COMMISSION MEETING

TUESDAY, October 17, 2017
10:00 a.m.
Hancock County Board of Supervisors Boardroom
854 Highway 90, Suite A
Bay St. Louis, Mississippi 39520

Commission Members:
Steve Bosarge, Chairman
Ron Harmon, Vice Chairman
Richard Gollott
Mark Havard
Jolynne Trapani

Also Present:
Jamie M. Miller, Executive Director, DMR
Sandy Chesnut, Esq., Assistant Attorney General

COMMISSIONER BOSARGE: All right. Let's get started. Welcome everybody to our October meeting. I would like to thank the folks in Bay St. Louis for giving us this fine facility to have our meeting in.

I would like to start the meeting. We will ask Jamie Miller to lead us in the Pledge of Allegiance.

(The Pledge of Allegiance was recited by all in attendance.)

DIRECTOR MILLER: I would also like to recognize Senator Seymour and thank him for coming and spending his time with us this morning. Would you please Mr. Seymour?

(SENIOR SEYMOUR COMPLIES.)

COMMISSIONER BOSARGE: There you go. Thank you, sir.

On to approval of the minutes for the September 19th meeting. Do we have any changes to the minutes? Seeing none. Do we have a motion to approve the minutes for the September meeting?

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

THE COURT: All right. We have a motion. Do we have a second?

COMMISSIONER GOLLOTT: I will second it.

COMMISSIONER BOSARGE: All those in favor Aye. (All in favor.)

COMMISSIONER BOSARGE: Opposed. Same sign.

(Motion carries.)

Approval of the agenda. Do we have any changes to the agenda?

COMMISSIONER GOLLOTT: Hang on just a minute. Let me see this agenda again.

COMMISSIONER BOSARGE: All right.

COMMISSIONER GOLLOTT: We were supposed to make the report from marine fisheries an action item. Did we do that? I don't see it on here.

COMMISSIONER TRAPANI: Item two.

DIRECTOR MILLER: Commissioner Gollott, we did update the agenda. We had three amendments to the agenda yesterday. Two involved removing two affirmative action items off of the agenda. And then we added from the Office of Marine Fisheries 1(b.) Consideration to increase the Biloxi Bay Harvest Quota as an action.

COMMISSIONER BOSARGE: Thank you, sir. Can I -- is this speaker -- am I -- it doesn't sound like I am coming through here. Anyhow, could I ask a question? How did we get an action item on the oysters? I thought we pretty well had gone through all this at the last meeting.

COMMISSIONER GOLLOTT: I requested it, Mr. Chairman.

COMMISSIONER BOSARGE: All right. Well, I am not sure that we probably need to go there. Sandy, I don't know quite where to go with this, but is it possible to take a vote on this?

MS. CHESNUT: Yes. You can make a motion to strike or add anything to the agenda that you would like to.

COMMISSIONER BOSARGE: Okay. I would like to make a motion that we take item 1(b) off the agenda.

COMMISSIONER HAVARD: Mr. Chairman, I would like to second that motion.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

COMMISSIONER GOLLOTT: Yes, sir. I think any commissioner has a right to put something on the agenda, and I think it should be heard if a commissioner wants to do that. So I am opposed to your motion. So go ahead.

COMMISSIONER BOSARGE: I agree with you,
but I think that on this particular item we really need to get the consensus of the group to see if this is something that we need to move forward with.

We have a motion and a second. All of those in favor for taking it off of the agenda.

COMMISSIONER GOLLOTT: Mr. Chairman, would you call the roll on it, please?

COMMISSIONER BOSARGE: We will have a call vote. Yes, sir.

All of those in favor Aye.

COMMISSIONER HAVARD: Aye. COMMISSIONER BOSARGE: Mr. Mark Havard, Commissioner Mark Havard. Aye, Steve Bosarge. All of those opposed.


(Motion fails.)

COMMISSIONER TRAPANI: I would like to ask something. Since this was added, you know, last minute yesterday, I think it was discussed and it was added last minute yesterday. I think we need to be able to discuss it.

We had a little visitor call me and come to the Mississippi Gulf Coast, and as you have heard in the news a lot of vessels have been misplaced. We have worked with the Executive Director's Office in coming up with a strategy in getting those vessels adequately approved.

I have several reports that you will hear next month in the monthly report, but I do want you to know that marine patrol has been actively involved in identifying hazards and mitigating those hazards on the Mississippi Gulf Coast. But we will have that in the next month's meeting.

I did want to mention that in case anybody had any questions about what was being done with marine patrol in response to the Hurricane Nate.

If there is no questions I would like to talk a little bit about the report on page one. I want to identify that we continually have complaints of crab thefts over in Jackson County. And we were able to make one case involving the theft of crabs where a recreational fisherman was stealing from another recreational fisherman.

On page two, under Fishing Violation Citations, since July 20th a total of 21 cases have been made in regards to possession of undersized Spotted Sea Trout.

I would also like to point out on red snapper that undersize Red Snapper for the season, if you want to highlight that, seven cases was made under that category.

Since July 20th over the limit Spotted Sea trout, has been three cases. And we continually receive complaints of individuals keeping over the limit Spotted Sea Trout at our popular fishing piers as well as some in the back bay.

So strategies are being implemented to identify and make cases against those individuals that's involved in that activity.

Officers are aware of known fishing piers where this most likely taking place. And those strategies are being implemented as we speak.

Those are the highlights of the report, but I would be more than happy to answer any questions that you may have for any of the other categories.

COMMISSIONER BOSARGE: I have one question.

And it's under the same fishing violation. I see "Possession of Shark Fins."

CHIEF DAVIS: Yes, sir. There was a case while doing a JA patrol that we found shark fins onboard a vessel.
COMMISSIONER BOSARGE: A commercial vessel?

CHIEF DAVIS: Yes, sir.

COMMISSIONER BOSARGE: And then the same thing for “Possession of fillets?” I know it’s probably hard to remember every case.

CHIEF DAVIS: Yes, sir.

COMMISSIONER HARMON: Chief, I want to thank you -- I know this is coming up in next month’s report, but there was an incident over here in Hancock County this past week with a sail boat.

CHIEF DAVIS: Commissioner, thank you very much for that. That was a hard decision to make, but it was the right decision to make. And we are certainly going to be bringing something before you to recognize those officers that were involved in that.

But, anyway, it was open from October 2nd to the 5th, but like I said, we harvested 657 sacks.

So the next slide, this is just kind of a reminder to the conditions of all of our reefs, that they are not in very good shape. And that’s why we are having to take some rather drastic measures to try to protect them and to try to rebuild the stock.

It’s also a reminder that on November 13th we are going to be opening up the western reefs with a 30 percent harvest limit, which comes out to 9,359 sacks.

Just a quick summary on the number of -- of the activity that took place on Biloxi Bay Reef. We had 39 trips -- or 33 of Mississippi tongers, 40 trips for non-resident tongers for a total of 73 trips.

Sacks harvested, Mississippi tongers harvested 301 sacks and non-resident tongers harvested 356 sacks.

And as you remember the Commission asked us to conduct a relay from Pascagoula to Biloxi Bay Area. We did that on the 11th.

We relayed 500 sacks and then we had some boat issues.

As a matter of fact the boat is getting repaired today The Conservationist. So we plan on going out tomorrow again and doing some more relays.

MIKE BRAINARD: The steering messed up, the hydraulics, so we had to have it repaired.

COMMISSIONER GOLLOTT: Mike, what happened to The Conservationist?

MIKE BRAINARD: The steering messed up, the hydraulics, so we had to have it repaired.

COMMISSIONER GOLLOTT: My understanding we moved about 2,000 sacks. That’s not true?

MIKE BRAINARD: No, it’s 500.

COMMISSIONER GOLLOTT: 500 sacks?

MIKE BRAINARD: Like I said, we are going to try to go back out tomorrow as long as the boat gets fixed.

COMMISSIONER GOLLOTT: Okay.

DIRECTOR MILLER: Commissioner Gollott, you didn’t make that number up. I did tell you 2,000 sacks.

COMMISSIONER GOLLOTT: Well, I wasn’t going to put you on the spot.
COMMISSIONER TRAPANI: How many sacks do we intend on relaying?

MIKE BRAINARD: I think right now we are looking at around 2.2 thousand. But it may go on longer, depending on...

COMMISSIONER GOLLOTT: Wait a minute. Wait a minute. Wait a minute. Now, I am going to call the Director out. He told me it was going to be right around 10,000 sacks.

MIKE BRAINARD: Yeah. Yeah, I'm sorry.

yeah. That's what it is. It's not 2,000.

DIRECTOR MILLER: 10,000 was the number we had come up with based on what the stock estimates for that was?

MIKE BRAINARD: Yes.

COMMISSIONER GOLLOTT: That's 10,000 everything. That's undersize oysters, shell material and 3-inch oysters. What percentage -- do you have any idea what percentage is over three inches that you are relaying out of that 500 sacks? Do you have a breakdown?

MIKE BRAINARD: No. We could look into that.

COMMISSIONER GOLLOTT: That would be very interesting to see what we come out with.

MIKE BRAINARD: Right now we are just putting it -- you know, dumping them out to the deck and splaying it all out.

DIRECTOR MILLER: Yeah, we can look into that for sure.

COMMISSIONER GOLLOTT: Okay. Mike, thank you.

MIKE BRAINARD: Okay. That's the end of my portion of it.

COMMISSIONER HAVARD: All right. And I have a quick question. Based on the numbers of in-state tongers versus out of state, so those numbers show that we have more out of state tongers come in and tong than we had in state tongers. Is that correct?

MIKE BRAINARD: That's correct. Yes.

COMMISSIONER HAVARD: And we harvested 10 percent more than the quota that we set. A little over nine percent.

MIKE BRAINARD: Correct.

COMMISSIONER HAVARD: Okay.

MIKE BRAINARD: And basically what happened is that the day before that there was still a hundred and some sacks left to be harvested to reach the quota and it would be 30 percent. And then that next day we harvested another 150 over that.

That's how that happened. There's no way to stop it exactly at that number, because we didn't know exactly when we were going to shut down that day, so...

COMMISSIONER HAVARD: I was under the impression that we had ten sacks at that time. The day before closure. We had to reach our quota and then we opened it up whole another day and got an additional 160 sacks. Right?

MIKE BRAINARD: That's correct. We were averaging around 10 sacks --

COMMISSIONER GOLLOTT: Commissioner, let me say this: I was concerned about the out-of-state people coming in here and harvesting the oysters. But I have been assured that the oysters are being sold to a Mississippi dealer before they leave the state, so it's a big benefit to Mississippi to have these people come in and harvest the oysters and then sell them to a Mississippi dealer.

DIRECTOR MILLER: That is true.

MIKE BRAINARD: As far as the second part of your agenda --

COMMISSIONER BOSARGE: You have no further comment?

MIKE BRAINARD: I don't have any comments about that this morning.

COMMISSIONER GOLLOTT: Okay. I think I will take over from here then.

COMMISSIONER BOSARGE: Any discussions?

COMMISSIONER GOLLOTT: Thank you.

MIKE BRAINARD: Okay.

COMMISSIONER GOLLOTT: Let me start out saying that when we started harvesting oysters out of the Biloxi Bay, I went over and looked at the oysters. The department had some people there going through the oysters dumping them out and looking at them. And they were absolutely gorgeous. They are on the verge of being a little bit too big. And there are 220, roughly 220 count to the sack, which is ideal for box oysters and half shell stuff.

And I talked to Joe Jenkins, Mike Cure and -- a real good tonger. And they said that it would be -- let me back up a minute. First of all, there is not a lot of small oysters attached to these oysters they was harvesting, no spat set, not many in the next year's range.

So we discussed it and decided there is roughly a thousand sacks left on this reef that we
was harvesting off of. The fishermen, the processors, they all said it would be great to go ahead and harvest these oysters before they get too big. The fishermen got $60 or $70 a sack for these oysters because they were ideal and are still ideal.

So we have set up a relaying program and what we was intending to do is let them harvest some of these relay oysters. They said they would rather go ahead and harvest these oysters and let's relay back onto the reef that these are coming off of, and let those oysters stay there until next season.

Now, these oysters from Pascagoula there is a lot of small oysters, nixial (phonetic) oysters, I understand. This will give us -- and letting them sit there for nine months will give us a big growth of these oysters grow.

People in Louisiana have been doing this for years and years and making a ton of money. I would really love to see us do this and keep very close tabs on it to see just how much increase we get for these oysters by letting them sit there enough time to grow out.

And that's my reasoning for this 1(b) on this thing. And I would like to make a motion that...

And it took three and-a-half years to grow these oysters to a perfect size. And that is the main reason that I want to relay some small oysters back on top of these things to let them grow out and get a harvest the next year.

If we leave it like it is we might get a 1,000 sacks off of this area next year, but if we put oysters from Pascagoula on top of it, we could have a real good -- you know, I am not going to guess, but we could probably -- depending of how many we put there, but we could probably get a 20 percent grow out or 30 percent grow out on these oysters and reap a lot more out of it by doing it this way.

COMMISSIONER HAVARD: Mike, are we in recovery mode and rebuild mode? Is that what I -- MIKE BRAINARD: Yeah. And that is what our staff recommendation was. Well that is how the 30 percent came about.

COMMISSIONER HAVARD: And would that be a harvest all of these oysters that are left and plant, is that considered rebuild mode?

MIKE BRAINARD: No, it's not.

COMMISSIONER HAVARD: Okay. Thank you. COMMISSIONER GOLLOTT: Why wouldn't it be considered rebuilding if you are relaying oysters...
discussions like you said. One, Richard, I know you

talked to different people.

I have got a young man that works for me

and he actually came in on this trip when he was on

his off time. And he made that season. And so I

asked him about it. I said, "Tell me what you saw."

He said, "Well, you know, there were some pretty

oysters. And they were single oysters." He said

"But we were having to move a lot of material to get

them." And I asked him, I said, "So, if we were to

leave it open how much longer do you think it would

last?" He said "Two weeks and we would have cleaned

it up." That would have been the end of it.

Now, we put a management plan in place at

the last meeting that I feel like we need to stick

to. And I made mention at the last meeting of the

governor weighing in on this issue. And I would like

to read into the record the letter.

COMMISSIONER GOLLOTT: I think we have

already read that letter and we know what it says.

COMMISSIONER BOSARGE: You may have read

it, but I want the people out there to be able to

hear it.

COMMISSIONER GOLLOTT: Okay.

COMMISSIONER BOSARGE: And he has addressed

the agency's recommendation for sustainable oyster

harvest of 30 percent of the estimated 32,000 sacks

available for the 2017-18 season.

This concept of sustainable harvest was the

principle recommendation of the Governor's Oysters

Counsel in 2015, and one that I support.

It is critical to the future of

Mississippi's oyster resources and the oyster

industry that the commission take action to allow the

restoration of our depleted oyster reefs.

This decision will be for the 2017-18

season, but it presents the Commission with a turning

point decision to ensure the long-term sustainability

for the oyster industry in Mississippi. I hope the

Commission will exercise its leadership in making

this difficult but necessary decision for the good of

the Gulf Coast and Mississippi, Sincerely, Phil

Bryant, Governor."

COMMISSIONER GOLLOTT: You have just proven

my point. If we relay 10,000 sacks of oysters out of

Pascagoula and we open it up this year and get

30 percent of those we will be taking a lot more

oysters out of the bay, out of the resource, than if

we just open this up and harvest 1,000 sacks, relay

out of Pascagoula 10,000 sacks and let those things

grown until we have a real good harvest, we could

benefit greatly.

COMMISSIONER BOSARGE: Logic would tell me

that if we don't take any more oysters and we relay

10,000 sacks that we will have an exceptional harvest

the following year.

COMMISSIONER GOLLOTT: But the 1,000 sacks

is there, just perfect size for half shell right now.

The fishermen are getting the maximum amount of

money. And if it grows another year, it will be too

big, is what I have been told.

COMMISSIONER BOSARGE: I agree, but in my

opinion we are doing the same thing we have done year

after year after year after year and it doesn't work.

COMMISSIONER GOLLOTT: I don't think so.

We haven't done anything in the Biloxi Bay in a long
time, and in Pascagoula. But anyhow --

COMMISSIONER BOSARGE: The way I see it, we

have done what we can in the western sound and now we

are moving to the middle of the state and we are

starting to chew at what's on the east end of the

state a little bit.

COMMISSIONER HAVARD: I don't want to
be there.

COMMISSIONER BOSARGE: Which is the same thing we have been doing --

COMMISSIONER GOLLOTT: Yeah.

COMMISSIONER BOSARGE: -- up to this point.

COMMISSIONER GOLLOTT: Well, that's what was done for 200 years. That's the way we manage the reefs, but . . .

COMMISSIONER BOSARGE: Do we have a motion?

MS. CHESNUT: If I could verify the motion, it's up there on the screen, if you could let me know if that's what you want. And, also, if there is going to be any opening or closing dates, or if that authority is going to be left to the executive director.

COMMISSIONER GOLLOTT: It really needs to be left to the executive director, because we don't know how long it will take them to harvest those oysters. One of the things that we need to do, is if we are going to do it, we need to go ahead and harvest them, so we can relay on top of that reef out of Pascagoula. We are up against a weather situation.

When we start getting these cold north winds and blow the water out, you won't be able to have already harvested 1,657. So roughly a thousand sacks. Full grown oysters should be -- marketable oysters should be left there. And that's where we are coming up with that figure.

MIKE BRAINARD: You have got to remember that that's an estimate too.

COMMISSIONER GOLLOTT: Well, and if the director sees that they are getting down to nothing he can close it if it's 800 sacks. You know what I'm saying. And that's the reason I want to leave it up to the director, but -- and he is going to know -- I mean, it only took them what, four days to harvest 600 sacks.

MIKE BRAINARD: Yeah, it was open the 2nd --

COMMISSIONER GOLLOTT: I mean, you're not talking about a week.

MIKE BRAINARD: They were averaging like ten sacks.

COMMISSIONER GOLLOTT: Yeah, I mean, you are not talking but about a week or two at the very most. You know, it's not a lot of oysters.

COMMISSIONER TRAPANI: Were they reaching their limits?

harvest out of Pascagoula. That's a fact. The reef is so shallow that you won't be able to get the Conservationist in there. So the quicker we do this -- if we vote to do it, then the better off we will be. And I think the director, I think I trust the director, you know, if we pass it, to go ahead and do it that way.

COMMISSIONER HAVARD: Being that this is so few and far between, and leaving it just up to the executive director, you know, if we the Commissioners put in place for a restock of what we have, five votes to make a good sound decision from every angle. And leaving it up to one person, the executive director to make that call, I'm sure that that's why the commission as a whole is in place.

COMMISSIONER TRAPANI: I thought that the original intention was 1,000 sacks. Is it 1,000 or is that right, and that the director is closing and opening it. And where did the thousand sacks come from?

COMMISSIONER GOLLOTT: Looking at the estimates of what was on that reef they had 1,655 sacks I think it was estimated to be there.

Harvestable oysters.

MIKE BRAINARD: 1,651.
each -- the 30 percent is based on each reef complex.

So you have to kind of manage those individually.

So just to replace -- I mean, it's kind of like, you know, I am not sure of a good analogy, but it's just, you know, you are just taking the resource from one place and putting it to another, so they can harvest it, so you are depleting one place and opening up it eventually.

COMMISSIONER TRAPANI: My point is that that was --

MIKE BRAINARD: Like I said, it's resourcing around, it's not rebuilding it is actually just shifting things around.

COMMISSIONER BOSARGE: This is the way I see it. We set up a plan where we are going to take 30 percent, because right now we are in a rebuilding mode. And we are going to use our bonus area, which is the Pascagoula area, to try to help build resources. So we took our 30 percent, which is planned, we have documented it. And now we are going to enhance what's left there with what we have in Pascagoula.

If it was the intention of us doing nothing more than what is in Pascagoula and harvesting it, then we are not -- do you see what

I am staying? It doesn't fit. COMMISSIONER GOLLOTT: Well, Commissioner,

I think if you look at the last motion at the last meeting, we are going to harvest oysters that was harvested or brought out of Pascagoula, relayed out of Pascagoula. And we are going to get 30 percent of those.

We are talking about leaving those there for a year and not harvesting them this year. so we are just trading off really.

COMMISSIONER BOSARGE: I don't consider it a trade off. I consider robbing Peter to pay Paul.

COMMISSIONER GOLLOTT: I don't think so. I don't see it that way. But anyhow, I call for a vote on this thing. Let's vote on it.

COMMISSIONER BOSARGE: Thank you. We have a motion. Do we have a second to the motion?

COMMISSIONER HARMON: So second, Mr. Chairman.

COMMISSIONER BOSARGE: We have a motion and a second. Any further discussion? All those in favor. Aye.

COMMISSIONER GOLLOTT: Aye.

COMMISSIONER HARMON: Aye.

The area in blue is the new work dredging that will be going to the upland disposal site on the Harrison County Industrial Seaway full of debris. And then the area in orange is the new work dredging where they will go in and excavate material and then that's the area that they will be doing some filling in, so that's in the north harbor and then to the south of the west pier and the area in yellow will be the new turning basin and the berthing areas. Those will be the areas that will be continually maintenance dredged.

This is a typical section of what the breakwater will look like. It will be ranging from that 98 to 102 feet at the base. And what's above the water approximately ten feet and it will be approximately ten feet in width at the top.

This diagram shows all of the different structures and I think if you go -- moving forward there will be breakwaters here and here to leave some of the drop basin into the existing Federal Navigation Channel. There will be a realignment of the existing small craft channel, rip-rap piers and bulkhead.

And this is a diagram showing the Biloxi Marsh Complex, BU disposal site. This project is currently being evaluated by the Louisiana Department of Natural Resources and it is a DMR permit that we have put in. And they are currently -- as I said, reviewing our project. So Northwest Jack Williams Bay there will be some containment structures and some dredge material at Johnson Bay.

The expanded port will provide positive public benefits in terms of new jobs that will benefit the community along the Coast. The economic benefits were examined and summarized in the final Environmental Impact Statement that was prepared for this project by the Corps of Engineers.

We will be increased 3 foot of -- to 1.7 Million TEUs a year which is a 20 foot equivalent unit.

The EIS states that new employment and income opportunities created by the port’s expansion includes temporary employment opportunities during construction and permanent jobs in both full and part-time, that wage earnings are anticipated to increase that, that overall this project alternative will have a benefit on all economic sectors and greater economic benefit on labor force, employment and the industrial sectors of the coast.

The applicant has requested a change, as I said, from a General Use to an Industrial Use.
had consulted with DMR on several potential projects some filling of the state water bottoms. The Port coordination with DMR and with support to mitigate be used within the Biloxi Marsh Complex.

earlier DMR has submitted an application with the State of Mississippi with the capacity for 7.68 million cubic yards of material. And as I said material will be dredged for the port Expansion with the project.

and to dredge 168 acres for a new turning basin. And based on meetings with agencies and public comments from the EIS process the port has reduced their footprint to the current 196.5 acres of fill and 85 five acres of dredging for the turning basin.

The footprint reduction has substantially minimized the impacts that were originally proposed with the project. Approximately 7.68 million cubic yards of material will be dredged for the port Expansion Project and the port has proposed to place all the suitable dredge materials in a beneficial use site. There is currently not a beneficial use site in the State of Mississippi with the capacity for 7.68 million cubic yards of material. As I said earlier DMR has submitted an application with the Louisiana Department of Natural Resources for it to be used within the Biloxi Marsh Complex.

A mitigation plan was developed in coordination with DMR and with support to mitigate some filling of the state water bottoms. The Port had consulted with DMR on several potential projects and has come to an agreement on a project that we feel is appropriate. The mitigation plan to increase the transfer of 148 acres of state -- Mississippi.

The potential impacts to threatened and endangered species as a result of the project and construction would be temporary and potential impact to federally listed species would be avoided or minimized by conservation measures formalized with the National Marine Fisheries Service in the Gulf Regional Biological Opinion and that greatly reduces the likelihood of adverse impact to sea turtles and the endangered Gulf sturgeon.

There are no specific secondary or future developments proposed with the project. However, development of an expanded maritime facility would expect to generate secondary development such as warehouses and value-added distribution centers off of the State port property and not necessarily affiliated with the port.

The original permit application for the expansion of the Mississippi State Port at Gulfport requested a permit to fill 678 acres of water bottoms...
And then after all of that is complete, the transfer of the property to the Coastal Preserves Program for Conservation along with an endowment for maintenance on property.

This is an expansion of the Mississippi State Port and alternative sites were not considered. The Port is a water-dependent industry and, therefore, needs a waterfront location to expand its current footprint. The expansion of the State Port would increase the industrial land uses in the greater Gulfport metro area and there will be no major changes in land use adjacent -- land use to or adjacent to the port.

In respect to the national interest in November of 2015 the state port was designated a Strategic Seaport out of the Department of Defense. And US Seaports that are designated as Strategic Seaports based on their proximity to DoD installations and efficient transportation. Strategic Seaports are used to transport cargo and equipment from surrounding military installations to fight overseas during times of war and international emergencies.

And with the Port's central location to the southeastern defense corridor, it can provide

have impact to reef shrimp and fish habitats as well as potential impacts from sediment which may be moved beyond the disposal site.

The responses from the applicants states that for the Port expansion, EIS considered disposal options for placement of the dredge material both new and maintenance. The placement of the material is only allowed in ODMDS and thin-layer deposit sites that are approved and permitted by the Environmental Protection Agency or the Beneficial Use Sites.

The EPA is the one who permits the ODMDS sites. And prior to issuing those permits for the ODMDS the EPA conducts Environmental evaluations of potential impacts due to placement of dredge maternal.

And that concerns on impacts to habitats should be addressed through the EPA; that neither Mississippi State Port nor DMR have the authority to address concerns about the ODMDS site locations.

Public comments were also received concerning impacts -- or the use of the Biloxi Marsh Complex as a Beneficial Use Site, that there would be impacts to oysters reefs. And that there should have been a mitigation plan associated with the use of the Biloxi Marsh Beneficial Use Site. And as I said

earlier, there is a permit application currently with the Louisiana Department of Natural Resources for the Biloxi Marsh Complex BU Site. And it provides all of the information about the project. And so any comments or concerns about that project, should be submitted to the Louisiana Department of Natural resources, as they are the permitting agency. And then we have the permit number for anyone in the public that would like to comment on that, and that is P20160163.

Public comments were also received concerning inadequate outreach, lack of transmitted materials and the lack of opportunities to comment on agency responses, public notice and public hearings were conducted in accordance with Mississippi Code 49-27-17. There were three public notices published in the Sun Herald and the public hearing date of September 14th was included in all three of those public notices.

And through the EIS process that the Port has been going through since the project started, there have been multiple opportunities for public outreach and public involvement. There were also comments about impacts to essential fish habitats. And essential fish habitat falls under National
Hydrology

The Port... capacity... the Port would... makes available in the State of Mississippi that... environmental impact statement, if the new BU site... and expansion project, as it is stated in the... Complex is the preferred alternative for the disposal... have also concluded that will provide storm surge protection for Hancock County.

And in this case while the Biloxi Marsh Complex is the preferred alternative for the disposal and expansion project, as it is stated in the... that the State of Mississippi that it's potential at the BU Site.

With all of this then being said, we have conducted a thorough evaluation of this project and have determined that it will have significant public benefit. We recommend approval of the variance request, approval of the use district changes and approval of the project. And, as I said, should a Beneficial Use Site in Mississippi be permitted prior to execution of the project or any of the maintenance dredging projects. The minute the project gets started and they take the first set of material out of the state or use ODMDS, if at any time in the next... the State of Mississippi.

In the Department of Wildlife Fisheries and Parks stated that they had no comment. With regards to the Secretary of State's comments, the port works with DMR in the Beneficial Use Group. And the Beneficial Use Group is made up of representatives from several different state and federal entities.

They worked for over two years to try to find a project that was suitable within the State of Mississippi and based on depth, they would need to have an area that is approximately 400 to 900 acres. To avoid taking the sediments out of the system and go to the ocean disposal site, or trying to go upwind, the Port and the DMR are going to both look to other options. They looked at two reports including Governor's Oyster Counsel report for 2015 and the 2013 Gulf Coast 2020 plan, both of which located that the Biloxi Marsh Complex and stabilization of the Biloxi Marsh Complex would have benefits to the State of Mississippi. Creating a BU site and placing Mississippi sediments within the Biloxi Marsh Complex would restore and stabilize one of the most productive oyster habitats in the region that are utilized by Mississippi oystermen. And they have also concluded that will provide storm surge protection for Hancock County.

And in this case while the Biloxi Marsh Complex is the preferred alternative for the disposal and expansion project, as it is stated in the environmental impact statement, if the new BU site becomes available in the State of Mississippi that has the capacity needs, that the Port would evaluate it's potential at the BU Site.

With all of this then being said, we have conducted a thorough evaluation of this project and have determined that it will have significant public benefit. We recommend approval of the variance request, approval of the use district changes and approval of the project. And, as I said, should a Beneficial Use Site in Mississippi be permitted prior to execution of the project or any of the maintenance dredging projects. The minute the project gets started and they take the first set of material out of the state or use ODMDS, if at any time in the next... the State of Mississippi or the State's territorial waters. And that if State-owned sediment qualifies for a beneficial use project, they should be used to benefit the State of Mississippi.

In the Department of Wildlife Fisheries and Parks stated that they had no comment. With regards to the Secretary of State's comments, the port works with DMR in the Beneficial Use Group. And the Beneficial Use Group is made up of representatives from several different state and federal entities.

They worked for over two years to try to find a project that was suitable within the State of Mississippi and based on depth, they would need to have an area that is approximately 400 to 900 acres. To avoid taking the sediments out of the system and go to the ocean disposal site, or trying to go upwind, the Port and the DMR are going to both look to other options. They looked at two reports including Governor's Oyster Counsel report for 2015 and the 2013 Gulf Coast 2020 plan, both of which located that the Biloxi Marsh Complex and stabilization of the Biloxi Marsh Complex would have...
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<td>back in probably '98 or '99 they did the 84-acre</td>
<td>oysters.</td>
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<td>expansion on the west pier. And then since then</td>
<td>And salt water intrusion is what has wiped</td>
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<td>there have been some extensions to that side. But</td>
<td>these oysters out, bringing a deeper channel into</td>
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<td>this actual expansion project hasn't been before the</td>
<td>Gulfport is a good idea, but I personally agree with</td>
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<td>commission yet.</td>
<td>Delbert Hoseman. I think we ought to build an Island</td>
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<td>COMMISSIONER GOLLOTT: Oh, okay.</td>
<td>or something to keep that salt water out of the Cat</td>
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<td>JENNIFER WITTMANN: They are just dredging.</td>
<td>Island and the Pass Christian area if there is a way</td>
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<td>It is ultimately going to be related to the project</td>
<td>to do it.</td>
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<td>--</td>
<td>JENNIFER WITTMANN: There are some</td>
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<td>COMMISSIONER GOLLOTT: Well, we have heard</td>
<td>preliminary projects that are very early on in the</td>
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<td>about the Louisiana Marsh and to my recollection it</td>
<td>planning process within the beneficial use group.</td>
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<td>was not going to help the Mississippi reefs, because</td>
<td>And within the coastal preserves program that we hope</td>
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<td>where the Marsh is opened up and caused the salt</td>
<td>to be able to pull this material. But at this point</td>
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<td>water intrusion into the Mississippi Sound, you are</td>
<td>in time those have not been permitted. They have to</td>
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<td>not closing up, you are just closing up some</td>
<td>go through the entire federal permitting process.</td>
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<td>convenient bayous over there.</td>
<td>And we don't want to delay approval of the Port’s</td>
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<td>I am not against this project, but I think</td>
<td>permit for expansion based on a project that we don't</td>
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<td>we are missing something here. If we look at -- if</td>
<td>have a permit for.</td>
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<td>we look at the Mobile Bay when they dug that channel</td>
<td>COMMISSIONER GOLLOTT: Then, in other</td>
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<td>through there, it killed all their oysters reefs.</td>
<td>words, you are going to sacrifice the oyster industry</td>
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<td>Lake Calcasieu in Cameron, Louisiana, they dug a deep</td>
<td>in Mississippi for Port expansion?</td>
</tr>
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<td>water canal through there. It killed all their</td>
<td>JENNIFER WITTMANN: No, sir.</td>
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<td>oyster reefs, or a big part of them. Apalachicola,</td>
<td>COMMISSIONER GOLLOTT: Well, how are you</td>
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<td>they don't have any oysters anymore. They used to be</td>
<td>not, if you are bringing more salt into the Pass</td>
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<td>one of the capitals, you know, we had so many</td>
<td>Christian area we are killing -- I mean, we are</td>
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<td>putting millions of dollars down there trying to</td>
<td>the Gulfport channel, that's the way I understood it,</td>
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<td>bring the oyster reefs back.</td>
<td>y'all was going to deepen it down to.</td>
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<td>And we are just going to open this up and</td>
<td>MS. HARRIS: The Gulfport channel deepening</td>
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<td>let them wipe the oysters out by running more salt</td>
<td>has been presented to the Commission, and has been</td>
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<td>water in it?</td>
<td>approved.</td>
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<td>COMMISSIONER BOSARGE: I don't quite understand. We are bringing more salt water in by</td>
<td>COMMISSIONER GOLLOTT: So you are deepening</td>
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<td>building a bigger turn basin. Is that what you are</td>
<td>it.</td>
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<td>saying Commissioner Gollott?</td>
<td>MS. HARRIS: It has already been deepened.</td>
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<td>COMMISSIONER GOLLOTT: When you dig a deeper channel it's bringing more salt water in.</td>
<td>COMMISSIONER GOLLOTT: It's already been</td>
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<td>COMMISSIONER BOSARGE: Deepening the channel by how many feet?</td>
<td>deepened.</td>
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<td>COMMISSIONER GOLLOTT: I understand we need to mitigate --</td>
<td>JENNIFER WITTMANN: That's not part of this</td>
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<td>JENNIFER WITTMANN: I was conferring about that with the Port.</td>
<td>project. The only area that's going to be made</td>
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<td>The channel is not getting deeper. It is just going to be the deepening of the area that is</td>
<td>deeper is this area where the turning basin is being</td>
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<td>currently not part of the turning basin.</td>
<td>expanded. And it's not going to . . .</td>
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<td>COMMISSIONER BOSARGE: Correct. That's what I thought.</td>
<td>COMMISSIONER GOLLOTT: Okay. What about</td>
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<td>JENNIFER WITTMANN: But the actual ship channel will not be deeper.</td>
<td>the Beneficial Use. Let's look at Louisiana marsh</td>
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<td>COMMISSIONER GOLLOTT: All the way in to</td>
<td>where you are planning on using the Beneficial Use,</td>
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<td>because my understanding is if you close Three Mile</td>
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<td>up it would give us back the oysters reefs.</td>
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<td></td>
<td>JENNIFER WITTMANN: They have looked at and</td>
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<td>Melissa Calvet with CH2 held research on a beneficial</td>
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<td>-- participates in the beneficial use group and may</td>
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<td>be able to speak to some of those concerns.</td>
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<td>I know that they have looked at several</td>
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<td>different configurations within the Biloxi Marsh</td>
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COMMISSIONER GOLLOTT: The easiest, huh?

JENNIFER WITTMANN: Well, it's not necessarily the easiest, but it's the land loss in the area right now is so great that you can go out to an area this year and next year it could be marsh now, and in a year it may be minus too. So we have to look at areas that it is feasible to do restoration.

COMMISSIONER GOLLOTT: Okay. If you do restoration there what guarantees you that it is not going to keep deteriorating at the same rate?

COMMISSIONER BOSARGE: Let George come up.

George is familiar with that.

COMMISSIONER GOLLOTT: I am just concerned about the oyster industry. Like I said, we have poured millions of dollars into it trying to rebuild it.

GEORGE RAMSEUR: George Ramseur. And Commissioner Gollott, you are exactly right. We need to be building Islands in that chain that keeps the salt water out. And that barrier so-to-speak really runs Lake Borgne all the way to Mobile Bay and we are definitely going to have

is this option is the only one that is fully funded at this point and fairly close to being permanent.

Now, the alternatives that we would like to have in the future to take advantage of the additional dredging of this complex at a minimum are going to be ten to $20,000,000 additional to do that kind of stand-alone. And those are definitely on track and I mean, they moving out concept and looking into various stages of permitting, but, you know, they have got to be permitted and that's a long haul right now. And we have got to figure out where those tens of millions of dollars are going to come from to pay for these. So, if we get something before this site is used that's fine, but this is the best chance we have to avoid having to haul that into deep water and lose it, if the Port's schedule dictates they need to dredge.

COMMISSIONER GOLLOTT: So what are you going to do with Delbert Hoseman's being against this thing, moving material out of Mississippi?

GEORGE RAMSEUR: Well, I think there is several things. There is funding that can change the face of this and the timing of the Port activity. So depending on how this comes together, we will just -- I think we will just have to make a decision as a State.

I think it is fairly complicated to look at all of the dynamics with the Biloxi Marsh. But one thing for sure, as you noted, that complex controls a lot of the salt and fresh water flow in particularly in the Western Sound. Three-Mile Pass is a totally different -- I mean, even if we put all of this material in Three-Mile Pass it wouldn't close it. That's going to be a project that probably -- if it's even permittable from the Louisiana side it's going to take a lot engineering, a lot of probably hard structure or something like that, because you have really got -- you've got deep water in there and it's really moving.

Now, on the bright side they finally closed off MRGO and the salinities in Lake Borgne have dropped a lot and in the western sound the trend has been down for the last six years. So there is some encouraging things coming from that Louisiana side. And, you know, this is not -- this is not the ultimate project, but it's a good way to start working on that complex, and maybe build it up a little bit instead of losing this resource.

COMMISSIONER GOLLOTT: George, you don't think by going to Louisiana and saying, "Hey, we have..."
got this material we would like to put it in your marsh, by helping us here and closing up Three-Mile it would go a long way to close up -- you might have bulk head Three-Mile or something to close it, but it would give us such a big boost on our oyster industry in the western sound down there if they would close Three-Mile.

GEORGE RAMSEUR: Oh, sure. And to me this gets everybody -- this gets Mississippi and Louisiana on the same table playing the same game. And I think, you know, this kind of multi-state thing is hard to put together. There is a lot of political and agency interactions. And it's -- you know, this permit has been in process for three years at this point, and it's still not done.

So it -- this gives us a working relationship that we can build on. And as I say, they have got the lines of defense that they want to -- the part of the 2012 master plan, they have been held out of the '17, the 2017 master plan. But I think they are reevaluating some parts of that. One of the other things about Biloxi Marsh is that it is actually one of the most stable marsh complexes in the entire Mississippi Delta. There are no active faults under it, so it's not subsiding like the rest of that delta area. So it's really -- it's really one of the best places for them to restore marsh.

And that would be another hope here is if we say, "Hey, look, this is really not that hard to do. Why don't you guys" -- because they are having some trouble capturing their smaller amounts of dredge material, which for Louisiana, I wouldn't say this is a small amount, but it's the kind of project they have been focusing more on, diversions and that sort of thing. This is also kind of far out from New Orleans and their interest in funding tends to -- tends to center on stuff that is closer to, you know, their urban center and stuff. So we are kind of pulling them a little bit east with this project, and we are obviously stretching west with it as well, but...

COMMISSIONER GOLLOTT: George, if we table this until the next meeting, do you think you could go to Louisiana and come back with some answers or something? I mean...

GEORGE RAMSEUR: No. I wish I could tell you that, but, I mean, as I say, we have been -- we have been going through one hurdle after the other for three years. And, you know, it has been a pretty dynamic -- I won't say it has been frustrating, but

it's been, it's been pretty dynamic and changing.

COMMISSIONER GOLLOTT: Well, once we do this permit it's over with as far as the Commission having any say on what's happening or --

GEORGE RAMSEUR: Well, I think the way it is put in here is what we would all like to see. I think the primary thing that I think almost everybody agrees with is we don't want to see 7.5 million yards of Mississippi resource dumped in the ocean. And so -- right.

COMMISSIONER GOLLOTT: Are you telling us that's the alternative right now on --

GEORGE RAMSEUR: If they dredge -- if they dredged this month or this year, yeah, that's about what it is.

DIRECTOR MILLER: The concept to permit a federal use site plus the marsh was in response to the primary disposal, which was deep water ocean disposal. And so we agree -- I agree. I have spoken with Secretary Hoseman. We both prefer that this not leave Mississippi at the initiation of the permit application for the dredge material. The object is for no one to get it, for it to go in the deep water and no one benefits. And so we have looked at what could be funded, what could be permitted, what could

benefit us and we landed in the Biloxi Marsh.

Now, George is right and Secretary Hoseman has been adamant. Let's find an even better place. The issue with those better places are the cost of those go up, you know, a hundred fold, because you have to build containment around them. But we are pursuing those. And we will have those moving into the future. So we may be back here in a year or two with another alternative beneficial use site around Cat Island or somewhere in Mississippi waters. But we don't have the permit for the Biloxi Marsh yet. And there's no guarantee we will get it.

GEORGE RAMSEUR: Right.

JENNIFER WITTMANN: And we don't -- and we would absolutely condition the permit such as if a BU site within the State of Mississippi is permitted that can be such a material that that is the preference.

COMMISSIONER GOLLOTT: Let me stay this: And I appreciate y'all's hard work. It looks like there you have put in a lot of hard work. And, you know, I am not here to -- I am just trying to protect the oyster industry. Thank you, Jennifer.

MS. HARRIS: Yes, sir. I understand. And I think everybody does.
COMMISSIONER BOSARGE: There is a biological opinion any EIS will be long drawn out and takes a long time.

JENNIFER WITTMANN: They do.

COMMISSIONER BOSARGE: And they cover most of their bases. Any more discussion? If not we have got some public comment on the subject, if we could, please, move on.

THE WITNESS: Ms. Thao Vu.

THAO VU: Good morning. Director Miller, Commissioners. Tao Mu with the Mississippi Coalition for Vietnamese-American Fisher Folks and Families.

I am here to reiterate the letter that was submitted to the agency regarding this proposed project to expand the Port of Gulfport. It was dated September 17th of this year. And we are here to implore the Commissioners to deny it.

To deny the port expansion. And here are the reasons why: Just because this EIS Environments Impact Statement has been conducted for years. And I know there’s been many years that doesn’t mean it is thorough, comprehensive or factors everything that it should. And the one thing that has greatly factored in is the impact to the shrimping industry. Decades ago when the Port initially expanded it devastated an area that was a prime shrimping area near Cat Island. And since then all the old timers fishermen and shrimpers can attest to that. And the shrimp has never come back, because they have basically destroyed and impacted the sediment there, the habitat that should have been there. It needs good stable habitat. And it moved away and never came back. And that is something -- that is something that is mentioned in the document, the National Marine Fisheries Service has serious concerns about. It’s in this 2,000 page document that they expressed concerns about the impacts to essential fish habitat and shell fish.

And it’s not to the public benefit if there is a group that’s really been seriously struggling, starving right now, okay, because of all the environment issues, you know, due to all of the disasters that they are going to have to feel the impacts of this too. How is that of public benefit?

Public benefit means benefitting everyone.

And not one who has to spare the disproportionate impact, the adverse impact to it.

And I want to reiterate something here that is one of your regulations under Coastal Wetlands.

It says: Under Costal Wetlands, Chapter 8, Section 2, Part I.E.2. “The extent to which the proposed activity would directly and indirectly affect the biological integrity and productivity of coastal wetlands communities and eco-systems.”

It’s very important you abide by that. I am not here to attack the Commission, but the Port, they don’t need this expansion. Their current activities has already taken a significant amount of their salary base -- over 300 areas. Please do the right thing and deny the permit. Thank you for the opportunity.

COMMISSIONER BOSARGE: Thank you, Ms. Vu. I think we have presented everything in recommendations. Is there any further discussion?

Do we have a motion?

COMMISSIONER HAVARD: Mr. Chairman, I would like to make a motion that we move along with taking the staff’s advice.

COMMISSIONER BOSARGE: Okay. Go with the staff’s recommendations if I understood you correctly.

COMMISSIONER HAVARD: That’s correct.

COMMISSIONER BOSARGE: Do we have a second?

I will second the motion.

There’s been a lot of work. And I feel like that even though there will be some detriment, there is benefit without greater detriment.

COMMISSIONER GOLLOTT: Mr. Chairman, with all due respect, tabling it or taking it up at the next meeting is not killing it.

COMMISSIONER BOSARGE: I understand, Commissioner Gollott, but I don’t think that tabling it or kicking the can down the road is going to get us any further. I understand a lot it hinges on what Louisiana is going to do and . . .

COMMISSIONER GOLLOTT: Is there any way to find out what Louisiana is going to do before we go forward?

COMMISSIONER BOSARGE: I think we built it into the recommendations that if Louisiana doesn’t then it is going to go back to exactly where we are now.

In other words, we will have to find another use of another ocean dumping. So it's either -- it's either put it in the Biloxi Marsh where it will do some good, or bring it out and dump it right into the Pascagoula channel. I think that’s the only site they have. Anyhow, we have a motion and a second.

Any further discussion? All those in favor
say Aye.

COMMISSIONER GOLLOTT: Wait a minute. Wait a minute. Wait a minute. If you are going to do a motion, you need to insert you're coming back if Louisiana doesn't, because what we are talking about is their motion right now.

COMMISSIONER BOSARGE: No. It is in there. It is in their recommendation.

JENNIFER WITTMANN: That should a beneficial use site in the State of Mississippi be permitted prior to the execution of the project or any of the maintenance dredging that the materials should be placed there in preference to Biloxi Marsh or ODMDS.

And I think at this point the Commission has to either issue deny or the Port would have to agree to an extension.

COMMISSIONER BOSARGE: In other words, everything that you've asked, Commissioner Gollott, I believe is actually in that motion, in that if it appears to me that there is work moving towards building barriers and then if that does materialize before this thing kicks off and takes place then that's where that beneficial use material will go.

JENNIFER WITTMANN: Or even after it takes the project. It will be issue, deny or the Port would have to agree to an extension. And I know that the Corps of Engineers is on a very tight timeline right now trying to get that done. They are anxiously awaiting our decision today.

COMMISSIONER GOLLOTT: All right. Okay.

COMMISSIONER BOSARGE: Any further discussion?

All right. All those in favor, Aye.

COMMISSIONER HAVARD: Aye.

COMMISSIONER BOSARGE: Opposed. Like sign.

Motion carries.

(Motion carries.)

Thank you, Jennifer.

JENNIFER WITTMANN: Thank you.

COMMISSIONER BOSARGE: Good morning.

GREG CHRISTODOULOU: Good morning, Commissioners. I am Greg Christodoulou and I will be presenting the next two items on Coasts agenda. The first is a modification request by the City of Biloxi. Okay. Modification request by the City of Biloxi located at Point Cadet, Mississippi Sound in Biloxi. It's in the Commercial and Fishing and Recreational Marinas Use District and the Agent is Burk-Kleinpeter Incorporated.

Currently the Point Cadet Marina has been authorized to maintenance dredge 12,100 cubic yards to 9.5' below Mean Low Water and currently they are requesting to dredge an additional 30 - close to 3,500 cubic yards of material. And the material will be placed at the Deer Island Beneficial Use Site.

Location of Point Cadet Marina.

Here's a diagram showing what's currently authorized in the green and what is proposed in the yellow. And just some pictures. Again, this is the area between the Margaritaville Resort and the Golden Nugget Casino.

The project would serve a higher public purpose by restoring safe navigational and berthing depths as well as providing public access to and use of the marina.

Project is allowable within the commercial fishing and recreational marinas use district.

Similar projects have been approved by the Commission, so no negative precedent is expected. There will be a temporary increase in turbidity and loss of benthic organisms during the dredging. As we said, an increase in turbidity is expected, however, it will not exceed DEQ's guidelines.
Approximately 88,500 cubic yards of additional material will be removed. The yellow highlighted area is the location of the launch pit.

And the project has a public benefit by allowing Ingalls to accommodate repairs to this damaged naval vessel. The project is allowable within the industrial development use district.

Variance is for the project -- previously was granted a variance for Chapter 8, Section 2, Part III.G.4., which states an "Access canals shall be of uniform depth or become gradually shallower proceeding from the receiving body of water and they shall be no deeper than the parent body of water."

No precedent setting effects are expected since this site has been historically utilized as an industrial site, and similar projects have been approved by the Commission.

Dredging activities, there will be a temporary increase in turbidity and loss of benthic organisms and Best Management Practices will be utilized during all phases of construction.

Project should not have any adverse impact other than loss of benthic organisms and will not affect the natural supply of sediments, nutrients, temperature, salinity, water flow or circulation.
Fishes and Parks has no comments.

And based upon review, project will have a public benefit by allowing the Ingalls Pascagoula Facility to accommodate repairs to a damaged U.S. Navy vessel; therefore, staff recommends approval of the project contingent on clearance from DEQ and with the conditions that the applicant be required to use a Beneficial Use Site in accordance with the Mississippi Code 49-27-61 if it is available. And that no negative comments are received by the end of the comment period, which is tomorrow.

COMMISSIONER BOSARGE: All right.

COMMISSIONER HAVARD: Mr. Chairman, I would like to make a motion that we accept these staff recommendations on this project.

COMMISSIONER GOLLOTT: And I will second it.

COMMISSIONER BOSARGE: We have a motion and a second. Any further questions? I have one comment.

GREG CHRISTODOULOU: Okay.

COMMISSIONER BOSARGE: Talking about that what we call shipyard hold. For years and years before the Navy base came in the bay fishermen were allowed or work that area to trawl that area. It's like to make a motion that we accept these staff recommendations on this project.

COMMISSIONER HAVARD: Mr. Chairman, I would like to make a motion that we accept these staff recommendations on this project.

COMMISSIONER GOLLOTT: And I will second it.

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GREG CHRISTODOULOU: Okay.

COMMISSIONER BOSARGE: Talking about that what we call shipyard hold. For years and years before the Navy base came in the bay fishermen were allowed or work that area to trawl that area. It's

COMMISSIONER BOSARGE: Opposed. Same sign.

Motion carries.

KRISTYN McGUIRE: Good morning. I am Kristyn McGuire and I will be presenting violation by Taylor Norton.

The St. Louis Bay at 417 First Avenue in Pass Christian. It's in the General Use District. The agent as of yesterday, Mr. Larry Lewis was authorized, but the power point was finalized, so that's why it's not on here.

The structures are an access pier, three different piers: An uncovered boat lift, three pilings and a jetty.

This is the location of the violation (indicating.)

This is Mr. Norton's submitted application.

I took and darkened it, so you can kind of see a little better.

These are the pictures of the location, just his access pier, jetty as it appears at the access pier.

Okay. So if you see where it says 417 and goes straight out, that is Mr. Norton's pier. I believe that is 2007. I'm sorry. I can't do this.

So as we progress you can just watch the years up top. You will see that the structures are built on the end. Those were re-decked. And this year you can look at the beginning of the access pier and see that it is completely gone. And then you can see that more pilings were driven and the access pier was re-added along with a portion up at the top.

And you can see where that was actually a floating deck. Mr. Norton has removed that. He is going to put in an uncovered boatlift there. But if you watch from this side to the next you can see more pier was added to it. Obviously, more pilings were added. The decking is not -- you know, they have to
you know, suggesting that Mr. Norton turn in
application as soon as possible.

But from July to October is when we finally
got the application. So violation was discovered to
July 17 so the duration is 79 days. We recommended a
$250 fine to the applicant. This is his first
violation, so he has no previous violations.

The recommendation is that the CMR grant
the after-the-fact authorization, because the project
would have been authorized by general permit if
construction had not been completed prior to
authorization.

Also issue of fine of $250 to the applicant
to pay within 30 days of the October Commission
meeting. Forward the matter to the AG's office if
this deadline is not met.

Mr. Norton is here today if you guys have
any questions for him or myself.

COMMISSIONER GOLLOTT: Mr. Chairman, I
would like to make a motion that we take the staff's
recommendation on issuing the after-the-fact permit
and charging the applicant $250.

KRISTYN McGUIRE: Oh, and actually I need
to add this, on the record. Sorry. Can I do that?

COMMISSIONER GOLLOTT: Yes.

why would he have to --

KRISTYN McGUIRE: Because it's not
functioning. And --

COMMISSIONER BOSARGE: And is this part of
the recommendation from the --

COMMISSIONER GOLLOTT: We will need you to
say it again.

WILLA BRANTLEY: No, I just wanted to add a
little bit more. My name is Willa Brantley. I just
wanted to add a little bit more. We actually have a
guideline on jetties, that they can only be built now
around public access points with public boat ramps
and dredged -- dredged navigation channels that are
for use of the public. So he would actually have to
come before the commission and get a variance to that
guideline to be able to rebuild the jetty once --

COMMISSIONER GOLLOTT: But he would have an
option -- if it is only 20 we can give him a variance
to build it 40?

WILLA BRANTLEY: You could.

COMMISSIONER GOLLOTT: When did we change
the rules on jetties?

WILLA BRANTLEY: We haven't changed. Those
rules have been in place since I have worked here.

COMMISSIONER GOLLOTT: Okay. Well, you
WILLA BRANTLEY: Yes.

COMMISSIONER BOSARGE: Okay. It looks like just about everybody there has one.

WILLA BRANTLEY: A lot of people do, but what we have limited people to rebuilding what is functioning at the time that they ask to rebuild it.

COMMISSIONER BOSARGE: And Mr. Norton was okay with this?

MR. NORTON: All I want to do is rebuild in the same time --

COMMISSIONER BOSARGE: State your name.

MR. NORTON: Taylor Norton. They were all built in 1970 before I was even born actually. They were all built at the same time approximately the same length if you will look at the Google Earth aerals. They all have approximately an 80 foot, you know, jetties going out there, because the stand almost passes around up at Henderson Point and basically continues to preserve, you know, the natural beach front that still exists. We have come in with the parallel bulkheads, the two of them and we hope adding to it. So along our block we still have the National Beaches and everyone has the same 80-foot jetties out there.

And so, basically, there is about 40 feet.

MR. NORTON: Yes, sir. My understanding -- I mean, you know, correct me, or correct any of us, but my understanding from the receipt explanation is that, because they can't authorize -- because the DMR can no longer authorize jetties under a general permit, it then has to be a waiver, an application for a waiver as I understand. And so if that is the case, I will follow the new ruling and apply for a waiver for the 70 feet and to whether or not it is functioning, I mean, is that -- I mean, it's apparently functioning because it works every year. I mean, you see the same boat over here, and it depending on which way, you know, wind is blowing basically.

And I think that while essentially what I would like to do is file, you know, an amended application asking for a waiver for the same 70 feet of each of my neighbors, which is just north of me applied just last year and received authorization and north of them as you see in the aerial --

COMMISSIONER BOSARGE: You bring it up before this board and we will look at it, as long as you understand the procedure and ultimately come back in a timely manner with your waiver, and then we will make a decision on that. Is that good?

WILLA BRANTLEY: Right.

MR. NORTON: And it is the application that is you are okay with basically doing what the staff recommends within a year?

WILLA BRANTLEY: Let me answer. It's our policy.

MR. NORTON: Not the waiver. I mean, it's just an application.

WILLA BRANTLEY: Let me answer. It's our policy.

COMMISSIONER BOSARGE: Okay. Yes.

Clarify, please.
WILLA BRANTLEY: We cannot authorize the jetty under a general permit. General permits are the Corps general permits --

COMMISSIONER BOSARGE: Um-hum.

(Affirmative).

WILLA BRANTLEY: -- do not authorize jetties out, rebuild or new. So that's why we have to handle it separately. We haven't had time to send that out to the other agencies that have to review that, because if anything other than a general permit we have state agencies, and we have to forward it to the Corps and they have to write a separate permit. So we haven't been through that procedure yet. So that's why we can only approve today what we can approve under the general permit, which is the piers.

Now he rebuilds - if he applies to rebuild the 40 feet that we show that's functioning, then we can -- I can write a certificate of waiver without that having to come to the Commission. That's considered a minor impact because it's already there functioning.

COMMISSIONER BOSARGE: Uh-huh (indicating yes).

WILLA BRANTLEY: He is just replacing what's there. If he wants to rebuild more that's

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COMMISSIONER BOSARGE: Uh-hum.

(Affirmative).
COMMISSIONER BOSARGE: I have been trying to think of a good one.

JOE SPRAGGINS: After three months of fiscal year of 2018 we have 90.3 percent of the operating budget remaining and 96.3 percent of the titling budget remaining. And I will take any questions you have.

COMMISSIONER GOLLOTT: Are we going to make it to the end of the year?

JOE SPRAGGINS: I think so. Are you talking fiscal or calendar?

COMMISSIONER BOSARGE: Both.

JOE SPRAGGINS: No. We are good. Everything is good. Everything is good.

COMMISSIONER BOSARGE: You are doing good.

JOE SPRAGGINS: Thank you.

COMMISSIONER BOSARGE: All right. And we have public -- wait a minute. I'm sorry. You are right. Ms. Melissa come on up.

COMMISSIONER GOLLOTT: Let's get it together Mr. Chairman.

COMMISSIONER BOSARGE: Yeah. I'm telling you.

Melissa Scallan: Good morning.

COMMISSIONER BOSARGE: To do all of that and six children. Yes.

Melissa Scallan: From, you know, 20s to little bitty, so . . .

COMMISSIONER BOSARGE: He has worked his way up the ladder. I tell you what, that's an honor to be named out of all the states and all of the different agencies, yeah, that's an honor.

Melissa Scallan: That's definitely an honor. So we are very proud of him and all of our Marine Patrol officers.

And where -- the Department of Marine Resources has been in the news quite a bit lately.

Seventy-one times since the last commission meeting.

We had the opening and closing of oyster season. We had our re-nourishment of the beach at Cat Island, the Oyster Season at Biloxi Bay. We had the permits, waiving the permit fees for piers and other things so, you know, that has gotten a lot of interest locally, nationally, regionally also.

We also have had quite a few events. Megan Fleming and Andrew Meinzinger from Fisheries participated in the Port of Gulfport of Environmental Day at Lynn Meadows Discovery Center. Megan also participated and is a member of Marine Patrol,

COMMISSIONER BOSARGE: That's Great. Thank you, Melissa.

Any other business?

DIRECTOR MILLER: Chairman, I have one matter of other business. I would like to ask the Commission to consider moving the November meeting to Jackson County to the Board of Supervisors Room in Pascagoula for the November meeting.

CRYSTAL MATTA: I think it is the 21st.

Twenty-first.

COMMISSIONER BOSARGE: And we will move it to ten o'clock.

CRYSTAL MATTA: Ten o'clock.

COMMISSIONER BOSARGE: All right. Do we have a motion for that?
COMMISSIONER HAVARD: Yeah, Mr. Chairman, I would like to make a motion that we move November's meeting to November 21st to Jackson County at ten o'clock.

COMMISSIONER BOSARGE: Ten o'clock. We have a motion. Do we have a second?

DIRECTOR MILLER: So second.

COMMISSIONER TRAPANI: I will second.

COMMISSIONER BOSARGE: All right. We have a motion and second. All in favor, Aye.

(UNANIMOUS, AYE.)

Like sign, opposed. Motion carries.

We do have one public comment. I have got to apologize. I didn't get to Mr. Harold Strong. I don't know if he is still here or not. He is not?

Okay.

All right. Seeing that there is no other business. Do we have a motion to adjourn?

COMMISSIONER GOLLOTT: I make a motion to adjourn, Mr. Chairman.

COMMISSIONER BOSARGE: Do we have a second?

COMMISSIONER HAVARD: I will second the motion?

COMMISSIONER BOSARGE: All those in favor say, Aye.

(SIGNATURE)

COURT REPORTER'S CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF JACKSON

I, CANDACE C. LECHLER, Certified Court Reporter, do hereby certify that the foregoing NINETY-FOUR (94) pages contain a full, true and correct transcription, to the best of my ability, of my stenographic notes and/or electronic recording, of the testimony and proceedings of COMMISSION ON marine resources, on the 17TH day of OCTOBER, 2017.

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

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