line
 16 three hundred feet offshore, or whatever it is, and say
 17 this is it and we restore it, we really haven't restored
 18 much at all.
 19 That's why I filed this petition.
 20 COMMISSIONER GOLLOTT: One of the things, Chris,
 21 I understand is, yes, if we would go back to 1953, we
 22 would also lose a lot of prime oyster grounds that have
 23 been created by this marsh eroding in that particular
 24 area. I understand there are some good oyster grounds in
 25 there.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 CHRIS LAGARDE: Well, I keep getting mixed
 2 answers on that. I know that there wasn't a lease on that
 3 property, but it seems to me that there is certainly
 4 enough water out there to go out and extend further than
 5 we are going. I mean, from what I see, we are not
 6 restoring much of anything that we lost.
 7 With the Corps this morning, we have kind of
 8 lost sight of the fact that that geotube was that first
 9 barrier that they put up years ago, in 2010, and, now,
 10 they are coming back in to put something up to protect it,
 11 and I'm concerned that we are going to end up being in the
 12 same boat, but we are going to run out of money.
 13 The Corps has got money, I guess, because they
 14 were able to do this, but, once we put this rock down, I
 15 don't see us coming back and trying to make a better
 16 project out of it.
 17 COMMISSIONER GOLLOTT: Thank you, Chris.
 18 COMMISSIONER DRUMMOND: Chris, what about the
 19 Gulfport turning basin?
 20 Can you put that spoil in there, do you think?
 21 CHRIS LAGARDE: Well, that's what I'm saying. I
 22 wasn't aware that there is going to be seven million cubic
 23 yards of material available.
 24 That Corps project that y'all just voted on, it
 25 is going to allow for one hundred and forty thousand cubic

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 yards. That's a long way from seven million. Seven
2 million cubic yards could build a lot of marsh, and that's
3 what we ought to be looking for. We ought to be really,
4 in my belief, expanding that marsh. I'm not saying out to
5 1953.

6 COMMISSIONER DRUMMOND: What were you talking
7 about, the Gulfport turning basin?

8 CHRIS LAGARDE: They are going to dredge it.
9 They have a permit proposed right now. The Corps of
10 Engineers had a meeting in Gulfport. The public notice
11 ended December 14th. They are talking about dredging a
12 turning basin for the Port of Gulfport which will create
13 up to seven million cubic yards of material.

14 The staff knows about it. They are working on
15 trying to figure out where they are going to put the
16 material.

17 COMMISSIONER BOSARGE: Is it economically
18 feasible to move it from Gulfport all the way to Bayou
19 Caddy, or west of Bayou Caddy?

20 In other words, to me, that's the real question.
21 Beneficial Use sites are just what they say. It is
22 beneficial because it's close, and that's why we are
23 setting up more and more of them all over.

24 I just don't know if seven million yards could
25 economically feasibly be taken all the way down there, or

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 some portion.

2 CHRIS LAGARDE: Well, if they are talking about
3 moving it to Biloxi Marsh, there is not much difference in
4 distance.

5 I understand what you're saying, but they are
6 going to move it somewhere, and it would be a shame, in my
7 opinion, to take it south of Horn Island and dump it
8 because we need that material to build our land back.

9 COMMISSIONER BOSARGE: When you talk about the
10 1953 footprint, at some point we've got say, okay, do we
11 have the funds, do we have the expertise to build back to
12 that point, or are we basically just trying to preserve
13 what we have.

14 In my opinion, to try to go back to 1953, there
15 are so many other things that have changed that we don't
16 see that are not the coastline, whether it be natural deep
17 channels -- you see what I'm saying, the way the water
18 flows that we can't change, but, like you, I would like to
19 see this kind of project, and I'm hoping that this project
20 will stop our loss from down there.

21 As much as we want to create -- and we are
22 creating -- at least this project will hopefully halt the
23 decrease of our coast.

24 CHRIS LAGARDE: I hope so.

25 COMMISSIONER BOSARGE: I mean, we've all got

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 opinions of what is best and what is not best, and I just
2 wonder -- you've got to wonder which is the best, but I'm
3 like you. We could look at this and we could study it for
4 another ten years, but we are not going to get anything
5 done.

6 CHRIS LAGARDE: Well, I'm not proposing we study
7 it for ten years. I proposing we put that rock out in
8 deep water and build a bigger marsh, and I know the
9 engineers could do it. It's more work for them.

10 One comment I'll make. When I was doing all
11 this research, I discovered that Louisiana has written off
12 Chandelier Island.

13 Are y'all aware of that?

14 It doesn't have a whole lot to do with this
15 project, but I find it astounding that the State of
16 Louisiana has no intention of doing anything to rebuild
17 Chandelier Island.

18 When you look, some people actually think we
19 should have tried to get Chandelier back. That is not
20 going to happen, but what I'm saying is all that wave
21 action coming in from Chandelier through the Biloxi Marsh
22 is probably what is causing this.

23 COMMISSIONER DRUMMOND: The State of Louisiana
24 hasn't got time to take care of Chandelier Island. They
25 are taking care of Louisiana.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 CHRIS LAGARDE: I understand, but there is talk
2 about putting this seven million cubic yards out in the
3 Biloxi Marsh. We've got to put it somewhere.

4 Anyway, I have taken enough of your time.

5 COMMISSIONER GOLLOTT: Thank you, Chris.

6 Let Willa go ahead and give us a response.

7 COMMISSIONER BOSARGE: In my research in looking
8 at the project and looking back and going back, I don't
9 remember the names of what actually built that marsh in
10 that area and what put it there was the Mississippi River
11 and the way the Mississippi River flowed hundreds of years
12 ago, and we changed all of that.

13 Do you see what I'm saying?

14 Because we have done so many changes, I think we
15 would be better off to try to capture what we have,
16 instead of trying to recreate the past so to speak.

17 CHRIS LAGARDE: Seven million cubic yards of
18 dredge material.

19 COMMISSIONER BOSARGE: And we all have opinions.

20 CHRIS LAGARDE: Is it going to get dumped
21 offshore. It sure would be a shame to waste it.

22 Thank y'all.

23 COMMISSIONER GOLLOTT: Thank you, Chris.

24 COMMISSIONER DRUMMOND: Thank you, Chris.

25 COMMISSIONER BOSARGE: I would like to make a

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 motion that we request a response from the DMR, prior to
2 making a final disposition.

3 WILLA BRANTLEY: Sandy, is that to be a motion
4 to vote on?

5 COMMISSIONER GOLLOTT: I thought that's what
6 Willa was going to do, give us a response. She said she
7 had it prepared.

8 COMMISSIONER BOSARGE: Well, I think she said
9 she needed a motion.

10 SANDY CHESTNUT: That's fine. Go ahead with
11 your motion.

12 COMMISSIONER HARMON: I would like to go ahead
13 and second Commissioner Bosarge's motion.

14 JAMIE MILLER: Sandy, just so we all understand,
15 the bulleted options that the Commission has, there are a
16 four ways to act, but not all those meaning some action,
17 meaning a request to grant, or deny, would set us on one
18 course.

19 Request a response from DMR prior to making a
20 final decision, can that happen in this meeting?

21 SANDY CHESTNUT: Yes. It should happen in this
22 meeting. If they want a response, it should happen.

23 JAMIE MILLER: I just want to be clear so we are
24 not pushing it forward to another meeting, that you are
25 asking that, now.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 COMMISSIONER GOLLOTT: And you have that ready.
2 Right, Willa?

3 WILLA BRANTLEY: Yes, sir.

4 COMMISSIONER GOLLOTT: Okay.

5 WILLA BRANTLEY: The first point is the
6 petitioner states the total impact of the project from
7 Bayou Caddy to the Pearl River was overlooked.

8 Our response is that we thoroughly reviewed the
9 proposed project and we made findings on the decision
10 factors in Chapter 8 of the Mississippi Coastal Program.
11 Those are those points that we go through every
12 presentation we give you on every permit.

13 The purpose of those decision factors is to
14 ensure that all aspects of proposed projects and the
15 direct and indirect impacts of those projects are
16 considered.

17 One of the things we look at is cumulative
18 impacts. We look at precedent setting effects, all those
19 things that you hear every month when we give you
20 presentations. You have heard them several times today
21 with projects.

22 The second point is he asks whether the
23 Commission reviewed the Master Plan for the Beneficial Use
24 of Dredged Material on Coastal Mississippi, and he states
25 that based on the current permitted project, the site will

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 not allow for placement of dredged material within the
2 project site.

3 The document that he asks about here was
4 prepared several years ago by the Beneficial Use group.
5 It is a plan that includes all of the Coast, but it does
6 include this area, and, of course, it would like to see us
7 be able to go out to the 1953 shoreline, but that depends
8 on having a lot of funding to be able to do that, and that
9 plan also covers that.

10 We have discussed the potential for future
11 beneficial use and restoration projects in the vicinity of
12 the DEQ project. We discussed that with their agent and
13 with staff from DEQ. They have stated that as long as our
14 future projects are coordinated with them and they don't
15 interfere with the purposes of their project, or the
16 monitoring that NOAA is requiring for the next seven
17 years, they not only allow, but encourage future
18 restoration and beneficial use of dredged material in the
19 area.

20 In fact, they hope future funding from the
21 Restore Act will allow them to go forward with future
22 restoration projects to go out further with the shoreline.

23 The petitioner also states that neither the
24 project team nor the Commission considered moving the
25 proposed living shoreline project out to the 1953 historic

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 shoreline and, again, like Mr. Lagarde said, it would
2 provide the opportunity to restore several hundred acres
3 of tidal marsh that have been lost.

4 We have to evaluate projects as they are
5 proposed. We try not to do that in a vacuum. We do try
6 to look at cumulative impacts, but we do have to follow
7 the law and follow those decision factors for the projects
8 as they are presented.

9 The permitted project does have a very specific
10 purpose and need. The breakwater section of the project
11 is designed specifically to reduce the erosion that is
12 occurring, now.

13 As we said in the presentation about the
14 project, originally, St. Joseph's Point is expected to be
15 lost completely to erosion within the next three to five
16 years, and a lot more of the marsh along the whole six
17 miles of the breakwater project is expected to be lost as
18 well.

19 This breakwater, the purpose is specifically to
20 reduce erosion to the maximum extent practicable in that
21 area.

22 If they moved it out to the 1953 shoreline, it
23 would not serve that purpose at all. It wouldn't serve it
24 to the point that it will as it is designed, now. It
25 might not even reduce erosion at all, if it was moved out

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 that far.

2 The final point is that there was no mention of
3 the proposed Corps of Engineers Bayou Caddy project.

4 Again, these two projects are separate. We have
5 to evaluate those separately, and we do look at cumulative
6 impacts in the decision factors, as we do with all
7 projects.

8 Our recommendation is that the Petition for
9 Reconsideration filed by Mr. Lagarde be denied by the
10 Commission at this time.

11 COMMISSIONER GOLLOTT: Chris made a very good
12 point about the dredge material coming out of that
13 Gulfport channel. I don't know what we are going to do
14 with it, but I'm in favor of doing something to help
15 Mississippi with it. That's something we really need to
16 look at.

17 I would like to make a motion that we deny the
18 Petition for Reconsideration.

19 Do I have a second on that motion?

20 COMMISSIONER DRUMMOND: I'll second the motion,
21 Mr. Chairman.

22 COMMISSIONER GOLLOTT: We have a motion and a
23 second.

24 All those in favor say aye.

25 (All in favor.)

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 COMMISSIONER GOLLOTT: Opposed?

2 (None opposed.)

3 COMMISSIONER GOLLOTT: Motion carries.

4 WILLA BRANTLEY: Thank you. That concludes
5 Wetlands permitting.

6 I think Ali Leggett is next with some Coastal
7 Preserves regulations.

8 ALI LEGGETT: Good morning. My name is Ali
9 Leggett. I'm the Director of the Coastal Preserves Bureau
10 and the Office of Coastal Resources Management.

11 I know we have been running about two hours,
12 now, but these proposed regulations are very important,
13 and I really appreciate y'all's time.

14 JAMIE MILLER: We will move to the next agenda
15 item and, when you get the slide presentation ready, we
16 will come back to you.

17 ALI LEGGETT: Great. Thank you.

18 COMMISSIONER GOLLOTT: Finance.

19 KACEY WILLIAMS: Good morning Commissioners,
20 Director Miller, Ms. Chestnut. I will be really brief.

21 As of November 30th, we had a State revenue of
22 four point eight million dollars. The total agency
23 revenue is fifteen point one million. Our State net
24 income is one million dollars. Our total agency net
25 income is seven point two million dollars.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 We are doing really good, after five months of
2 this fiscal year, with our budget. We still have seventy-
3 nine point four percent of our operating budget, and
4 seventy-six point two percent of our Tidelands budget.

5 Any questions?

6 COMMISSIONER GOLLOTT: No questions. Thank you.

7 JAMIE MILLER: Kacey, I've got one.

8 KACEY WILLIAMS: Yes, sir.

9 JAMIE MILLER: If you don't mind, and it's not
10 on the agenda, but will you update the Commission?

11 I wanted them to know that we had initiated the
12 agency audit recently and just give them a rough time line
13 of when that would be complete and when we would present
14 it to the Commission?

15 KACEY WILLIAMS: Yes. We have our independent
16 third-party audit currently ongoing. BKD CPA's are our
17 audit firm. They are out of Jackson, Mississippi.

18 We have had one week of field audit work so far.
19 They are scheduled to be here the rest of this week.

20 We expect our report sometime in January. They
21 are experiencing some MAGIC reporting delays and are
22 working with the State Auditor's office, as well as DFA to
23 work those issues out. They are experiencing MAGIC
24 reporting delays statewide. So it's not just our agency.
25 It's something that they are having programmatically. We

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 are still on course for a January report.

2 JAMIE MILLER: Just to be clear, MAGIC is
3 Mississippi's automated accounting system?

4 KACEY WILLIAMS: Yes, it's our new accounting
5 system.

6 JAMIE MILLER: Thank you.

7 KACEY WILLIAMS: Thank you.

8 SONJA SLATER: Good morning Commissioners,
9 Director Miller, Sandy.

10 This is the Tidelands presentation that I do
11 once a year. We are going to go over the year 2017's
12 applications that were received and also the year 2016
13 actual funding. It's a little different than what you
14 have seen in the past.

15 We have gone over this many, many times.
16 Tidelands Trust Funds are to be used for conservation,
17 reclamation, preservation, acquisition, education and
18 public access. This is the Mississippi Code and Statute
19 that we follow with the Tidelands Funds.

20 The history of Tidelands Funds dates back to 03,
21 but we are just showing from 06 to FY16 here. As you can
22 see, the funds go up and down based on the amount of
23 Tidelands leases that we have and the amount of funds that
24 are generated from those leases each year (indicating
25 graph).

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 This year we were estimated to have nine point
2 seven million, but only actually received seven point
3 eight million.

4 This is our Tidelands schedule for applications.
5 We started requesting proposals in May. We stopped
6 accepting them on July 1st. In July and August, we have a
7 compliance review. In September and October, we have a
8 merit review. We usually do this presentation in
9 November. We are a month behind this year. We have our
10 legislative forum in December, and, then, in January, the
11 projects are presented to the legislators for their voting
12 on them.

13 In April, we receive their Appropriations bill.
14 In November, we receive the check from the Secretary of
15 State's office.

16 So between November and December is when they
17 get their grant agreements and can start spending on the
18 funds that they received.

19 We received a hundred and six applications for
20 Tidelands for 2017 to the tune of about forty-four million
21 dollars which is a lot more than we get every year.

22 In FY16, as I said, we were slated to get nine
23 point seven million, but actually only received seven
24 point eight million. All of these applications were
25 definitely underfunded for the amount of applications that

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 the universities, Mississippi DMR and other agencies -- we
2 received forty-one applications to the tune of twelve
3 point nine million requested (indicating slide).

4 For our FY16 Tidelands overview, for our public
5 access projects we were able to -- well, the legislature
6 awarded twenty-four projects at three point four million
7 dollars, and that was through the counties, the cities,
8 and any miscellaneous projects (indicating slide).

9 On our managed project side, we were able to
10 award thirty-six projects to the tune of three point three
11 million dollars, and it went to the universities, MDMR and
12 some of our other miscellaneous agencies (indicating
13 slide).

14 Any questions?

15 (No response.)

16 SONJA SLATER: Thank y'all for your time.

17 COMMISSIONER GOLLOTT: Thank you.

18 Are you ready, Ali?

19 ALI LEGGETT: Yes. I apologize for that delay.

20 My presentation didn't make it down here.

21 COMMISSIONER GOLLOTT: That's fine.

22 ALI LEGGETT: Again, I'm Ali Leggett with the
23 Bureau of Coastal Preserves and the Office of Coastal
24 Resources Management, and I appreciate your time.

25 Today we are presenting changes to Title 22 Part

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 we received.

2 We broke it down by cities. You can see Bay St.
3 Louis and Biloxi all the way over to Waveland, the number
4 of applications that they submitted and the total dollar
5 amount that they submitted.

6 We received a total of thirty-three applications
7 from cities, or municipalities, to the tune of twenty
8 million in requested funds.

9 For the Board of Supervisors throughout the
10 three coastal counties, we received twelve applications
11 and a total of six point four million in requested funds.

12 Harrison County requested the most funding.
13 Jackson County and Hancock County requested less.

14 We also receive applications under our Public
15 Access Projects from agencies that don't fit into the
16 municipality, or the county. This is where we have our
17 miscellaneous projects. It is agencies such as Camp
18 Wilkes, the Infinity Center, and Long Beach Port
19 Commission.

20 These are the number of projects that they
21 submitted and their total funding. We received thirteen
22 project requests from these type agencies to the tune of
23 four million dollars requested for 2017 (indicating
24 slide).

25 For our managed projects -- these are usually

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 19 to include regulations for the management of the
2 Coastal Preserve areas.

3 For anyone who is not familiar with the Coastal
4 Preserves, we were developed in 1992 by the authority of
5 the Wetlands Protection Act and the program's objective is
6 to acquire, protect and manage sensitive coastal habitats
7 along the Mississippi Gulf Coast.

8 The map that I have provided here shows the
9 seventy-two thousand acre boundary that was designated as
10 critical habitat that is important for preservation. That
11 is in orange. Those are divided into twenty separate
12 coastal preserve areas.

13 Currently the State holds title to about thirty-
14 seven thousand acres within that area, and that is noted
15 in green.

16 Some of the areas that you may be most familiar
17 with are the Pascagoula River Basin, Deer Island and some
18 areas in the Hancock County marsh. The large freshwater
19 marsh as you go over I-10 going into Louisiana over the
20 Pearl River, if you look down to your left to the
21 southeast, that's part of the Coastal Preserves Program as
22 well. These areas are managed in perpetuity as natural
23 areas.

24 Currently the only regulations specifically
25 regarding prohibited activities in the Coastal Preserves

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

land is in Title 22 Part 19 which specifically regards the prohibition of motorized vehicles on these areas, and that was adopted in 2006.

We are seeing an increased need for these regulations. We are promoting these areas. They are publicly accessible and we want people to use them, but with that comes more impact and we found it prudent to start to line out what the compatible activities in these areas are so that we can preserve their ecological function, their habitat and wildlife value, and to keep them enjoyable to visit by everyone.

Basically, we are proposing a rewrite of Part 19. We will remove all the language that is currently in there. We will add back in the vehicle language into the new language and replace that in Title 22 Part 19.

The Part is divided into ten chapters. It seems like a lot of material which it is, but these regulations, or these proposed regulations are things that we see occurring on Coastal Preserves continually over the life of the program.

The slides are going to be very busy. It is going to be shown on the slides as it is in your packet.

For the people in the audience to follow along - the slides will be very busy -- there are some copies of the proposed regulations for you to follow along with.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

The first chapter describes who the Coastal Preserves are and what we do. We are a bureau within the Department of Marine Resources and we are governed by the Commission on Marine Resources, and it is our job to manage these areas in their natural state, while still allowing for public access and for compatible public use, hunting, fishing, and public access.

We have a lot of folks that just go out on hikes and birdwatching to enjoy these natural areas.

This also states that if you are visiting a Coastal Preserve, these are the rules that you must follow.

In chapter two, we outline when these areas are open to the public. All of the areas that come into management under the Coastal Preserves Program are open for public access. They are open from one hour before sunrise to one hour post sunset, but we reserve the right to close the Coastal Preserve area for the safety of the public, during management activities, and the safety of our staff for management of the habitat.

Chapter three outlines some rules of behavior and rules of conduct for Coastal Preserve areas.

One of the things that we have the most issue with is litter on the Coastal Preserves.

These two images show areas, one is from Deer

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

Island and one if from the Pascagoula River Coastal Preserve, where we have a lot of dumping issues (indicating photograph).

These regulations are to maintain the ecological health and the integrity, but also the cultural resources, on the sites. Some of these areas do have a long history of human habitation, and we want to protect those historic sites. Nothing is allowed to be taken off of the Coastal Preserve areas.

We also want to keep them enjoyable for everyone. There is a diverse user group for these sites. We have hunters. We have fishermen. We have bird watchers, or people that are just out communing with nature. We want to keep them enjoyable for all of the diverse uses.

Chapter three is a continuation. These are the strong do nots and these come from things that we continually see on Coastal Preserve lands. These include things like, for instance, building permanent structures on Coastal Preserves, livestock that are grazed on Coastal Preserves, bringing horses to the sites, also trespassing. A lot of these Coastal Preserve areas are landlocked, and we don't want people getting to State lands and trespassing over private areas. Also, there are still some inholdings within Coastal Preserve areas that we want

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

to keep people from accessing.

We also outline, in Chapter three, who holds responsibilities for accidents and damages that occur while someone is visiting a Coastal Preserve.

Chapter four outlines camping in the Coastal Preserve area and these are some of our most asked questions regarding where you can camp.

We are allowing camping on Deer Island and only on the sand beach areas. A lot of the habitats on the Gulf Coast are traditionally managed by fire, and so the vegetation has been adapted to burn readily and, because of that, we are proposing that we restrict camping to the sand beach areas to reduce the risk of wildfire in these habitats and, also, because they are sensitive habitats. They are sensitive wetland habitats, pine Savannah and other areas that we want to protect.

Our are restricting camping for a seven-day limit, and this keeps people from homesteading on these State lands.

We also address, in Chapter four, that these areas are primitive, that they lack water resources, that all of your amenities must be packed in and packed out, and it also outlines the guidelines for proper disposal of human waste.

It also outlines, in Chapter four, that there is

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 the possibility for a special use permit. Chapter eight,
2 as we will see later, outlines those guidelines.

3 For instance, we have Boy Scouts that come to
4 our sites and they are looking for merit badges and
5 learning how to camp in these areas and do it responsibly
6 and have responsible stewardship activities. Each of
7 those cases would be reviewed on a case-by-case basis to
8 make sure that it is compatible with the management of
9 that site.

10 A continuation of Chapter four outlines
11 campfires in Coastal Preserves. We do not allow fire in
12 these areas for the reasons I mentioned before, except for
13 on the sand beach areas of Deer Island.

14 You must keep your fire in a fire ring, a stove,
15 or a grill, and we require that you not burn metals, or
16 plastics, and that any wood that is brought is free of
17 metal; for instance, pallets before they are burned.

18 We also require that wood not be brought in from
19 greater than twenty-five miles away to reduce the risk of
20 introducing forest pests into the Gulf Coast forests.

21 We also require that any wood that is used for
22 burning be collected from the ground only. No live
23 standing, or dead standing, trees can be cut for firewood.

24 Chapter five outlines hunting and fishing
25 proposed regulations in the Coastal Preserve areas.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Hunting is allowed. That was one of the
2 founding principles of Coastal Preserves, but we require
3 that everyone obey local, State and Federal laws regarding
4 hunting seasons, limits and other restrictions.

5 The one thing that you will notice different in
6 here is that we restrict the distance that you can hunt by
7 a nature trail.

8 We have seven nature trails across Coastal
9 Preserves and they are widely used. To protect the
10 visitors to these areas and other people that might be
11 using these sites, we are restricting archery hunting
12 within three hundred feet of a nature trail and firearm
13 hunting within six hundred feet of a nature trail.

14 This is a continuation of Chapter five for
15 hunting and fishing regulations. This outlines that no
16 permanent structures are allowed to be erected on Coastal
17 Preserves.

18 We do allow for people to bring in temporary
19 hunting blinds to use, but those must be removed daily.

20 Also, trapping is not allowed on Coastal
21 Preserves, except with a special use permit. We have
22 allowed folks to trap on Coastal Preserves in the past,
23 but this is just a good general recommendation.

24 I would, also, like to say that a lot of these
25 rules were incorporated from Mississippi Department of

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 wildlife Fisheries and Parks and the U.S. Fish and
2 wildlife service, the restrictions that they place on
3 their natural lands.

4 We also incorporated proposed regulations on
5 dogs in Coastal Preserve areas. We will allow for
6 companion dogs to accompany people to these sites, as long
7 as they are in the control of the owner on leash at all
8 times. That is for the protection of ground nesting
9 wildlife.

10 Especially on the beaches, a lot of areas are
11 used by nesting birds and dogs are known to have great
12 impact. So they must be on leash at all times.

13 We are proposing to not allow for dogs to be
14 used in hunting because of the destructive activity that
15 creates for wildlife in these habitats.

16 We will allow retrieving dogs to be used for
17 waterfowl hunting because they are in the control of the
18 owner. They go from the owner to the bird and back.

19 Chapter six outlines boating restrictions near
20 Coastal Preserve areas, and this chapter is specifically
21 dealing with the impacts to emergent vegetation.

22 The photo on the right, I know it's hard to see
23 if you're not familiar with what you are looking at, but
24 you can see lots of squiggly lines in the marsh, and those
25 are airboat scars. Not only do the airboat scars change

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 the hydrology and impact the wetland vegetation, but the
2 wildlife that uses that area for nesting, as well.

3 Other than that, we just require that users, or
4 visitors, to the Coastal Preserves follow the traditional
5 boating law, for instance, the Mississippi Boating Act of
6 1960 and the Alcohol Boating Safety Act of 1995.

7 Chapter seven deals with all other vehicles, and
8 this is one of the most destructive non-compatible uses
9 that we deal with on Coastal Preserves that we continually
10 address.

11 The photo on the right is from a site that is
12 called Indian Point off the Pascagoula River. It is
13 frequently used by people to mud ride for recreation, and
14 it is very hard to regain the stability, once an area has
15 been impacted like this. It also makes it difficult to
16 have nature trails. It's a competing use that we do not
17 allow.

18 We also note, in Chapter seven, that wheelchairs
19 are an allowable vehicle to be used on Coastal Preserve
20 areas. There are certain trails that will be permitted to
21 have golf carts, for instance, the Infinity Trail in
22 western Hancock County.

23 We also note in Section 102.01 that bicycles are
24 permitted only on designated trails. We currently don't
25 have bicycle trails on Coastal Preserves, but that's not

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 to say that if an area was acquired that was large enough
2 to sustain that activity, we would consider establishing
3 bicycle trails.

4 Chapter eight, as I referenced earlier,
5 recognizes the special use permit application process. We
6 recognize that these aren't all one-size-fits-all
7 regulations, and this special use permit process will be
8 developed and each application will be reviewed on a case-
9 by-case basis to see if the site that is being proposed
10 for the activity can sustain that type of impact.

11 We will evaluate each application based on some
12 of the following that are outlined in Section 102:

13 If the activity's impacts are minimal and
14 temporary in nature, if the purpose serves a higher public
15 good, or if the activity does not violate any law, or
16 regulations, those are some of the things that we will
17 consider, when we reviewing those applications.

18 Chapter nine outlines the penalties for
19 violating these Rules and those penalties will follow the
20 hierarchy listed in 49-15-63, and I would like to add that
21 these regulations are not meant to be punitive in nature.

22 Just as Marine Patrol has used their position to
23 educate the public on safe boating and safety of the
24 waterways, Coastal Preserves does the same thing.

25 We educate users and visitors on the correct

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 stewardship and the correct protection of these areas that
2 were set aside for preservation.

3 I would like to add that these will be used so
4 that, for people that repeatedly disregard safe use of
5 these areas, we will have a legal standing to pursue that.

6 Chapter ten simply states that all of the
7 previous mentioned recommendations, or regulations, are
8 subject to administrative procedure.

9 I would like to close by mentioning that the
10 Gulf Coast community, we are very privileged to have these
11 areas that are literally in our backyards. There are
12 thirty-seven thousand acres of coastal habitat that is in
13 our backyards for use.

14 The Coastal Preserves Program has been
15 monitoring the use, and these areas do get a lot of
16 interest. Most of the activity and most of the use of
17 these areas is respectful and very appreciative, but we do
18 face a delicate balance of preserving areas for ecological
19 use, or ecological function and wildlife habitat versus
20 the impacts that come with public use.

21 Public access is great for education. That's
22 how we view these areas. They are important to give
23 people an opportunity to get out in nature and see what
24 these areas should look like.

25 It's a delicate balance and we see both as very

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 important, but it is the Coastal Preserve's job to ensure
2 that these areas are healthy and sustainable for the
3 future.

4 Because of those reasons, we feel like these
5 regulations are necessary to do that effectively.

6 With that, what is required of the Commission is
7 a motion to proceed with the Notice of Intent, and, then,
8 this will go out for public comment.

9 COMMISSIONER GOLLOTT: Ali, let's back up to
10 your firearms' section.

11 Did you say that anyone cannot carry a firearm,
12 for instance, if they had a concealed carry permit in
13 Mississippi?

14 ALI LEGGETT: No, that is not saying that.

15 They are only allowed as described in
16 Mississippi Code 45-9-101, regarding concealed firearms.

17 All the regulations that apply to concealed
18 firearms will apply to Coastal Preserves as well.

19 COMMISSIONER GOLLOTT: Thank you.

20 ALI LEGGETT: Any other questions?

21 (No response.)

22 COMMISSIONER GOLLOTT: Do we have a motion to
23 adopt this?

24 ALI LEGGETT: Well, this will be for a Notice of
25 Intent.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 COMMISSIONER GOLLOTT: To go out for intent.

2 ALI LEGGETT: Public comment.

3 COMMISSIONER BOSARGE: I have a question.

4 COMMISSIONER GOLLOTT: Go ahead.

5 COMMISSIONER BOSARGE: You said camping would
6 only be allowed on Deer Island.

7 Is there an avenue, a special permit, or
8 whatever, to do camping in other areas other than Deer
9 Island?

10 ALI LEGGETT: We currently don't have areas set
11 aside for camping, in other Coast Preserves, but with a
12 special use permit, as I mentioned, we have Boy Scouts
13 that come out to use these areas and get merit badges, and
14 there are avenues if someone applies for a special use
15 permit, they could potentially camp on one of the other
16 Coastal Preserves as well.

17 That gives us the ability to say this area is
18 far too dry, or we can put restrictions on it. If you
19 camp here, you are not allowed to have a campfire because
20 of the risk of wildfire, and that also gives us the
21 ability to go back and check, after they leave, to make
22 sure that there were no materials, or anything they packed
23 in, that was left behind.

24 COMMISSIONER BOSARGE: If somebody just from the
25 general public wanted to camp in a wilderness area, maybe

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

Commission on Marine Resources

1 in the Pascagoula River area, there is an avenue to do
2 that?
3 ALI LEGGETT: Yes, sir.
4 COMMISSIONER GOLLOTT: We need a motion to go
5 out for Notice of Intent.
6 Do we have that motion?
7 COMMISSIONER BOSARGE: I'll make a motion that
8 we take this out for public comment.
9 COMMISSIONER GOLLOTT: Do we have a second?
10 COMMISSIONER DRUMMOND: I'll second the motion.
11 COMMISSIONER GOLLOTT: We have a motion and a
12 second.
13 All those in favor say aye.
14 (All in favor.)
15 COMMISSIONER GOLLOTT: Opposed?
16 (None opposed.)
17 COMMISSIONER GOLLOTT: Motion carries.
18 Ali, thank you for your time.
19 ALI LEGGETT: Thank you.
20 JAMIE MILLER: Sandy, just to be clear, are you
21 comfortable with the motion?
22 Steve made a motion to go out for public
23 comment, but it was understood that we are going out for
24 Notice of Intent that would trigger the public comment
25 period.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 SANDY CHESTNUT: Yes, that's fine.
2 JAMIE MILLER: I just wanted to make sure so
3 that we don't get hung up with the Secretary of State
4 somewhere.
5 COMMISSIONER BOSARGE: If I need to amend it, I
6 will.
7 JAMIE MILLER: I think we're fine.
8 COMMISSIONER GOLLOTT: Next we have Melissa.
9 MELISSA SCALLAN: Good morning Commissioners,
10 Director Miller, Ms. Chestnut.
11 Since the last Commission meeting, the agency
12 was mentioned forty-two times in local, state and national
13 media.
14 Some of the most popular items were oyster
15 season, the rescue of two men whose boat capsized in the
16 Mississippi Sound in Pass Christian, an announcement of
17 fifty-four million dollars in economic development money
18 for Mississippi, an update on the Deer Island Pier and, of
19 course, the Red Tide that we are currently talking about.
20 Other parts of the agency participated in
21 events. Marine Patrol participated in the JZ94.5 Kids
22 Safety Day at Lynn Meadows Discovery Center in Gulfport,
23 they also participated in Pathways to Possibilities at the
24 Coast Coliseum and there were six thousand eighth graders
25 who passed through there and heard about Marine Patrol, as

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 well as Career Day at Pass Road Elementary.
2 The Grand Bay NERR held several events this
3 month, including a winter birding cruise, and they were a
4 host to the annual Star Party this past Saturday. They
5 also participated in Christmas in the Pass and the
6 Sandhill Crane Refuge Festival.
7 Any questions?
8 COMMISSIONER BOSARGE: I like the commercials
9 promoting the Mississippi seafood.
10 MELISSA SCALLAN: Yes, definitely.
11 Thank y'all.
12 COMMISSIONER GOLLOTT: Do we have any other
13 business?
14 (No response.)
15 COMMISSIONER GOLLOTT: Now, we move to public
16 comments. Jennifer Wittmann.
17 JENNIFER WITTMANN: Jennifer Wittmann. I'm with
18 Christmas on the Bayou, and I just wanted to take the
19 opportunity to publicly thank Marine Patrol for once again
20 supporting our parade. We had six officers who helped.
21 We had over fifty-eight boats in our parade this
22 past Saturday night. We had boats from all across the
23 Coast, as well as Slidell and Dauphin Island. There were
24 a lot of boaters, and everyone is familiar with Bayou
25 Bernard.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 Our Marine Patrol officers, along with Harrison
2 County Sheriff's Department and City of Gulfport Marine
3 Unit, made sure that everyone made it through safely and
4 we had no problems.
5 Again, we appreciate the support of Chief Davis,
6 and thank you.
7 COMMISSIONER GOLLOTT: Thank you, Jennifer.
8 Next we have James Miller.
9 JAMES MILLER: My name is James Miller. I have
10 been a Coast fisherman all my life.
11 Earlier when you were talking about the Red
12 Tide, when you used to address the public if they had any
13 comments about it, you didn't call me to address it, and
14 that's what I was here for.
15 I think our agency is downplaying what is going
16 on out here in our Sound and Gulf of Mexico. I definitely
17 know we've got a problem. I'm out of work again.
18 We've got a problem with this Red Tide. Now,
19 it's causing rash, illnesses, and throat problems. Now,
20 it's on the oyster reefs again.
21 This ain't the Red Tide, people. This is
22 dispersants and oil that is coming out of our Gulf that is
23 being blown in with the southeast wind.
24 I have brought a lot of people out on my boat
25 voluntarily and they said, in years to come, we would have

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788

1 these problems, and they are here, and I think we are
 2 downplaying them.
 3 I think BP has paid us enough money not to push
 4 the issue of what our problems are with this bacteria, but
 5 it's here and it's affecting my livelihood.
 6 Here again, I'm out of work and it's
 7 Christmastime. We've got some oil plume, or whatever
 8 y'all want to call it, algae bloom coming out of the Gulf
 9 in our Sound.
 10 What is it going to do to our oyster season
 11 again?
 12 It's critical. I'm sitting here discouraged and
 13 thinking there's a problem on this Coastline. We've got
 14 dead fish and dead birds. Now, you are telling us we've
 15 got a problem. We can't swim in the water. The seafood
 16 is good to eat.
 17 Well, I just got told by my boss yesterday he
 18 didn't want to buy no shrimp from me, if I went out and
 19 caught them. I was going shrimping yesterday. I wouldn't
 20 have been here, if he had said he would have bought my
 21 shrimp. He told me he didn't want anything to do with
 22 them. I said, well, I won't be going out.
 23 When you've got somebody telling you they don't
 24 want to buy the product that comes out of the Sound, or
 25 out of the Gulf, something is wrong.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 COMMISSIONER GOLLOTT: All in favor say aye.
 2 (All in favor.)
 3 COMMISSIONER GOLLOTT: Adjourned. Thank you.
 4 (Whereupon, at 11:40 o'clock, a.m, the December
 5 15, 2015, meeting of the Commission on Marine Resources
 6 was concluded.)

C E R T I F I C A T E

7
 8
 9 I, Lucille Morgan, Certified Shorthand Reporter, do
 10 hereby certify that the above and foregoing is a true and
 11 correct transcript of the December 15, 2015, meeting of
 12 the Commission on Marine Resources, as taken by me at the
 13 time and place heretofore stated in the aforementioned
 14 matter in shorthand, with electronic verification, and
 15 later reduced to typewritten form to the best of my skill
 16 and ability; and, further, that I am not a relative,
 17 employee, or agent, of any of the parties thereto, nor
 18 financially interested in the cause.
 19
 20
 21
 22
 23
 24
 25

COURT REPORTER

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788

1 Again, who is going to take care of my bills?
 2 I am put out of work. BP is not going to pay
 3 us. This State right here has got a lot to learn, and
 4 we've got more problems to come in the future than what we
 5 are having right now.
 6 We are not going to stop what is happening,
 7 coming from our Gulf. I promise y'all. Our problems got
 8 caused in 2010. I was sick twenty-four months from it,
 9 deadly sick in the hospital, and it's here now, again, and
 10 I just can't believe our agency is downplaying it as it is
 11 just a Red Tide.
 12 Like I said, I argued with Joe Jewell a couple
 13 of days ago. This is a serious issue. If we can't catch
 14 our seafood and put it on the public, it ain't safe to
 15 eat. That's the way I look at it.
 16 COMMISSIONER GOLLOTT: Mr. Miller, you time is
 17 up. Thank you, sir.
 18 JAMES MILLER: I bet it is, Mr. Gollott.
 19 COMMISSIONER GOLLOTT: With all the business
 20 completed, do we have a motion to adjourn?
 21 COMMISSIONER DRUMMOND: I make a motion we
 22 adjourn, Mr. Chairman.
 23 COMMISSIONER GOLLOTT: We have a motion.
 24 Do we have a second?
 25 COMMISSIONER BOSARGE: I'll second the motion.

Lucille Morgan, CSR 1251
 COURT REPORTER
 (228) 396-8788