COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

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

Commission Members:

Richard Gollott, Chairman

Shelby Drummond, Vice Chairman

Steve Bosarge

Ron Harmon

Also Present:

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

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

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

(Whereupon, the Pledge of Allegiance was recited.)

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

Do we have a motion?

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

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

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

COMMISSIONER GOLLOTT: Mr. Drummond seconded the motion.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next we have approval of the agenda.

Do we have any modifications, or can get we get an approval of the agenda as written?

COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion.

How about a second?

COMMISSIONER BOSARGE: So seconded.

COMMISSIONER GOLLOTT: Motion and second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Next we have the Executive Director's report.

JAMIE MILLER: Thank you, Chairman, a brief report.

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

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

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

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

Thank you. That concludes my report.

COMMISSIONER GOLLOTT: Thank you, Mr. Director.

Next we have Marine Patrol, Chief Davis.

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

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

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

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

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

COMMISSIONER GOLLOTT: Thank you, Rusty.

COMMISSIONER DRUMMOND: Merry Christmas to you.

COMMISSIONER GOLLOTT: Next we have Marine Fisheries, Joe Jewell.

JOE JEWELL: Good morning Commissioners, Counselor Chestnut, Director Miller.

We have several items on the agenda this morning.

First, I would like to give you a quota update on our commercial quotas.

As I reported last Commission meeting, red drum and spotted seatrout closed at the end of October.

Flounder is still open. The commercial quota of flounder is seventy-four thousand. We are at twenty-eight thousand two hundred and thirteen.

We have several items on the agenda. As Rusty mentioned, we have a rather lengthy agenda for December.

I would like to wish everyone a Merry Christmas and a Happy New Year. It's a wonderful time of the year. It doesn't feel like it. We are having such warm weather, but it doesn't diminish the holiday spirit.

Fist on the agenda is Ms. Carly Somerset. She is going to provide an update on our Finfish Otolith Program.

CARLY SOMERSET: Good morning Commissioners,

Director Miller, Ms. Chestnut.

I will give a brief presentation on our collection and processing of otoliths for age determination.

Otoliths are calcareous structures, primarily calcium carbonate, located behind the brain in all boney fishes similar to other vertebrates. Boney fishes use otoliths for spatial orientation and sound detection.

There are actually three otoliths behind the brain, but usually only the Sagitta are collected because they are the largest of the three and the easiest to remove.

This is a picture of the three different otoliths. The largest is the Sagittae, and, then, there is the Asterisci and the Lapilli. They all have similar functions related to sound and spatial orientation.

We collect the Otoliths because they provide an accurate method of age determination, and the use of Otoliths for aging fish is widespread.

Although other hard structures can be used, such as spines, vertebrae and scales, Otoliths are the most accurate because they have a lack of resorption. Once the material is deposited, it remains there. Otoliths are the only calcified structures known to grow in a continuous manner throughout the life of the fish.

Probably the most important aspect of collecting Otoliths is that by collecting many samples for a particular species is useful in providing age structure for determining population size.

With this information from Otoliths, we can estimate growth rates, age at maturity, mortality; all very important in stock assessments.

This is an example of a section taken from a five-year-old spotted seatrout. You can see the rings that are counted. You start from the core, the nucleus, and, then, you move out (indicating photograph). It is similar to counting tree rings.

Otoliths are collected primarily from commercial fish dealers and recreational fishermen. The commercial otoliths are collected based on federal landing notifications, and the recreational otoliths are collected on a scheduled basis from recreational anglers through our Marine Recreational Information Program surveys. Both of these allow us to collect a large number of samples from a variety of species.

This is an example of how otoliths are typically removed. This is a really great picture from a red snapper. You can push the gills back and there's a capsule. You can break through the capsule and remove the otoliths on either side. For larger fish, we usually have

to go through the back of the head.

Our processing procedure. Once they are collected in the field, we bring the samples back to the lab and collect them there. Each one is given a unique number to identify it. That is recorded on an envelope -- I will show you a picture after this -- along with data such as weight and length and where the fish was collected, and, then, the whole otolith is embedded in a plastic cell with a two-part epoxy medium.

The epoxy hardens in an oven and the embedded otolith is cut into very thin sections, using a low-speed isometric saw, and, then, a thin core section is placed on a microscope slide to read. For accuracy, we have three different readers.

This is a picture of the otolith envelope, with all of the corresponding biological data, the plastic cell that the embedded otolith is in. It is cut on the low-speed isometric saw, and, then, the microscope used by each reader to determine the age of the fish.

This is an example of what we can do with age information gathered from collecting otoliths. This is a graph of red drum age distribution and the number of each fish caught at what age.

We collect samples from many different species, but we have a quota for some species. For very important

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

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

Any questions?

COMMISSIONER BOSARGE: I have one.

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

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

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

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

COMMISSIONER BOSARGE: Great. Thank you.

COMMISSIONER DRUMMOND: Do you have plenty of

money, Carly?

CARLY SOMERSET: Sir?

COMMISSIONER DRUMMOND: Do you have plenty of money?

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

COMMISSIONER GOLLOTT: Thank you.

CARLY SOMERSET: Thank you.

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

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

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

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

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

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

The manufacturers of these items pay an excise

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

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

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

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

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

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

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

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

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

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

How do we utilize those funds?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This program is known as the most successful

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

If you have any questions, feel free to ask.

COMMISSIONER GOLLOTT: Thank you very much.

RICK BURRIS: Thank you.

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

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

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

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

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

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

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

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

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

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

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

of two hundred and ninety-eight at Bayou Caddy.

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

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

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

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

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

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

an effort to find more resource.

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

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Okay.

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

COMMISSIONER BOSARGE: I have one question.

JOE JEWELL: Sure.

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

Do we have any of that information?

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

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

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

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

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

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

JOE JEWELL: Our Marine Patrol is charged with

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

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

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

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER GOLLOTT: Joe, excuse me.

JOE JEWELL: Yes, sir.

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

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

JAMES WRIGHT: My name is James Wright.

This season has been pretty tough on the fishermen.

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

JAMES WRIGHT: How is that?

COMMISSIONER GOLLOTT: That's better.

JAMES WRIGHT: This season we opened later than normal and it really puts us in a bind with the algae bloom and, also, we always have rain that starts in December every year and lasts through the middle of January, and, then, back again in April.

I really would like to start seeing the oyster season open a little earlier every year.

The biologists that sampled made us believe that the oysters were all dead that we are working on, now, and they are really good.

Another thing I would like to do is steer clear from using the equipment they are using and maybe think about going with more like what the professionals use because every year I think that they show that we are don't have much and, when they let us go, we always do good.

I went Friday by myself and got my limit tonging in four hours. I mean, it was just as simple as it could be.

Marianne has been really good. That's a good thing. Over the years we have made a lot of money out there. I think we should protect it. Along with it, Telegraph. They used to coincide with each other. I

think we should keep a close eye on those reefs. I think they are making a comeback.

I guess that's it.

COMMISSIONER GOLLOTT: Are you tonging on Marianne?

JAMES WRIGHT: Well, we are right on the line out to the south at the end of the tonging reef. You have the tongers at the end of the tonging reef, and, then, the dredgers right across. It is really healthy on both sides. It is looking really good. There is a lot of fresh spat like he said.

I got my limit by myself in four hours. That is record breaking for me.

COMMISSIONER GOLLOTT: Thank you, James.

JAMES WRIGHT: Thank you.

JOE JEWELL: Next on the agenda is an item that came up with our interaction with the charter for hire industry. They have expressed their concerns about remaining under the jurisdiction of the Gulf Council, and they have expressed that concern both to the DMR staff and to their representative on the Marine Commission, Commissioner Ron Harmon.

With the Commission's permission, I would like to present to the Commissioners, or read into the public record, the Charter For Hire Resolution.

Okay?

COMMISSIONER GOLLOTT: Please do that.

JOE JEWELL: The resolution would read:

"Whereas the Mississippi Commission on Marine Resources, a duly constituted governmental entity created to serve the great State of Mississippi, and whereas said service includes the management and enforcement of any matters pertaining to Mississippi saltwater aquatic life and marine resources, and whereas the Mississippi Commission on Marine Resources acknowledges the contribution to the better of the fisheries of the Gulf of Mexico through significant biological industrial legislative enforcement, or administration activities;

"Whereas the Mississippi Charter for Hire Industry desires to remain under the jurisdiction and management of the Gulf of Mexico Fisheries Management Council;

"Now, therefore, be it resolved in a duly constituted and assembled meeting that the Mississippi Commission on Marine Resources supports the will and desire of the Mississippi Charter for Hire to remain under the jurisdiction and management of the Gulf of Mexico Fisheries Management Council.

"Done and resolved in this duly constituted and assembled meeting, on this the 15th day of December 2015."

COMMISSIONER GOLLOTT: Thank you. I agree with this a hundred percent.

Do I have a motion to approve this resolution?

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

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.

JOE JEWELL: For the final consideration for the Commission --

COMMISSIONER GOLLOTT: (Interposing) Excuse me, Joe.

JOE JEWELL: Yes, sir.

COMMISSIONER GOLLOTT: Clarence Seymour wanted to make a comment on this.

CLARENCE SEYMOUR: Clarence Seymour, Charter Boat SYL Biloxi.

I just want to say thank you for the Commission.

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

Thank you.

COMMISSIONER GOLLOTT: Thank you.

Sorry, Joe.

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

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

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

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

Somewhere around a hundred thousand is where you

can visibly and clearly see it the water column.

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

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

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

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

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

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

and has occurred every day since then.

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

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

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

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

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

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

have in the history of our agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With that being said, I will answer any questions.

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

retail markets right now is safe.

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

Is that correct?

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

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

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

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

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

COMMISSIONER GOLLOTT: Thank you, Joe.

Any questions?

COMMISSIONER DRUMMOND: You can't eat oysters?

JOE JEWELL: Not from Mississippi, right now.

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

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

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

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

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

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

COMMISSIONER GOLLOTT: Anyone else?

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

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

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

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

COMMISSIONER HARMON: Thank you.

COMMISSIONER GOLLOTT: One more thing.

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

Won't that kill the stuff?

We understand that cold water will wipe this

stuff out.

Is that correct?

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

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

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

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

Is that correct?

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

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

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

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

JOE JEWELL: Absolutely.

COMMISSIONER GOLLOTT: Thank you very much, Joe.

JOE JEWELL: Thank you.

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

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

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

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

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

north end of the channel.

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

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

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

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

It is allowable within the General Use District.

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

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

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

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

There have been no off-site alternatives considered.

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

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

DEQ is currently reviewing the project.

Archives and History has not objections.

Wildlife Fisheries and Parks is currently reviewing the project.

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

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

COMMISSIONER GOLLOTT: Any questions?

(No response.)

COMMISSIONER GOLLOTT: Do I have a motion?

COMMISSIONER BOSARGE: I'll make a motion we

accept the staff's recommendations.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second.

COMMISSIONER DRUMMOND: I 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.

JENNIFER WITTMANN: Thank you.

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

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

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

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

The project description. They are asking to

continue maintenance dredging one thousand two hundred feet by twenty feet. Existing depth is two feet below mean line water. The proposed depth is five feet below mean line water. There are approximately five thousand cubic yards of material to be removed, and it will be placed at a DMR Beneficial Use Site on Deer Island.

This is one of two slides showing Davis Bayou and the inlets are marked showing where they wish to do their maintenance dredging. That's slide one, and here is the second slide.

This is a picture of just one of the inlets coming into Davis Bayou.

The project does serve a higher public purpose by restoring safe navigational depths and providing public access to and use of the waterway.

The proposed project is allowable within the General Use District.

Similar projects have been approved by the Commission and this is not expected to have any precedent setting effects.

The project should not have any adverse impacts, other than the loss of benthic organisms. An increase in turbidity is expected during the dredging process; however, conditions will not exceed Mississippi Department of Environmental Quality guidelines.

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

No offsite alternatives have been considered because this is maintenance dredging.

The project will not change the location of the navigation channels and should not affect natural scenic qualities.

The project appeared in the Sun Herald, as required by law. One comment was received from an adjacent property owner concerning potential impacts to his boat slip. The comment period actually ends tomorrow.

As of now, DEQ is reviewing the project.

Department of Archives and History has no objections.

Wildlife Fisheries and Parks is still reviewing the project.

Based on the results of a departmental review and evaluation based on decision factors in Chapter VIII, Section 2, Part I:E:2 of the Mississippi Coastal Program, it has been determined that the project will have significant public benefit. Therefore, staff recommends the Commission issue the requested modification, as long as no objections, or proposed conditions, are received from any agencies.

COMMISSIONER GOLLOTT: Does anyone have any questions?

(No response.)

COMMISSIONER GOLLOTT: Do we have a motion?

COMMISSIONER DRUMMOND: I make a motion, Mr. Chairman, that we accept the recommendation of the staff.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER HARMON: I second that, 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.

JENNIFER WILDER: Thank you.

GREG CHRISTODOULOU: Good morning. My name is Greg Christodoulou. I will be presenting the next item on the agenda for Coastal.

This is a request by the Army Corps of Engineers, Mobile District. It is located at Bayou Caddy, Hancock County, and the use district is Preservation.

The project description is there will be a proposed riprap breakwater a thousand feet in length and

twenty-five feet in width, and, then, there will be a segmented, engineered living shoreline consisting of five segments with each segment measuring approximately three hundred feet in length and thirty feet in width.

Also for construction, there will be an access channel for installation thirty-five hundred feet in length and seventy-five feet in width and a final depth of six feet below mean low water.

Here is a broad aerial of the location marked by the thumbtack, I-10 and Highway 90.

The zoomed-in location here would be the Silver Slipper Casino and the Bayou Caddy site.

This is a restoration site that the Corps has been working on for several years. It was approved in 2006 under the Mississippi Costal Improvement Program.

There are several projects that are involved in this, but for this one it was restoring a heavily eroded shoreline here at Bayou Caddy.

I just kind of threw this slide in here. The yellow line indicates where the shoreline was, in 2007. So this Corps restoration project actually restored this large area located here, and this is the most recent image that we have.

This is a more recent aerial done from a flight recently. The structures here are geotubes which are

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

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

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

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

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

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

Three variances are requested.

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

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

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

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

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

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

precedent.

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

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

Best management practices will be implemented throughout the project.

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

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

living shoreline structure should not affect scenic qualities.

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

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

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

DEQ is reviewing the project.

Archives and History and Secretary of State have no reservations.

Wildlife Fisheries and Parks recommend that best management practices be utilized.

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

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

short. Basically, they are concrete pyramidal shaped structures.

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

COMMISSIONER DRUMMOND: Let's see that, Greg.

GREG CHRISTODOULOU: Sure.

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

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

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

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

COMMISSIONER BOSARGE: Looks good.

COMMISSIONER GOLLOTT: Any more questions?

(No response.)

COMMISSIONER GOLLOTT: Do we have a motion?

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

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER HARMON: I'll second that motion, 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.

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

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

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

The purpose and need of the project was to

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

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

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

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

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

Here's a diagram of the shade structures. As

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

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

The proposed project is allowable within the General Use District.

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

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

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

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

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

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

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

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

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

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

Notification of the project appeared in the Sun

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

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

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

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

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

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

The agent if here, if you have any questions.

COMMISSIONER BOSARGE: I have a question.

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

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

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

they want to put there?

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

COMMISSIONER GOLLOTT: Anybody else?

(No response.)

COMMISSIONER GOLLOTT: Do we have a motion?

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

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.

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

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

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

As you can see, here is Pass Road, Popps Ferry Bridge and the Back Bay of Biloxi (indicating).

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

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

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

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

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

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

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

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

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

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

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

Note that this was on the west side of Popps Ferry Bridge.

On September 11th, 2015, Marine Patrol reported a

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

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

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

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

I will note that when they saw this tug boat dredging this time, it was the same tug boat, but this was on the east side of Popps Ferry Bridge.

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

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

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

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

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

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

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

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

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

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

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

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

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

"I understand, from the owners of the tug boat, that they had some work to do, but the work was performed when they were on the west side of the Popps Ferry Bridge, not on my property.

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

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

back to my dock at my property, when the flatboat they were pulling got sucked under the tug boat. It took the better part of the morning to get the flatboat out.

"There was no wheel wash, or dredging, that took place on my property as the report implies. The dredging, or wheel washing, that the captain is referring to was done on the west side where Mike Brown lives and I'm not sure what property that is.

"As the tugboat was just docked at my property and was not conducting any activities, I do not believe I was in violation of any Mississippi Codes in my property.

"Respectfully, Peter G. Vicari."

On December 10th, 2015, Marine Patrol informed staff, when heading north along the east navigational channel of Popps Ferry Bridge, you can see dirt on a low tide and that that has been pushed into areas of the Bay. This appears to be caused from the wheel wash of the tugboat. Officers have also heard concern from local fishermen who have run aground in areas that were previously accessible, since the tugboat conducted dredging in this area.

On December 10th, 2015, staff called the Louisiana Department of Natural Resources and spoke to a woman with the Permitting Office. She said wheel wash is authorized as a form of dredging in certain areas of

Louisiana, but it is still a regulated activity that requires a permit.

A violation was discovered on September 11, 2015. The violation duration up to today has been ninety-six days. The maximum potential fine for residential is forty-eight thousand dollars, and the maximum potential fine for commercial is nine hundred and sixty thousand dollars.

Staff is recommending a fine be issued to Peter G. Vicari in the amount of five thousand dollars, and a fine issued to Coastal Marine Contractors, LLC, in the amount of ten thousand dollars.

These were our decision factors:

Mr. Vicari's previous application was denied for lack of information, and he was aware a permit was needed to conduct dredging activities.

The boat captain was advised by Marine Patrol officers to stop the dredging operation and to visit the Office of Wetland Permitting to apply for a permit, and no application was received for the dredging.

The officers that spoke to the tugboat captain at Mr. Vicari's property are here, if you have any questions for them.

Mr. Vicari said he was not going to be able to make it today, but I believe Mr. Warriner with Coastal

Marine Contractors is here, if you have questions for him, or if he would like to make a statement.

COMMISSIONER GOLLOTT: Please approach the mike and state your name.

TRAVIS WARRINER: I'm Travis Warriner with Coastal Marine Contractors, and we had talked to Mr. Pete about wheel washing his slip and on the side of his slip and in front and his neighbor's slip.

When we arrived there the week before, or two weeks before the incident where they were asked to stop, we showed up and the tide was about two foot above normal tide which we couldn't do any wheel washing because it would have made no point. We drove right over what normally you would run aground at. That's why we came back two weeks later.

When they were asked to stop dredging on the east side of the bridge, they came back to Pete's house to tie up. Now, we didn't run aground there. Like he said, they sucked the flatboat underneath. The stern rope got caught in the wheel. That's what they were doing that night.

We didn't go back to wheel washing. We were going back to Pete's house to tie up which, then, in turn, the next morning head back to Louisiana.

When they asked us to stop, we didn't continue.

We did leave.

Pete is the one who called me and said the Corps of Engineers recommended to him to do Cajun dredging which is the wheel washing, since he couldn't get his permit and that, after dealing with one of the companies, it would be too expensive to bring a crane in for excavation. That's where he ended up asking us to do the wheel washing.

COMMISSIONER GOLLOTT: I'm a little confused.

Why were you on the east side, and, then, on the west side?

TRAVIS WARRINER: Looking for more work. Driving around for more work. People has seen us there and wanted us to do more.

COMMISSIONER DRUMMOND: More dredging?

TRAVIS WARRINER: Yes, sir. They wanted us to come and do their docks, and we couldn't get to the....

COMMISSIONER DRUMMOND: What is your name, sir?

TRAVIS WARRINER: Travis Warriner.

COMMISSIONER DRUMMOND: Travis?

TRAVIS WARRINER: Yes, sir.

COMMISSIONER DRUMMOND: Ten thousand dollars is a lot of money.

Have you got that much money?

TRAVIS WARRINER: I don't want to spend it on fines.

COMMISSIONER DRUMMOND: Didn't you realize that you didn't have a permit to do this?

TRAVIS WARRINER: Not for the wheel washing part. It's for his dock. I'm not making, or creating, a new channel. I'm going through something that was previously there. I'm not, you know, digging a whole new channel. It has been there for years. It silts in.

COMMISSIONER DRUMMOND: Have you ever had the law tell you ignorance is no excuse?

TRAVIS WARRINER: Yes, sir.

COMMISSIONER DRUMMOND: Well, you did a sin back last month, I guess.

Do you want to get penalized for it?

TRAVIS WARRINER: No, I don't. That's why I'm here to try to explain, or if we can work it out. I don't know.

COMMISSIONER GOLLOTT: Anymore questions for this gentleman?

(No response.)

COMMISSIONER GOLLOTT: Since Mr. Vicari is not here, and Mr. Vicari was the one that knew he had to have a permit....

CHRIS PICKERING: We've got one more recommendation.

COMMISSIONER GOLLOTT: Okay. Go ahead and give

it to us.

CHRIS PICKERING: Because there have been reports that, since they wheel washed, there have been some low areas that have been called in by fishermen that these low areas were not previously there, we would like to make a recommendation that they have to go in and put it back where it was before.

COMMISSIONER GOLLOTT: How would they do that?

CHRIS PICKERING: Well, they are going to have use the equipment that is in our General Permit Guidelines. They wouldn't be able to do it by wheel wash again.

COMMISSIONER GOLLOTT: Do they have the equipment, or is that something they are going to have to acquire?

TRAVIS WARRINER: I don't understand what he wants.

I mean, how would you want to put it back?

CHRIS PICKERING: Basically, by mechanical means. You would have to go in with a trackhoe, or something, off a barge and put it back.

TRAVIS WARRINER: How much do they say is moved?

CHRIS PICKERING: That's one thing we have no idea how much material was moved.

TRAVIS WARRINER: The spot that was done was in

front of the -- there was one low spot in front of the three docks, and, then, there was one in front of his that we dealt with. All three people in that area were in agreement of this. I didn't just show up over there and start wheel washing. They had three houses; one low spot during this high tide. We got through that which is basically just driving over it.

Just like any flatboat, or person would dig their slip out by reverse and forward, it just blows the silt out. You are not actually moving material that has been there. This is just from your normal currents that carry silt in and out.

The channels were already there from the bridge being built back in the day. They had the crane and tug go to their dock before, back then. It was already a six-foot, or seven-foot, channel. The tug draws four-and-a-half feet.

You can't really move a lot of material with it. It's just what is underneath the boat.

COMMISSIONER GOLLOTT: The second proposal that you had, going back in there, could do more damage than what is there, now, is my concern.

Ms. Willa, do you want to say something?

WILLA BRANTLEY: We are just talking about the few little high spots that people have called in to

complain to Marine Patrol about, that they have gotten stuck on.

The material that he washed out of the channel that he says existed had to go somewhere. Obviously, it has moved into those areas that used to be deeper areas that were okay for boats to go through without getting stuck, and, now, people are getting stuck where they are not expecting to.

We just found out about this last Thursday afternoon, when we did our review of this and the Marine Patrol officers were able to attend.

We don't have any specific areas. We can get Marine Patrol to help us.

COMMISSIONER GOLLOTT: Can we table this until January and let's get a chance to really look at this thing and get an estimate on what we are looking at and how much damage was done?

Wheel wash is usually dispersed in the current, unless it piles up.

WILLA BRANTLEY: Right. That is kind of what we thought which is why we didn't originally, in the writeup, put any restoration in. We didn't think there were any areas, until Thursday afternoon when we heard from Marine Patrol that there were some low spots.

We can definitely table this. There is no time

limit on when a decision has to be made, and possibly the property owner could be here next month as well.

COMMISSIONER GOLLOTT: Do any of the rest of you want to say something?

COMMISSIONER DRUMMOND: Travis, please don't do this again in Mississippi, would you?

TRAVIS WARRINER: Yes, sir.

COMMISSIONER GOLLOTT: I make a motion that we table this until January.

Do I have a second?

COMMISSIONER DRUMMOND: I 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.

CHRIS PICKERING: Thank you.

WILLA BRANTLEY: My name is Willa Brantley, and I have the final presentation for Wetlands Permitting.

This is a Petition for Reconsideration of the permit that was issued to Mississippi Department of Environmental Quality at last month's Commission meeting.

Just a reminder, the location is in the Mississippi Sound south of the Hancock County marshes, extending from the Pearl River to approximately four miles northeast of Heron Bay and it includes some work within Heron Bay. It is south of Ansley in Hancock County.

It is in the General Use District and Preservation District; however, those were changed, at last month's meeting, to a Special S6 District for restoration projects.

The agent is Covington Civil and Environmental, LLC.

COMMISSIONER DRUMMOND: Excuse me, Willa.

Mr. Chairman, could we take a break?

COMMISSIONER GOLLOTT: If it is okay with Willa.

WILLA BRANTLEY: I don't mind.

COMMISSIONER GOLLOTT: Let's take a ten-minute break.

(Whereupon, a short recess was taken.)

COMMISSIONER GOLLOTT: I would like to call this meeting back to order.

Go ahead, Ms. Willa.

WILLA BRANTLEY: Again, this is a Petition for Reconsideration of the permit that was approved for the Mississippi Department of Environmental Quality last month.

It is located in the Mississippi Sound in Hancock County south of Ansley, and the use district was changed last month from the General Use District and Preservation District to an S-6 District for restoration projects.

The agent is Covington Civil and Environmental.

A short project description. We've got a structure that serves as a breakwater and a high profile reef that is approximately six miles in length. We've also got approximately forty-six acres of marsh creation and forty-six acres of submerged reef creation within Heron Bay.

This project was approved on November 17th, 2015, along with a requested variance to the Coastal Program and the Coastal Wetlands Use Plan change that I mentioned.

On December 1st, 2015, Mr. Chris Lagarde filed a petition for reconsideration of the Commission's decision, asking to revoke the permit.

Title 22, Part 15 covers petitions for reconsideration. It requires that the petition shall state specifically the points of law, or facts, which the party requesting the reconsideration believes the Commission overlooked, or misapprehended.

This petition had four points.

The petitioner stated that the total impact of

the project, from Bayou Caddy to the Pearl River, was overlooked.

He asked whether the Commission had reviewed the Master Plan for the Beneficial Use of Dredged Material on Coastal Mississippi, and he stated that based on the current permitted project, the site would not allow for future placement of dredged material.

He also stated that neither the project team nor the Commission considered moving the proposed living shoreline project footprint out to the 1953 historic shoreline within the Hancock County Coastal Preserve. He says that if this were done, it would provide the opportunity to restore several hundred acres of tidal marsh that have been lost to coastal erosion.

He also states that there was no mention of the proposed Corps Bayou Caddy project at the mouth of Bayou Caddy which is currently out for public comment, and that project that he was referring to was the one that Greg presented earlier.

At this point, the Commission has four options for actions you can take.

You can make a final disposition of the petition by either granting, or denying, the requested action without further argument.

You can request a response from DMR, prior to

making a final disposition.

You can set the matter for an evidentiary hearing.

You can make a further order as you deem appropriate under the circumstances.

I do have a response prepared. You received that in your writeup a couple of weeks ago, but, if you would like me to go through that, I will.

At this point, we will need a motion as to which of these four options the Commission chooses.

COMMISSIONER GOLLOTT: Willa, I know Chris Lagarde didn't state that he wanted to make a public comment, but I think it would be fair to invite him to come talk, if he wants to, before we go through your response.

WILLA BRANTLEY: Okay.

COMMISSIONER GOLLOTT: Would you like to talk, Chris?

CHRIS LAGARDE: Good morning. I really don't know else to say because I've said it, probably, in five public hearings and written it numerous times.

I'm not opposed to the project. I think we have an opportunity here to really restore some marsh as the Restore Act which most of this BP money is coming through was named.

The seven million cubic yards of dredge material that is available, or that will be available, I believe will be available from the Gulfport turning basin is certainly something that I don't think we considered.

Right now, as I understand, they are talking about maybe putting that out in the Biloxi Marsh which I don't have an opinion on, but it just seems to me that we ought to be looking at these projects, the total cumulative impacts of these projects.

We've got the Corps project which I had no idea was that far along on the permitting process. There is nothing I can do about that, I understand, the one that was approved this morning.

The Port of Gulfport project, I went to the meeting last week, and the comment period for that was over yesterday.

It seems like we are doing these projects in isolation, and we are not really considering everybody.

The material from the Port ought to be on the table. This Corps of Engineers, I believe, should have been on the table.

Years ago when the casino industry first came here I remember one of the big things about wetlands is you had to do a cumulative impact. You couldn't get something permitted and come back in and permit a parking

lot, and, then, come back in and permit something else. You had to say what the full project was going to be.

Again, we need to restore that shoreline, and I'm not opposed to that. I think we have to do that. We've got Port Bienville just to the north of this.

I don't have problems with putting the culture materials at Heron Bay. If you put oysters there, you are going to have to deal with the pirates because they will go in there and get them, and I'm not saying I blame them.

I don't have a problem with the forty-six acres of marsh creation inside Heron Bay, but, if you could get a chart and look at the 1953 line, I understand going out to 1953 might be a bit far, but we have lost a lot of that shoreline.

I'm just going to say this, to draw the line three hundred feet offshore, or whatever it is, and say this is it and we restore it, we really haven't restored much at all.

That's why I filed this petition.

COMMISSIONER GOLLOTT: One of the things, Chris, I understand is, yes, if we would go back to 1953, we would also lose a lot of prime oyster grounds that have been created by this marsh eroding in that particular area. I understand there are some good oyster grounds in there.

CHRIS LAGARDE: Well, I keep getting mixed answers on that. I know that there wasn't a lease on that property, but it seems to me that there is certainly enough water out there to go out and extend further than we are going. I mean, from what I see, we are not restoring much of anything that we lost.

With the Corps this morning, we have kind of lost sight of the fact that that geotube was that first barrier that they put up years ago, in 2010, and, now, they are coming back in to put something up to protect it, and I'm concerned that we are going to end up being in the same boat, but we are going to run out of money.

The Corps has got money, I guess, because they were able to do this, but, once we put this rock down, I don't see us coming back and trying to make a better project out of it.

COMMISSIONER GOLLOTT: Thank you, Chris.

COMMISSIONER DRUMMOND: Chris, what about the Gulfport turning basin?

Can you put that spoil in there, do you think?

CHRIS LAGARDE: Well, that's what I'm saying. I wasn't aware that there is going to be seven million cubic yards of material available.

That Corps project that y'all just voted on, it is going to allow for one hundred and forty thousand cubic

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

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

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

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

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

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

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

some portion.

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

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

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

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

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

CHRIS LAGARDE: I hope so.

COMMISSIONER BOSARGE: I mean, we've all got

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

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

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

Are y'all aware of that?

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

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

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

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

Anyway, I have taken enough of your time.

COMMISSIONER GOLLOTT: Thank you, Chris.

Let Willa go ahead and give us a response.

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

Do you see what I'm saying?

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

CHRIS LAGARDE: Seven million cubic yards of dredge material.

COMMISSIONER BOSARGE: And we all have opinions.

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

Thank y'all.

COMMISSIONER GOLLOTT: Thank you, Chris.

COMMISSIONER DRUMMOND: Thank you, Chris.

COMMISSIONER BOSARGE: I would like to make a

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

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

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

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

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

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

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

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

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

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

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

WILLA BRANTLEY: Yes, sir.

COMMISSIONER GOLLOTT: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

that far.

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

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

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

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

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

Do I have a second on that motion?

COMMISSIONER DRUMMOND: I'll second the motion, 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.

WILLA BRANTLEY: Thank you. That concludes Wetlands permitting.

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

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

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

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

ALI LEGGETT: Great. Thank you.

COMMISSIONER GOLLOTT: Finance.

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

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

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

Any questions?

COMMISSIONER GOLLOTT: No questions. Thank you.

JAMIE MILLER: Kacey, I've got one.

KACEY WILLIAMS: Yes, sir.

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

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

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

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

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

are still on course for a January report.

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

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

JAMIE MILLER: Thank you.

KACEY WILLIAMS: Thank you.

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

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

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

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

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

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

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

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

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

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

we received.

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

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

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

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

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

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

For our managed projects -- these are usually

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

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

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

Any questions?

(No response.)

SONJA SLATER: Thank y'all for your time.

COMMISSIONER GOLLOTT: Thank you.

Are you ready, Ali?

ALI LEGGETT: Yes. I apologize for that delay. My presentation didn't make it down here.

COMMISSIONER GOLLOTT: That's fine.

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

Today we are presenting changes to Title 22 Part

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

These two images show areas, one is from Deer

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

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

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

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

to keep people from accessing.

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

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

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

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

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

It also outlines, in Chapter four, that there is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wildlife Fisheries and Parks and the U.S. Fish and Wildlife service, the restrictions that they place on their natural lands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We educate users and visitors on the correct

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

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

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

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

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

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

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

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

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

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

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

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

ALI LEGGETT: No, that is not saying that.

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

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

COMMISSIONER GOLLOTT: Thank you.

ALI LEGGETT: Any other questions?

(No response.)

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

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

COMMISSIONER GOLLOTT: To go out for intent.

ALI LEGGETT: Public comment.

COMMISSIONER BOSARGE: I have a question.

COMMISSIONER GOLLOTT: Go ahead.

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

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

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

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

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

in the Pascagoula River area, there is an avenue to do that?

ALI LEGGETT: Yes, sir.

COMMISSIONER GOLLOTT: We need a motion to go out for Notice of Intent.

Do we have that motion?

COMMISSIONER BOSARGE: I'll make a motion that we take this out for public comment.

COMMISSIONER GOLLOTT: Do we have a second?

COMMISSIONER DRUMMOND: 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.

Ali, thank you for your time.

ALI LEGGETT: Thank you.

JAMIE MILLER: Sandy, just to be clear, are you comfortable with the motion?

Steve made a motion to go out for public comment, but it was understood that we are going out for Notice of Intent that would trigger the public comment period.

SANDY CHESTNUT: Yes, that's fine.

JAMIE MILLER: I just wanted to make sure so that we don't get hung up with the Secretary of State somewhere.

COMMISSIONER BOSARGE: If I need to amend it, I will.

JAMIE MILLER: I think we're fine.

COMMISSIONER GOLLOTT: Next we have Melissa.

MELISSA SCALLAN: Good morning Commissioners, Director Miller, Ms. Chestnut.

Since the last Commission meeting, the agency was mentioned forty-two times in local, state and national media.

Some of the most popular items were oyster season, the rescue of two men whose boat capsized in the Mississippi Sound in Pass Christian, an announcement of fifty-four million dollars in economic development money for Mississippi, an update on the Deer Island Pier and, of course, the Red Tide that we are currently talking about.

Other parts of the agency participated in events. Marine Patrol participated in the JZ94.5 Kids Safety Day at Lynn Meadows Discovery Center in Gulfport, they also participated in Pathways to Possibilities at the Coast Coliseum and there were six thousand eighth graders who passed through there and heard about Marine Patrol, as

well as Career Day at Pass Road Elementary.

The Grand Bay NERR held several events this month, including a winter birding cruise, and they were a host to the annual Star Party this past Saturday. They also participated in Christmas in the Pass and the Sandhill Crane Refuge Festival.

Any questions?

COMMISSIONER BOSARGE: I like the commercials promoting the Mississippi seafood.

MELISSA SCALLAN: Yes, definitely.

Thank y'all.

COMMISSIONER GOLLOTT: Do we have any other business?

(No response.)

COMMISSIONER GOLLOTT: Now, we move to public comments. Jennifer Wittmann.

JENNIFER WITTMANN: Jennifer Wittmann. I'm with Christmas on the Bayou, and I just wanted to take the opportunity to publicly thank Marine Patrol for once again supporting our parade. We had six officers who helped.

We had over fifty-eight boats in our parade this past Saturday night. We had boats from all across the Coast, as well as Slidell and Dauphin Island. There were a lot of boaters, and everyone is familiar with Bayou Bernard.

Our Marine Patrol officers, along with Harrison County Sheriff's Department and City of Gulfport Marine Unit, made sure that everyone made it through safely and we had no problems.

Again, we appreciate the support of Chief Davis, and thank you.

COMMISSIONER GOLLOTT: Thank you, Jennifer.

Next we have James Miller.

JAMES MILLER: My name is James Miller. I have been a Coast fisherman all my life.

Earlier when you were talking about the Red Tide, when you used to address the public if they had any comments about it, you didn't call me to address it, and that's what I was here for.

I think our agency is downplaying what is going on out here in our Sound and Gulf of Mexico. I definitely know we've got a problem. I'm out of work again.

We've got a problem with this Red Tide. Now, it's causing rash, illnesses, and throat problems. Now, it's on the oyster reefs again.

This ain't the Red Tide, people. This is dispersants and oil that is coming out of our Gulf that is being blown in with the southeast wind.

I have brought a lot of people out on my boat voluntarily and they said, in years to come, we would have

these problems, and they are here, and I think we are downplaying them.

I think BP has paid us enough money not to push the issue of what our problems are with this bacteria, but it's here and it's affecting my livelihood.

Here again, I'm out of work and it's Christmastime. We've got some oil plume, or whatever y'all want to call it, algae bloom coming out of the Gulf in our Sound.

What is it going to do to our oyster season again?

It's critical. I'm sitting here discouraged and thinking there's a problem on this Coastline. We've got dead fish and dead birds. Now, you are telling us we've got a problem. We can't swim in the water. The seafood is good to eat.

Well, I just got told by my boss yesterday he didn't want to buy no shrimp from me, if I went out and caught them. I was going shrimping yesterday. I wouldn't have been here, if he had said he would have bought my shrimp. He told me he didn't want anything to do with them. I said, well, I won't be going out.

When you've got somebody telling you they don't want to buy the product that comes out of the Sound, or out of the Gulf, something is wrong.

Again, who is going to take care of my bills?

I am put out of work. BP is not going to pay us. This State right here has got a lot to learn, and we've got more problems to come in the future than what we are having right now.

We are not going to stop what is happening, coming from our Gulf. I promise y'all. Our problems got caused in 2010. I was sick twenty-four months from it, deadly sick in the hospital, and it's here now, again, and I just can't believe our agency is downplaying it as it is just a Red Tide.

Like I said, I argued with Joe Jewell a couple of days ago. This is a serious issue. If we can't catch our seafood and put it on the public, it ain't safe to eat. That's the way I look at it.

COMMISSIONER GOLLOTT: Mr. Miller, you time is up. Thank you, sir.

JAMES MILLER: I bet it is, Mr. Gollott.

COMMISSIONER GOLLOTT: With all the business completed, do we have a motion to adjourn?

COMMISSIONER DRUMMOND: I make a motion we adjourn, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion.

Do we have a second?

COMMISSIONER BOSARGE: I'll second the motion.

COMMISSIONER GOLLOTT: All in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Adjourned. Thank you.

(Whereupon, at 11:40 o'clock, a.m, the December 15, 2015, 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 December 15, 2015, 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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