COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

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

Commission Members:

Richard Gollott, Chairman

Steve Bosarge, Vice Chairman

Mark Havard

Ron Harmon

Jolynne Trapani

Also Present:

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

COMMISSIONER GOLLOTT: At this time, I would like to bring this meeting to order. I would like to welcome everybody to the June regular meeting of the Commission on Marine Resources.

At this time, we will have the Pledge of Allegiance led by Jamie Miller.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: At this time, I would like to welcome Senator Mike Seymour.

Will you stand up, Mike?

MIKE SEYMOUR: Thank you.

COMMISSIONER GOLLOTT: First on the agenda is approval of the May 16th meeting minutes.

Do I have a motion?

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Approval of the agenda, either modified, or as written.

Can I get a motion?

COMMISSIONER BOSARGE: I'll make the motion we approve the agenda as written.

COMMISSIONER HARMON: I'll second that motion.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next is our Executive Director's report.

JAMIE MILLER: Chairman, I have no report.

COMMISSIONER GOLLOTT: Thank you.

Next is Keith Davis, Marine Patrol.

KEITH DAVIS: Good morning everyone.

You have the report in front of you. It is pretty straightforward.

The only thing that I would like to highlight, in this month's report, is that Marine Patrol officers are still encountering anglers that fail to register with Tails n' Scales.

I would just like to remind the public that we are looking for that, and it is very important that they register with Tails n' Scales.

Any questions, other than that?

COMMISSIONER BOSARGE: I actually noticed the same thing. Because we are involved, now, in the management of Red Snapper, what you guys do is a vital part of it so that we get the information to better manage it.

Would it be possible for us maybe to get a report on your interactions, in other words what you see?

In other words, if you break down your report just a little bit where we know how many people you actually looked at, how many had it and how many didn't; just what you come up with.

I think, in future decisions that are made regarding our management, we are going to need that information.

KEITH DAVIS: I want to make sure I understand.

You would like see how many boats we checked, how many didn't have the registration and how many did?

COMMISSIONER BOSARGE: Correct.

If you only checked five and all five didn't have it, this is not a good sign, but, if you checked a hundred and only five didn't have it, then, this is not

bad.

Do you see what I'm saying?

KEITH DAVIS: Yes, sir.

COMMISSIONER BOSARGE: Maybe just a little bit more information.

KEITH DAVIS: I will be happy to get that information for you.

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER GOLLOTT: Thank you, Keith.

KEITH DAVIS: Thank you.

COMMISSIONER GOLLOTT: I'm going to ask Mr. Richard Schillaci to come up and give his public comment. I think it is probably more relevant, now.

RICHARD SCHILLACI: Good morning Commissioners, Director Miller, Ms. Chestnut.

I'm Richard Schillaci and I'm speaking on behalf of Omega Protein.

I would like to thank the department and particularly Marine Patrol for their quick response to an accident involving our employee, Terrence Thompson, on Wednesday, June the 7th.

Chief Davis' department responded quickly and efficiently to bring our injured employee to the landing where he was transported to the hospital by ambulance.

We appreciate all the Mississippi Department of

Marine Resources does, and we wish to thank the department and Marine Patrol for all they do for all of those of us who work on the water.

I am pleased to announce Mr. Thompson was back at work the following Monday.

Thank you, again, and we appreciate your presence.

COMMISSIONER GOLLOTT: Thank you, Rick.

Next is the Joe show, Mr. Joe Jewell.

JOE JEWELL: Thank you for those kind introductory remarks.

We have a pretty aggressive agenda this morning for the Commission's consideration. We have six items.

First up are a couple of presentations the Commission has asked for in the past, concerning our management activities in the shellfish program.

First, Mr. Andrew Barrett is going to give you a report on our oyster cultivation activities.

ANDREW BARRETT: Good morning Commissioners, Director Miller, Ms. Chestnut.

I'm going to talk to you today about our reef cultivation program and our efforts this spring on our western reefs.

I know you have a full agenda, so I will try to keep it brief.

I will start with a simple definition. Reef cultivation is simply the process of pulling a bagless dredge over oyster reefs.

As a routine part of MDMR management activities, reef cultivation objectives are as follows:

To sufficiently clean oyster shells of fouling organisms and sediment.

To expose clean, hard substrate conducive to a successful spat set.

To separate oyster clusters for a more even distribution on the reef.

Timing of cultivation efforts is critical as it relates to an expected spat set. Cultivating too early may allow shell to re-foul before a spat set, and too late and the spat set may be missed.

Here is an image of a bagless dredge that we use for cultivating. This is a particular one we had designed specifically for cultivating. It is slightly wider than a normal dredge. It allows us to cover more surface area and it stays on the bottom better without a bag.

Specifically this spring, from April 12th, 2017, to April 21st, 2017, a total of six days were spent cultivating aboard the research vessel, Conservationist.

Cultivation took place on Pass Marianne and Henderson Point reefs, in areas previously planted with

cultch material.

Three hundred and twenty-six acres were cultivated on Pass Marianne Reef and one hundred and three acres were cultivated on Henderson Point Reef, for a total of four hundred and twenty-nine acres.

Here is a map of where we cultivated. These long lines are our tracking in route to our cultivation areas. These larger blocks here, here and here are the actual areas we cultivated.

These areas were selected due to their abundance of material. These are actually 2012 and 2013 limestone cultch plants. These were our very promising areas a year ago, until our hypoxia event of last August.

There is abundant material in these areas, and we figured it prudent to turn those over and hope for a good spat set this year.

That is the gist of it. If there are any questions, I will be happy to answer them.

COMMISSIONER GOLLOTT: Thank you, sir.

ANDREW BARRETT: Thank you.

JOE JEWELL: Our next presentation concerns some of our management activities, the 2017 cultch plant, and that will be presented by Mr. Charlie Robertson.

CHARLIE ROBERTSON: Good morning everyone.

I'm happy to be presenting this morning the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Also, we have done less dense cultch deployment

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

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

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

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

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

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

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

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

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

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

This is just a good perspective looking down

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

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

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

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

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

We want to thank NOAA for funding this project.

With that, I will conclude.

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

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

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

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

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

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

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

CHARLIE ROBERTSON: Okay.

COMMISSIONER GOLLOTT: Thank you, Charlie.

CHARLIE ROBERTSON: Thank y'all.

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

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

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

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

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

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

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

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

JOE JEWELL: The presentation is ready to go.

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

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

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries. It is tabled.

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

Morgan Holder.

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

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

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

MORGAN HOLDER: Thank you.

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

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

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Excuse me, Ms. Vu. That

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

Thank you. Go ahead.

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

COMMISSIONER GOLLOTT: I was at the public hearing.

THOA VU: Yes.

COMMISSIONER GOLLOTT: It didn't happen.

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

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

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

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

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

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

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

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

John Livings.

JOHN LIVINGS: Good morning.

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

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

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

changed.

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

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

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

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

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

Do y'all have any questions for me?

COMMISSIONER GOLLOTT: Thank you, John.

JOHN LIVINGS: Thank you, sir.

COMMISSIONER GOLLOTT: Andrew Livings.

ANDREW LIVINGS: Good morning.

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

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

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

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

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

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

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

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

COMMISSIONER BOSARGE: I've got a question.

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

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

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

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

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

COMMISSIONER BOSARGE: All right. Thank you.

COMMISSIONER GOLLOTT: Thank you, Andrew.

ANDREW LIVINGS: Thank you.

COMMISSIONER GOLLOTT: Don Joast.

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

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Thank you.

Harold Strong.

HAROLD STRONG: I would like to thank the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Thank you, Harold.

Does anybody have any questions for him?

(No response.)

COMMISSIONER GOLLOTT: Chris Lagarde.

CHRIS LAGARDE: Good morning Commissioners.

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

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

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

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

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

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

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

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

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

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

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

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

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

What good is that really going to produce?

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

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

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

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

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

COMMISSIONER GOLLOTT: Thank you.

That's it on that.

Joe, come on and continue.

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

COMMISSIONER GOLLOTT: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Bosarge.

COMMISSIONER BOSARGE: Can I make one comment?

JOE JEWELL: Sure.

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

thoughts and maybe refinements.

Do you see what I'm saying?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMISSIONER BOSARGE: It's more than just

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

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

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

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

RICK BURRIS: Yes, sir.

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

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

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

COMMISSIONER BOSARGE: All right.

RICK BURRIS: Good morning Mr. Chairman,

Commissioners, Director Miller and Ms. Chestnut.

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

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

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

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

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

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

The first change we made was to the title. The

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

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

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

Next is Chapter 01 Introduction. Section 100 reads:

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

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

introduction section simply to make it easier to read.

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

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

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

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

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

the FDA's Code of Federal Regulations.

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

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

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

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

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

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

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

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

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

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

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

Section 105 Container read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The definition of saltwater crabs which will now

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

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

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

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

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

We also removed the words "Shall" and "Should". I think we all understand what those words mean.

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

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

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

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

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

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

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

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

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

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

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

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

food is available and is consumed".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"100.02. Date of transaction.

"100.03. Name and address of consignee.

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

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

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

"101.02. Quantity of saltwater crabs, or

saltwater crab products, purchased.

"101.03. Purchase date."

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

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

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

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

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

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

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

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

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

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

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

temperature to be consistent with the HACCP plan.

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

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

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

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

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

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

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

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

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

Does anybody have any questions?

COMMISSIONER GOLLOTT: Good job, Rick.

Does anybody have any question?

(No response.)

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

RICK BURRIS: Thank you.

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

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

JOE JEWELL: We can do that.

COMMISSIONER GOLLOTT: Can I get a second on that?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JOE JEWELL: Thank you, Commissioners.

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

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

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

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

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

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

The area north of the channel, in the orange

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

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

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

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

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

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

This is just a small change, in Chapter 18

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

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

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

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

Chapter 18 Classification and Description of Shellfish Growing Areas Waters.

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

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

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

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

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

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

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

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

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

ERIK BROUSSARD: Sure.

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

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

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

(indicating map).

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

ERIK BROUSSARD: It does.

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

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

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

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

COMMISSIONER GOLLOTT: Why have we got to reclassify this?

Do you want to cover that?

ERIK BROUSSARD: Excuse me?

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

ERIK BROUSSARD: It is the State compliance with

FDA and ISSC regulations for harvest.

COMMISSIONER GOLLOTT: Does anyone have any questions?

COMMISSIONER BOSARGE: You answered most of my questions.

COMMISSIONER GOLLOTT: Can you bring the motion back up?

ERIK BROUSSARD: Yes.

COMMISSIONER GOLLOTT: Can I get someone to make this motion?

COMMISSIONER BOSARGE: I will make the motion to proceed with Notice of Intent for Title 22 Part 1 Updated Regulatory Language for Area V - Updated Management Plan Criteria and Subdivision of Area V.

COMMISSIONER GOLLOTT: Can we get a second?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries. Thank you, Erik.

ERIK BROUSSARD: Thank you.

COMMISSIONER GOLLOTT: I would like to call about a five-minute recess.

(Whereupon, a short recess was taken.)

COMMISSIONER GOLLOTT: We need to bring the meeting back to order.

Next we have State Saltwater Fishing Record, but, before we do anything on that, we would like to hear from Mr. Bobby Knight.

Please come up, Bobby.

BOBBY KNIGHT: Good morning. My name is Bobby Knight. I'm here for my daughter.

I don't have any fancy pictures, or anything, because I didn't know I was going to be up here today. I'm going to try to wing it and probably do a lot of fumbling. Y'all will just have to put up with me for my three minutes.

First of all, since I don't have any pictures, I am going to show y'all this one on my phone.

(Phone handed to Commissioner Gollott by Bobby Knight.)

BOBBY KNIGHT: My daughter is an amazing girl. She is sixteen years old. She's got a four point three average in school. She is planning on going into some type of marine engineering. She has won the Mississippi Deep Sea Fishing Rodeo Queen three years in a row. She

won it at the age of fourteen, youngest to ever win it. She has won numerous other rodeos.

She has caught just about every fish in the Gulf of Mexico, except a Marlin. She is very involved in fishing.

Right before Easter vacation she said, "Dad, I want to try to catch a Swordfish to beat the seventy-five pound Swordfish in Mississippi."

I said, "Awesome. Here goes another trip."

She said, "I'm off for a whole week during Easter."

I said, "Okay. We will give it a shot then."

At that time, I called the DMR. I said, "I don't know what I'm doing here. I'm trying to break the Mississippi State Record, and we talked about all the rules, all the regulations and all of the documentation that I would need to present, when I showed up here.

We printed out all the documentation and made sure everything was correct that they told me I would need.

We went out for five days. We loaded the boat up and took off. The first night we caught probably an eighty pound Swordfish. I chose to release it, instead of trying to run it in because we still had four more days to fish.

On the third day, we caught a hundred and thirty-nine pound Swordfish. At that time, we ran a hundred and thirty miles from the Mississippi Canyon and turned it in here on April the 19th. We weighed the fish in. The only other fish that had been weighed in was ten years ago and it was seventy-five pounds, so that is the biggest fish that had been brought in, in ten years.

We turned in all the documentation. Everything looked great. They told me I had no problem going through.

At that time, I was asked for my HMS permit number which I gave to Mr. Jonathan Barr.

When it went to the review board, we found out, at that time, that when I purchased a new boat at the beginning of the year and I went in and got my new HMS permit, when I did, I hit "Renewal", typed in all the new information, hit "Submit", paid the twenty dollars and went on my way.

When the DMR pulled it up, the HMS permit came back as the boat that I previously owned and had sold in October 2016.

I don't know why it generated that. I don't know how it came up like that.

They said, when you type everything in and you hit "Renewal", it automatically picks up your older boat.

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

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

COMMISSIONER GOLLOTT: Thank you, Bobby.

Does anybody have any questions?

(No response.)

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

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

COMMISSIONER TRAPANI: I will second that motion.

COMMISSIONER GOLLOTT: We have a motion and a second.

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

I want to comment about how this occurred.

The DMR Marine Fisheries Office has a review

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

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

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

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

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

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

past before this state record you are about to consider?

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

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

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

JOE JEWELL: That's correct.

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

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

Let us get with legal and figure out if there is

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

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

BOBBY KNIGHT: Absolutely.

COMMISSIONER GOLLOTT: I agree with you a hundred percent.

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

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

COMMISSIONER GOLLOTT: Ms. Trapani, would you agree?

COMMISSIONER TRAPANI: Yes.

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

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

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

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

JOE JEWELL: That's correct.

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

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

JOE JEWELL: Okay.

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

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

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

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

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

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

Correct?

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

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

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

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

BOBBY KNIGHT: Thank you.

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

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

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

What is required is a motion to adopt this new

state record.

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

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER BOSARGE: So seconded.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries. Thank you.

JONATHAN BARR: Thank you.

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

COMMISSIONER GOLLOTT: Thank you, Joe.

JOE JEWELL: Thank you.

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

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

Good morning Commissioners, Director Miller, Ms. Chestnut.

Coastal Resources Management has three items for your consideration today.

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

GREG CHRISTODOULOU: Good morning everyone.

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

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

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

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

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

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

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

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

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

The project is allowable in the Industrial Development Use District.

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

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

to keyhole boat slips".

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

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

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

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

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

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

The justification is from Chapter 8, Section 2,

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

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

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

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

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

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

The applicant did contemplate using a pile-

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

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

A boat slip/launch does require a waterfront location.

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

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

Public notice was placed in the Sun Herald. There was a public hearing held, on May 25th, and no public comments were received from either the public hearing, or the public notice.

DEQ is reviewing the project.

Archives and History has not objections.

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

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

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

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Does anyone else want to say something?

(No response.)

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

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

COMMISSIONER GOLLOTT: Do I have a second?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Thank you, Greg.

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

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

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

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

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

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

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

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

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

The proposed project is allowable within the General Use District.

The applicant is requesting a variance to the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dredging and a beach renourishment project does

require a waterfront location.

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

The project did appear in the Sun Herald, on May 21st, May 28th, and June 4th, 2017. We received no comments.

A public hearing was held on Tuesday, June 13th, here in this room in our building, and we received no comments from that either.

DEQ is currently reviewing the project.

Archives and History has no objections.

Secretary of State says there are no lease issues.

Wildlife, Fisheries and Parks, we did just receive a letter from them and they recommend best management practices.

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

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

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

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

COMMISSIONER GOLLOTT: Thank you, Chris.

Any questions?

(No response.)

COMMISSIONER GOLLOTT: Can we get a motion?

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

COMMISSIONER GOLLOTT: We have a motion.

Can I get a second?

COMMISSIONER TRAPANI: I'll second it.

COMMISSIONER GOLLOTT: We have a second.
All those in favor say aye.
(All in favor.)
COMMISSIONER GOLLOTT: Opposed?
(None opposed.)
COMMISSIONER GOLLOTT: Motion carries.
Thank you, Chris.
CHRIS PICKERING: Thank you.
JEFF CLARK: The last item for Coastal is a violation by Don Shaddix. Presenting is Jennifer Wilder.
JENNIFER WILDER: Good morning. I am Jennifer Wilder, and I will be presenting the violation by Mr. Don Shaddix at his home on Kings Bayou at 8240 Egret Lane in Gautier.
It is in the General Use District, and his agent for the restoration plan, not for the actual violation, was Randy Ellis.
The structures in dispute are a keyhole boat slip that was constructed resulting in the destruction of Coastal Wetland vegetation and unauthorized pilings.
Here is an overview. You can see I-10, Gautier Vancleave Road, and this little mark here is Mr. Shaddix's home (indicating slide).
These are pictures from 2013, as the area was when I first was on the property before the keyhole slip

was constructed.
These two pictures show the pilings and the keyhole slip as it is now.
August 21st, 2014, Mr. Shaddix received his first authorization from DMR for the fill of zero point zero nine acre of non-tidal wetlands to construct driveways on his property.
August 26th, 2014, Mr. Shaddix applied for a permit to dredge and to construct a boat slip, boat house, pier and access pier.
August 26th through December 4th, 2014, we were in the process of trying to find ways for Mr. Shaddix to have the structures that he wanted, without being in violation of the Coastal Program. During that process, Mr. Shaddix was instructed he could not construct a keyhole boat slip and he could not impact marsh vegetation.
December 5th, 2014, a General Permit was issued for the construction of an access pier, boathouse and debris removal. A keyhole boat slip was not authorized.
May 12th, 2015, DMR staff received notification of a potential violation at Mr. Shaddix's address, stating that a keyhole boat slip had been constructed.
On May 15th, 2015, staff went to the site and found a keyhole boat slip had been constructed, tidal and tidally-influenced marsh vegetation had been destroyed,

submerged aquatic vegetation had been destroyed, tidal marsh fringe and other wetland vegetation had been destroyed by the unauthorized dredging and fill. More than the original zero point zero nine acre of fill had been placed in non-tidal wetlands. There was a violation of the August 21st, 2014, authorization.
June 30th, 2015, staff conducted a meeting with Mr. Shaddix and a representative of the Corps of Engineers.
January 28th, 2016, Mr. Shaddix's agent submitted a modification request and a restoration plan.
Now, you have a copy of that in the handout you received, showing you the modification request and the restoration, with the highlighted portion where they state they had built the unauthorized boat slip and that they would restore it.
On May 4th, 2016, Mr. Shaddix was issued a General Permit Modification based on that request.
The restoration plan included reducing the amount of non-tidal wetland fill to zero point zero nine acre, or less, restoring the area that had previously contained SAV, tidal marsh fringe, and other wetland vegetation to its previous condition, in hopes that we would find regrowth, and that he would restore the keyhole boat slip to its previous condition, again, hoping the

vegetation would regrow.
This is a copy of that, with the highlighted portion that you got in your packet (indicating slide).
On February 22nd, 2017, DMR staff received notification of a potential violation at Mr. Shaddix's address, stating that a keyhole boat slip had been constructed.
On February 23rd, 2017, staff went to the site and found that the keyhole boat slip still existed and that there were now unauthorized pilings.
February 23rd, 2017, a cease and desist letter was sent by certified mail and regular mail to Mr. Shaddix.
On February 28th, 2017, he signed for that letter, and we have the green card back.
April 12th, 2017, there was a notice that the violation would be presented at the Commission meeting. It was mailed to Mr. Shaddix. The Commission meeting was on April 18th.
On April 17th, his agent contacted us and asked if we would have an on-site meeting.
We requested that you take the violation off the agenda in April, and you did.
On April 19th, staff met with Randy Ellis on site.

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

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

May 31st, June 15th and June 19th site visits by staff found that the keyhole boat slip still exists and the area has not been restored.

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

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

Unauthorized pilings. That also has been corrected.

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

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

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

We recommend that the fine be issued to Mr. Don

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

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

The violation was discovered on February 22nd, 2017, and, as of today, has lasted a hundred and seventeen days.

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

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

This is staff's recommendation.

Any questions?

COMMISSIONER GOLLOTT: Mr. Shaddix is not here?

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

COMMISSIONER GOLLOTT: Give us staff's recommendation again.

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

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

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

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

You know what I'm saying?

JENNIFER WILDER: Yes, sir.

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

JENNIFER WILDER: To totally restore, yes.

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

JENNIFER WILDER: Okay.

COMMISSIONER GOLLOTT: Can we get a motion?

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

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

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

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

COMMISSIONER GOLLOTT: Do we have a motion?

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

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

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

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

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

Right?

JENNIFER WILDER: Yes, ma'am.

SANDY CHESTNUT: Is that sufficient?

COMMISSIONER BOSARGE: I think so.

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

COMMISSIONER GOLLOTT: Any objections to the modifications?

(No response.)

COMMISSIONER GOLLOTT: Can I get a motion on this?

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

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER HAVARD: I'll second the motion.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Thank you, Jennifer.

JENNIFER WILDER: Thank you.

COMMISSIONER GOLLOTT: Next is Office of Finance.

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

These are the financial results for fiscal year 2017, as of May 31st, 2017.

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

twenty-seven point four million.

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

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

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

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

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

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

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

Our accounts receivables have been delayed, due

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

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

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

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

Are we going to be all right?

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

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

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

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

COMMISSIONER BOSARGE: Keep us up to date.

KACEY WILLIAMS: Yes, sir.

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

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

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

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

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

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

We have several different areas we are waiting on.

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

not shown up yet.

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

We are still doing all right.

COMMISSIONER GOLLOTT: Thank you, Kacey.

KACEY WILLIAMS: Thank you.

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

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

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

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

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

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

We have had quite a few outreach events.

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

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

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

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

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

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

coming up next week.

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

MELISSA SCALLAN: Thank you.

COMMISSIONER GOLLOTT: Next we have Mr. Jason Rider.

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

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

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

Regarding the Derelict Vessel Regulations Repeal, on July 1st, 2016, the Mississippi Legislature passed Senate Bill 2699 revising the procedures for the removal of derelict vessels.

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

What we did is we looked at our Derelict Vessel

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

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

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

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

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

We are requesting that the old regulations are repealed.

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

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

JASON RIDER: That's correct.

COMMISSIONER GOLLOTT: Does anyone have any questions?

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

least, getting these vessels recovered?

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

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

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

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

COMMISSIONER BOSARGE: So seconded.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries. Thank you, Jason.

JASON RIDER: Thank you.

COMMISSIONER GOLLOTT: Now we have other business.

Does anyone have any other business to bring

before the Commission?

(No response.)

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

You have three minutes, Gilbert.

GILBERT RAMSEY: Good morning Commission.

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

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

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

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

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

for the disabled community.

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

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

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

Thank you very much for assistance and cooperation.

COMMISSIONER GOLLOTT: Thank you, Gilbert.

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

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion to adjourn.

Do we have a second?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Adjourned.

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

C E R T I F I C A T E

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

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