

Compressed Transcript



COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

May 17, 2011

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May 17, 2011

 TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
 BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW
 AVENUE, BILOXI, MISSISSIPPI, ON THE 17TH DAY OF MAY 2011
 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER
 SOROE, CERTIFIED SHORTHAND REPORTER.

COMMISSION MEMBERS PRESENT:

DR. VERNON ASPER, Chairman
 RICHARD GOLLOTT
 SHELBY DRUMMOND
 STEVE BOSARGE
 JIMMY TAYLOR

ALSO PRESENT:

DR. WILLIAM WALKER, Executive Director DMR
 JOSEPH R. RUNNELS, ESQ., Asst. Attorney General
 SANDY CHESNUT, ESQ., Asst. Attorney General

1

1 is approved.

2 D. Public Comments

3 DR. ASPER: Now, the public comment period, the
 4 main rule here is you have to fill out one of those forms. So
 5 if you're planning to speak at all during the meeting, please
 6 fill out one of the forms, and then we'll bring you up here.

7 Okay. We'll start with Mark -- how do you say
 8 your last name?

9 MR. KOPSZYWA: Kopszywa.

10 DR. ASPER: Please come to the podium and state
 11 your name.

12 MR. KOPSZYWA: Mark Kopszywa, commercial
 13 fisherman.

14 I just wanted to urge the commission that when
 15 the shrimp season does open here at the east end of Deer
 16 Island-Biloxi Bay that the line goes back to the original
 17 Beacon 26 instead of stopping at Beacon 18 like y'all done for
 18 the last five, six, seven years. Just bring it back to where
 19 the Mississippi Code says it goes to.

20 And that's my only statement on that.

21 I may have a comment later on with the shrimp
 22 season.

23 DR. ASPER: And was there another one back
 24 there?

25 We just like to keep these on our record so we

3

1 A. Call to Order

2 DR. ASPER: Good morning. I'd like to welcome
 3 everybody to the regular May meeting of the Mississippi
 4 Commission on Marine Resources. Great to have everybody here.

5 If you are just coming in and if you are
 6 interested in talking in the public comment section, please
 7 fill out a form. We're going to be strictly enforcing our rule
 8 this time that you need to fill out a form.

9 B. Approval of Minutes Commission Meeting - April 19, 2011

10 DR. ASPER: The first item is the approval of
 11 the minutes. Are there any corrections to the minutes? Or is
 12 there a motion to approve as distributed?

13 MR. DRUMMOND: So moved.

14 DR. ASPER: Is there a second?

15 MR. BOSARGE: So seconded.

16 DR. ASPER: Those in favor say aye. The minutes
 17 are approved.

18 C. Approval of Agenda

19 DR. ASPER: We have an agenda before us. Are
 20 there any changes to the agenda? Is there a motion to approve
 21 the agenda?

22 MR. DRUMMOND: So moved.

23 DR. ASPER: Is there a second?

24 MR. GOLLOTT: Second.

25 DR. ASPER: Those in favor say aye. The agenda

2

1 know who was here and all that stuff.

2 Manny Skinner.

3 MR. SKINNER: My name is Manny Skinner. I'm a
 4 commercial oysterman.

5 I want to thank the committee for opening this
 6 ten days up for us, last 12 days. We caught a few oysters, and
 7 it kind of helped us out quite a bit financially.

8 And I want to thank Gordon, Mr. Gordon, and
 9 Bradley for getting on board with this new Katrina reef we're
 10 fixing to build out here in Biloxi.

11 I would like to suggest that sometime in this
 12 early summer that we transport some of these oyster shells that
 13 we're going to put in Pass Christian and that's on hold now
 14 because of the spill, maybe bring a couple of bargeloads of
 15 those shells down here where this new reef is going to be put
 16 and this new jetty is going to be put at and build a bed in
 17 there so we can put these oysters on top of them and they will
 18 grow.

19 I feel like if we don't put a bed in there, put
 20 some shells in there for these oysters to grow on, and if we go
 21 out there and dredge some oysters out of the bay and take them
 22 around there and just dump them out, they're most likely all
 23 going to die.

24 So that's my suggestion today. I feel like
 25 probably Mr. Joe Jenkins would appreciate that idea because

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1 he's sitting on a mountain of shells down there, and he can't
2 move none of them. And they tell me he's done put a half a
3 million dollars in this program, ain't got a dime out of it.

4 So I feel like he'd probably appreciate bringing
5 a bargeload or two.

6 And another thing, this new jetty that they're
7 going to put in on the outside with the pilings that come from
8 these old bridges, they -- Mr. Cuevas is doing a great job on
9 that. I talked to him earlier a few weeks ago. And he's right
10 on top of that game. And I think the way they're going to do
11 it is going to help the oyster reef a whole lot.

12 And if we could get these shells in there before
13 they put the jetty in -- the water is not that deep in there.
14 I think somebody told me that right where the jetty is is about
15 nine foot of water. And you take a bargeload of shells, it's
16 going to take nine foot or ten foot of water on a good high
17 tide to go in there and blast them shells off of there and make
18 that reef.

19 So I would suggest let's try to get these shells
20 in there and make that oyster reef or oyster reefs before they
21 actually put the concrete jetty in there because I feel like if
22 they put the concrete jetty in there, you're going to tube lock
23 yourself. You're not going to be able to get in there with a
24 big barge and put them shells in there.

25 All right. That's all I got. Thank you.

5

1 DR. ASPER: Thank you.

2 All right. I believe that's all the public
3 comments. We'll move on to the executive director's report.

4 E. Executive Director's Report

5 DR. WALKER: I don't have anything this morning,
6 Mr. Chairman.

7 DR. ASPER: Then on to marine patrol.

8 F. Marine Patrol

9 2. Marine Patrol Report

10 MR. CHATAGNIER: Good morning, Mr. Chairman,
11 commissioners, Dr. Walker, legal.

12 And you can see through the marine patrol
13 report, there's really nothing unusual about it.

14 We did some public outreach and helping the
15 cities with Black Spring Break. And we've been doing a lot of
16 these boating safety and passing out pamphlets at Wal-Mart.
17 Wal-Mart seems to be wanting to have these safety days and such
18 so we're going around doing that.

19 Our JEA patrol, the wind has been howling pretty
20 good for the last month I guess, and patrol might be down a
21 little bit. We had 30 patrols with 183 contacts.

22 Something I'd like to tell you happened last
23 night about some of your officers what they did. They actually
24 responded to a capsized sailboat last night just at dark. One
25 person ended up making it to shore, which is probably the wrong

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1 thing to do. You're always supposed to stay with the boat.
2 The other guy got swept away. He had already made it like
3 seven-tenths of a mile, the wind had blew him out.

4 And the officers found this guy and got him in.
5 He was in the water maybe an hour and a half. So I contribute
6 them to really saving this guy's life as cold as it was. Did a
7 good job.

8 MR. TAYLOR: I looked at the tickets every time
9 we're doing it, and I notice there's several here no boat and
10 water safety card.

11 And I know that the law is you got to have a
12 little card in your boat. Is that a statute that the state
13 enacted, or do you know, or is it something we did?

14 MR. CHATAGNIER: Yes, it's statute. It's in the
15 statute that they have to have -- in the boat and water safety
16 regulations for the state, that they have to take the class,
17 they're supposed to have the card present.

18 Some of these citations could be because they
19 didn't have the card present, just like driving without a
20 driver's license. And some of them it's probably the people
21 didn't take the class yet.

22 MR. TAYLOR: I guess maybe I misunderstood.
23 What I'm talking about is a little boat card, your registration
24 card, which you've got, too.

25 MR. CHATAGNIER: Okay. The blue, yeah, that's

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1 also statute, too. Any time that vessel is in the water, that
2 card has to be in that boat regardless of who is using it.

3 MR. TAYLOR: Okay. Thanks.

4 DR. ASPER: Anything else? Thanks very much.

5 Move on to fisheries. Dale.

6 G. Marine Fisheries

7 MR. DIAZ: Good morning, Dr. Asper,
8 commissioners, Dr. Walker, Ms. Chesnut.

9 I'd like to mention just a couple of things
10 before I start calling the staff up.

11 One, I wanted to let you know that the
12 artificial reef bureau has been working in conjunction with the
13 Mississippi Fishing Banks. And they have done 14 deployments
14 of concrete culverts. Altogether, they've put out about 3,000
15 culverts out on FH-13 which is south of Horn Island.

16 I want to thank Commissioner Taylor. He
17 actually rode out to the staging site with us one day. It's
18 pretty impressive to see how many culverts were out there. I
19 mean, it's a mountain of culverts.

20 So this is something that helps our offshore
21 reef and builds habitats.

22 I'd also like to thank the City of Gulfport and
23 the City of D'Iberville. They have been very cooperative in
24 donating most of these culverts to us. And without getting
25 these things, you know, people being eager to donate them to

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1 us, it would be hard for you to acquire that much material and
2 get it out for the price we're able to do it.

3 So we appreciate their help.

4 And I did want to let the commission know that
5 the contractor has started tearing down the old fishing bridges
6 in Biloxi Bay. We talked about that at the beginning of the
7 commission meeting last time. They are starting to tear it
8 down, but they'll probably start putting the material out on
9 the reef sometime later this week. So that is in progress, and
10 it's moving forward. And we're working in conjunction with
11 that contractor with other folks that's making it happen.

12 Scott is going to do a presentation later about
13 the Bonnet Carre Spillway. But I did want to mention to the
14 commission that we have started collecting baseline samples
15 ahead of the fresh water making it into the Mississippi Sound.

16 We're basically doing the same sampling routine
17 that we did ahead of the 2008 spillway opening. So we're
18 collecting oyster dredge samples, oyster square meter samples,
19 water quality samples which includes a host of parameters.

20 We do have some constant recorder instruments
21 that we're going to put out, some beta signs that we didn't put
22 out last time, to monitor what's happening with the salinity
23 and temperature in some areas that we don't have constant
24 recorders already at.

25 And we're doing a few other things. But we are

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1 on top of it, and we are getting some baseline samples, and
2 we're going to monitor this event before, during, and after.

3 With that, first up for marine fisheries, Traci
4 Floyd is going to do a shrimp season update.

5 3. Shrimp Season Update

6 MS. FLOYD: Good morning, Mr. Chairman,
7 commissioners, Dr. Walker, and Sandy. I'm Traci Floyd, shrimp
8 and crab bureau director, and this is the shrimp season update.

9 This is a map of Mississippi inshore and
10 territorial shrimping grounds. And as we do annually every
11 year, we close north of the Intracoastal Waterway, this year
12 January 15. And south of the Intracoastal Waterway, April 30.

13 This is a listing of 2010 shrimp openings and
14 precautionary closures for DEEP WATER HORIZON. You may recall,
15 we had a partial opening on June 3. We had partial closures
16 throughout the summer, and on July 1 we closed all waters to
17 shrimping. We reopened partially on July 30. And all waters
18 reopened to shrimping on August 6.

19 In this you can see the landings we had for
20 2010. We had four million pounds. And these landings are for
21 shrimp with heads on.

22 For 2010 what we saw was about half of what we
23 have been seeing every year since Katrina, which is between
24 eight and ten million pounds for landings, which is about half
25 of what we saw before Katrina.

10

1 But we see that decline. And our landings so
2 far for 2011 are preliminary, but about two million pounds.

3 This is another look at -- another way to look
4 at effort in the fishery. And this is shrimp license sales.
5 You can see since Katrina we have a little more, a little less
6 than 500 resident commercial shrimp licenses sold. Prior to
7 that, we were over a thousand. So you see that decline.
8 That's also with our out of state licenses, as well.

9 So far for 2011 since April 1 when we renewed
10 our licenses, we sold 316 resident commercial shrimp licenses.

11 But that decline you see -- and also I forgot to
12 mention on the last slide, but we had so many in our fleet were
13 active in the BP Vessels of Opportunity program, so that
14 contributed, as well as the closures, to the lower activity in
15 the fishery last year.

16 Another look at effort is the shrimp vessel
17 count on opening day where we fly over in an airplane and
18 actually count the number of boats working. And you can see
19 since Katrina, 300 in 2009 down to 230. And that's well below
20 the 1,000 you saw back in 2003.

21 For 2010 as I said, it was a partial opening.
22 Many in our fleet were working in the VOO program. But we did
23 have a very low number last year, and we were not able to fly
24 over due to weather concerns so our friends in marine patrol
25 gave us that count.

11

1 Another look at this industry over the last few
2 years. In August of 2005, we had 76 seafood dealers and
3 processors. As we rebuilt after the storm, we were down to 47.
4 May of last year, we were up to 62 again. And currently, we
5 have 48. And 17 of those are actual shrimp dealers and
6 processors.

7 A look at Biloxi Bay water temperatures. We're
8 comparing this with the past few years. The yellow bar is
9 2011. 2010 is green, and 2009 is blue.

10 This temperature is shown in deviations from 68
11 degrees Fahrenheit, that's that line right there. And we
12 measure from that line because that's the temperature at which
13 the shrimp really begin to grow. So that's what we're looking
14 for.

15 And as you can see in 2011 in April and through
16 May, we had very warm waters, very conducive to shrimp growth,
17 and we're glad to see it. So that's good news there.

18 Biloxi Bay salinity comparison. Again, we are
19 measuring from the optimum level. In this case, it's
20 deviations from ten parts per thousand. And you can see in
21 January and February of this year, the yellow bar, we have very
22 high salinity, a bit lower in March and April, but still above
23 that line, but ten parts per thousand, so good news there, as
24 well.

25 Rainfall for Biloxi Bay. As you know, we have

12

1 had very little rainfall this year. And again, that
2 contributes to higher salinities and what we want to see for
3 our shrimp growth.

4 A look at post-larval samples. We had a peak at
5 the end of February which was a little bit early. We had 800
6 in that count on that day. And we continue to see good
7 abundance in our samples for an average to possibly above
8 average year based on current conditions.

9 This is a look at those post-larval shrimp
10 numbers, brown shrimp numbers, compared to the last three
11 years. This red line at the top is the current year 2011. As
12 you can see, we're well above the numbers we have seen for the
13 last three years.

14 But I would point out that post-larval numbers
15 are not typically a good indication of what the season will
16 look like. Although we're happy to see those, conditions will
17 change and will definitely change this year, at least in some
18 of our waters.

19 Dale already mentioned that we will be doing
20 additional sampling, so I just wanted to point that out. We'll
21 be looking at how that affects the shrimp population, as well.

22 Also, we continue our seafood safety sampling.
23 And in the past year, we have collected and sent to be tested
24 91 shrimp tissue samples, and none of those have come back
25 above levels of concern. And this mirrors all of our seafood

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1 that's been tested.

2 And this ongoing information can be found on our
3 website under oil spill response. It's updated monthly there,
4 as well as I wanted to remind you of our shrimp information hot
5 line, 1-866-we-trawl, and we post our openings and closings
6 there for the shrimp fishery.

7 And with that, I'd like to request that
8 authorization be given to the executive director to open shrimp
9 season when sampling shows shrimp have reached the 68 count per
10 pound, which is the statute requirement.

11 DR. ASPER: Before we get into that, Traci,
12 there has been at least some murmurings about trying to open
13 early before we reach 68. What would it take to make that
14 happen? I mean, I know it's in state statute. Is there any
15 way that we can in an emergency like this bypass that?

16 MS. FLOYD: It's my understanding that if the
17 governor was able to get a fisheries disaster declared that it
18 could be done that way. Is that correct, Sandy?

19 MS. CHESNUT: Yes. It's only in the case of an
20 emergency could we override the statute, if the governor
21 actually declares a state of emergency.

22 MR. GOLIOTT: But Traci, it's my understanding
23 that's not necessary. The shrimp are just about where they
24 need to be at this point; aren't they?

25 MS. FLOYD: In some areas. But that can change.

14

1 But we have a few samples under our belt, we will continue to
2 monitor that.

3 MR. GOLIOTT: Mr. Chairman, I'd like to make a
4 motion that we go with the staff's recommendation giving Dr.
5 Walker the authorization to open the season. And I would
6 encourage -- it's a tough situation. What you're trying to do
7 is get these shrimp as large as possible for the fishermen to
8 get as much money as they can out of them, but not lose any to
9 the fresh water. We should monitor daily and take that into
10 consideration.

11 MS. FLOYD: Yes, sir.

12 MR. BOSARGE: And I'll second that motion. And
13 I agree with Richard. Same thing, nobody knows what's going to
14 happen with the fresh water that's coming. So just monitor it
15 closely, and when they do reach the size, we'd like to see that
16 open.

17 DR. ASPER: Any further discussion? Those in
18 favor say aye. Carries unanimously. Thank you.

19 MR. DIAZ: Thank you, Traci.

20 Next up for marine fisheries, Bradley Randall is
21 going to be presenting oyster lease approval to you.

22 4. Oyster Lease Approval

23 MR. RANDALL: Good morning, commissioners, Dr.
24 Walker, Ms. Chesnut.

25 My name is Bradley Randall, and I am the

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1 biological coordinator for the shellfish bureau.

2 And we are going to talk today about granting of
3 leases.

4 Title 22 Part 1 rules and regulations for
5 shellfish harvesting, Chapter 19 on bottom shellfish leasing
6 regulations, Section 100.103.03, when all application
7 guidelines are met and requested information is provided, the
8 applicant's intent to lease will be advertised by the
9 Mississippi Department of Marine Resources once a week for two
10 consecutive weeks in a newspaper of general circulation in the
11 county of the intended lease area.

12 Section 100.03.05, written public comments and
13 sealed bids from other interested parties will be received by
14 the Mississippi Department of Marine Resources for a period of
15 15 days from the first date of advertisement.

16 This is what we advertised. It shows the
17 geographic coordinates of all the leases. There's a 12 acre
18 lease, a 14 acre lease, and a 100 acre lease.

19 And these leases have been active for over 25
20 years.

21 This is the public notice we put in the
22 newspaper. I apologize for the -- you can't read those, but
23 it's the same stuff in the previous page.

24 Public comment period was April 10 through April
25 26, 2011. There were no public comments as of April 26. And a

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1 total of six bids were received and reviewed on April 26, 2011.
2 And this is the results of the bids. On Lease
3 81 for \$7.69 by Phyllis Jenkins, and four dollars and five, R.
4 Mitchell.

5 L-82 was \$7.68 by Joe Jenkins and \$4 per acre by
6 R. Mitchell.

7 And L-84 was seven sixty-eight by Phyllis
8 Jenkins and \$4 by R. Mitchell.

9 Staff recommendation is to award Lease L-81, 12
10 acres, to Phyllis M. Jenkins, award Lease L-82, 100 acres, to
11 Joseph S. Jenkins, and award Lease 84, 14 acres, to Phyllis M.
12 Jenkins.

13 DR. ASPER: Just to be clear, are these new
14 leases, or have they been previously farmed?

15 MR. RANDALL: They've been previously farmed.

16 DR. ASPER: And by these people or by somebody
17 else?

18 MR. RANDALL: They were owned by somebody else,
19 and then he turned them over to them about three years ago.

20 DR. ASPER: Which one, the Jenkins?

21 MR. RANDALL: The Jenkins, yeah, the Ladner
22 leases. And the leases expire every 25 years. So if you went
23 to 21 or 22 years, I'm not really sure, they turned them over
24 to Mr. Jenkins and Mrs. Jenkins.

25 So we're just trying to update those for them.

17

1 DR. ASPER: Okay.

2 MR. BOSARGE: And is that price per year or per
3 lease?

4 MR. BRADLEY: It's \$7.68 per year per acre. And
5 we upped that up from the last commission meeting. We went
6 from a minimum of a dollar, got to be at least \$5 per acre.

7 MR. GOLLOTT: Mr. Chairman, I'd like to make a
8 motion that we accept the staff recommendation on this.

9 DR. ASPER: Is there a second?

10 MR. BOSARGE: Second.

11 DR. ASPER: Those in favor say aye.

12 So just one last question, Bradley. So since we
13 have a minimum \$5 per acre, the bids by Mitchell of \$4 per acre
14 would be invalid?

15 MR. RANDALL: That is correct.

16 DR. ASPER: Thank you.

17 MR. DIAZ: Thank you, Bradley.

18 Scott Gordon actually has the next two agenda
19 items to present to the commission.

20 5. Oyster Season Update

21 MR. GORDON: Good morning, Mr. Chairman,
22 commissioners, Dr. Walker, Sandy, ladies and gentlemen.

First item G-5 is the oyster season update. We
24 opened up the season in November of last year for tonging only.
25 We've had a total of 43,702 sacks that have been harvested,

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1 5,369 trips. We averaged nine sacks per trip. And it closed
2 May 12, 2011.

3 And this was about as uneventful of a oyster
4 season as you could expect. It went very well.

5 Additionally, at the last commission meeting the
6 commission passed a motion concerning license sales and setting
7 in place a process whereby the executive director would be able
8 to limit license sales if we saw any unusual increases in the
9 sales. And we reported to the commission at the time what our
10 plan was and as we reached those closures.

11 And we have reached the caps on all those
12 license sales, so there's no additional licenses to be sold.

13 I don't know if you have any questions on that,
14 but I guess something to take into consideration, it might be a
15 moot point after I go to my next topic.

16 DR. ASPER: Scott, just to be absolutely clear
17 here, we have been tonging only this year, there has been no
18 dredging at all; is that correct?

19 MR. GORDON: That's correct. There was a -- one
20 boat that received a permit for the oyster festival, and it was
21 a very small amount of oysters that were harvested that time.
22 But that was included in the totals.

23 DR. ASPER: I just wanted to make sure that that
24 was on the record that that's what was going on here.

25 7. Bonnet Carre Expected Opening and Potential Impacts

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1 MR. GORDON: And just to make life more
2 interesting, we now have the Bonnet Carre Spillway and have
3 been requested to update the commission on that. And this will
4 be something that we are going to be dealing with for some
5 period of time.

6 The Bonnet Carre Spillway is located on the
7 Mississippi River in St. Charles Parish. It's 32.8 miles
8 upriver to New Orleans. So as you follow the curvature of the
9 river, it's just about 33 miles upriver from New Orleans.

10 It's operated by the U.S. Army Corps of
11 Engineers through the Mississippi Rivers & Tributaries project.

12 It's used as a flood control measure by
13 diverting water from the Mississippi River to Lake
14 Pontchartrain and eventually to Mississippi Sound.

15 And I think those of you that don't already
16 know, the main purpose of that is to protect the City of New
17 Orleans from flooding.

18 It consists of a 7,000 foot concrete weir.
19 There's a total of 350 bays. Each of them is 20 feet wide.

20 And in each of the bays, there's also 20 wooden
21 pins, so they would be one foot wide each.

22 And it was opened by the Corps of Engineers May
23 9 of this year.

24 To show you some of the relative location of it.
25 This is the Mississippi River coming down. The City of New

20

1 Orleans is right in this area. The Bonnet Carre Spillway is
2 just off of that, and it goes right into Lake Pontchartrain
3 through the Rigolets and Lake Borgne. And we have the
4 Mississippi Sound over here, Chandeleur Sound down there.

5 The Corps just the other day or I believe it was
6 this weekend, they opened up the Morganza Spillway. That's
7 only the second time since it was built in the early 1960s that
8 that has been opened.

9 I think that should impress upon you the
10 significance of the event that we are facing here.

11 The last time it was opened was in the early
12 '70s. And the reason they would open up the Morganza Spillway
13 would be to protect the City of Baton Rouge and to further
14 protect the City of New Orleans from the river flooding.

15 The old river structure is located just above
16 the Morganza Spillway. And that is where the Mississippi River
17 wants to go, and I think eventually it will go in that
18 direction.

19 Basically what the old river structure does, it
20 splits the flow of the Mississippi River. Thirty percent of
21 the river discharge would go down the Atchafalaya Basin which
22 is right here.

23 And it's my understanding that currently they
24 have over 600,000 cubic feet per second is going down the
25 Atchafalaya Basin.

21

1 take into consideration that is different from some of the
2 previous years is the Mississippi River Gulf Outlet was closed
3 down last year, as was the navigation canal which would have
4 drained some of the water from Lake Pontchartrain further to
5 the southeast.

6 With those two outlets from Lake Pontchartrain
7 and outlets for this river water taken away, all of this water
8 is going to have to come through the Rigolets towards
9 Mississippi.

10 I guess I'm not painting a very rosy picture,
11 but...

12 This shows you right here the Bonnet Carre.
13 This is the real stylized drawing of it. The old river
14 structure, it's currently putting out 637,000 cubic feet per
15 second.

16 And they were really concerned about Baton Rouge
17 and New Orleans. So whenever you're making a diversion off
18 this river that's going to displace a lot of folks down the
19 Atchafalaya River Basin, that's a pretty tough call to make.
20 And my hats are off to the folks with the Corps of Engineers
21 with having to make decisions like that. So whatever problems
22 that we have over here seem very minor compared to the problems
23 the folks in Louisiana are having.

24 This is what the Bonnet Carre Spillway looks
25 like from the Mississippi River. It's just a low weir.

23

1 I hoped that we would be able to see this. This
2 is the satellite imagery from Saturday. And the Bonnet Carre
3 Spillway is right here. The Mississippi River is down here.
4 This is all Lake Pontchartrain. I don't know if you can make
5 it out there. You can see a little turbidity plume. That's
6 the river water that's entering Lake Pontchartrain. And then
7 if you look, the next day, you can see that a little better.
8 So this is from Sunday. You can see the turbidity plume. And
9 it's kind of coming up along the southern shore of Lake
10 Pontchartrain.

11 Here we have the Rigolets and Lake Borgne, and
12 this is the Mississippi Sound area.

13 I have been told that out of the 350 gates that
14 are possible to open on the Bonnet Carre Spillway, currently we
15 have 330 gates open. So there's 20 more of the -- not gates,
16 but bays -- 20 additional bays that could be opened. And I
17 believe they will eventually be opened, but not right now. I
18 believe one of the reasons for that, the design capacity of the
19 Bonnet Carre Spillway is approximately 250,000 cubic feet per
20 second. And again, that's a lot of water.

21 With the 330 bays open, they have reported
22 velocities or flow between 311,000 to 316,000 cubic feet per
23 second. So it's somewhere above 60,000 cubic feet per second
24 above the design capacity of that structure.

25 One of the other things I think that we need to

22

1 This is one of the bays that's closed. And you
2 can see, this is marked Number 350. So this would be one of
3 the last ones.

4 And these are the wooden pins that are in there.
5 And they will actually have some machinery comes out here and
6 attaches onto each of these pins and lifts it up and places it
7 across the bay. You can see this Bay Number 349, that's fully
8 opened; 350 is still closed.

9 This is from a previous year's picture
10 obviously.

11 And with the bays opened, you have the
12 Mississippi Water that goes through the Bonnet Carre floodway
13 and into Lake Pontchartrain.

14 Here's the raceway. And this is usually a dry
15 raceway.

16 And this is its relationship to the Mississippi
17 River with the gates open.

18 And this is looking towards -- this is from the
19 Mississippi River looking towards Lake Pontchartrain.

20 And this was one of the best pictures that I
21 have found. Unfortunately, it was also from 2008. It was
22 taken by an astronaut, and I hope we've got some astronauts up
23 there right now that's going to be able to take a similar
24 picture for us.

25 But I thought this really illustrates it very

24

1 well. The Mississippi River coming down. And here's the
2 spillway control structure and the spillway itself going into
3 Lake Pontchartrain. And you can see the turbidity of the river
4 water as it moves out. And, of course, you have the City of
5 New Orleans here.

6 The Bonnet Carre Spillway was completed in 1932,
7 and it was first operated in 1937. And I apologize for this
8 not showing up very well, but I believe I've already covered
9 the information on here. We opened up or they opened up the
10 9th of May, and it's currently open.

11 The Mississippi River at New Orleans is cresting
12 right now somewhere between 16.9 and 17 feet. The only reason
13 it's cresting at that is because they have those two spillways
14 open. And it actually crested down below these structures
15 before the river has crested north of the structures. This
16 brought the levels down.

17 If you look at the maximum flow, this is in
18 1,000 cubic feet per second increments. We are between three
19 hundred eleven to three hundred sixteen thousand. If you look
20 up through here, we have 1945, it was 318,000 estimated at that
21 time. So that puts you in perspective. That's the only other
22 higher number that we have on this list.

23 A lot of it is also going to depend on the
24 length of time that the spillway stays open. I don't believe
25 there's anybody that really knows exactly how long that's going

25

1 to be because it's my understanding that some of the reservoir
2 systems that are upstream on the Mississippi River, these
3 reservoir operators were aware of the severity of this flood,
4 and so they have retained some waters in their reservoirs
5 instead of releasing them into the Mississippi River system in
6 hopes that after the crest passed their location then they
7 could draw down some of their reservoirs and put that water
8 into the river.

9 So that, in effect, is going to keep the crest
10 of the river at a higher level for a longer period of time.

11 This is just, you know, where we're standing
12 right now compared to some of the previous years. In 2008,
13 that was the last time the spillway was open, we only had 160
14 bays open. Right now, we're up to the 330 and fully anticipate
15 it to be a complete opening of 350.

16 Now, I happened to be here in 1983 for the
17 spillway opening. And that was a very significant spillway
18 opening. However, it wasn't bad enough that they had to open
19 up the Morganza Spillway. At that time, 1983, we had fresh
20 water all the way over to the Gulfport ship channel and reports
21 of zero salinities from the shoreline out to the barrier
22 islands. Salinities between zero and two parts per thousand.

People catching large mouth bass, channel catfish, things like
24 that, right off the front beach.

25 I fear that we are going to see at least that

26

1 effect this time.

2 I thought it would be interesting to look at the
3 landings of some of the different things in conjunction with
4 the Bonnet Carre Spillway opening. Of course, oysters, since
5 oysters can't move away from the fresh water, they are going to
6 be the most at risk.

7 And on here, I've put these red dots that this
8 is oyster landings and pounds of meat, and where the red dots
9 are, that's when we had a Bonnet Carre Spillway opening.

10 And there are many of these where you will see
11 that landings went down dramatically afterwards.

12 Let's see. That's the 1982 one that I was here
13 and saw.

14 And then we have the 2008. There was other
15 things in here, you know, such as we had Hurricane Camille and
16 Katrina and droughts and things like that. So many things can
17 affect oysters.

18 Brown shrimp landings. That tended to be up and
19 down depending on what time of the year and how much flow rate
20 that we got. I think we're probably in a better situation this
21 year because it was a slightly later opening than what we
22 typically get.

23 That doesn't mean that it's not going to have an
24 effect on the shrimp landings, but I don't think it's as much
25 as if we had an earlier opening where you still have the

27

1 post-larval shrimp in there.

2 And this is all species combined. And whenever
3 we are talking all species combined in Mississippi, all
4 commercial species, the menhaden kind of blew everything else
5 away, so this is going to be heavily weighted towards menhaden.

6 And it didn't really seem to have a tremendous
7 effect since a lot of these mobile species, they're able to
8 move out ahead of the fresh water.

9 This was something interesting. I've had folks
10 ask me, well, have we seen the water come into Mississippi yet.
11 This is a constant recorder instrument that the USGS has at the
12 Rigolets at Highway 90 near Slidell. And this is showing
13 salinity. And on the upper end, this is five parts per
14 thousand. On the lower end, it's about 3.8.

15 And whenever the spillway opened we were between
16 4.4 and up about 4.8. There's not much of a range there.
17 We're talking between four and five.

18 And then right around May 13, you see this, it
19 looks to be a dramatic drop. And we're coming down a little
20 closer to four parts per thousand.

21 This is a constant recorder instrument in
22 Mississippi Sound at St. Joseph Island Light which is off of
23 St. Joe Point. It's off of Hancock County. So this is going
24 to be the closest constant recorder instrument to the Rigolets
25 that's actually in Mississippi waters, Mississippi Sound.

28

1 So this is a range of from three to nine on this
2 scale. And on May 9, we were looking at somewhere around nine
3 parts per thousand down to seven where it fluctuated up and
4 down due to the tides. You will see that. That's a common
5 occurrence.

6 Then right around this period of time between
7 May 12 and 13, it dropped off pretty significantly where you're
8 now looking at between four and a half and five and then all
9 the way down to four.

10 Now, what that's telling me is that's not river
11 water yet, but that's water that has passed through the
12 Rigolets and has now reached this location. So you are going
13 to see this other brackish water pushed out ahead of the fresh
14 water.

15 So we're going to keep a constant check on this.

16 Dr. Asper has asked that we report on the
17 potential threat of invasive species into coastal Mississippi.
18 And I have asked Mr. Mike Pursley, he's our invasive species
19 expert on this, to put together a few slides on this.

20 And what we would be looking at potentially
21 would be Asian carp, the big head shoulder carp, grass carp.
22 They have a salinity tolerance as low as four parts per
23 thousand.

24 The cichlids have a salinity tolerance of --
25 they will go up to five parts per thousand and high short-term

29

1 salinity tolerance.

2 The Rio Grande cichlid and the Nile tilapia,
3 which actually I've had some of those to test, they're pretty
4 tough creatures. Put them out on a parking lot in the
5 summertime for hours, they're going to do fine.

6 We already have these in the past if you go to
7 the river, but I would hate to see any of these things get into
8 any of our other coastal streams.

9 Looking at potential for mollusks, the apple
10 snails, a 6.8 parts per thousand would be lethal for them.

11 Zebra mussels, they have a salinity tolerance of
12 five parts per thousand. That's lethal after an 18 day period.

13 I don't have as much concern about the marine
14 waters of Mississippi, but the possibility of these getting
15 into the Mississippi waters and getting into our coastal
16 freshwater streams and systems, that would be a tremendous
17 concern.

18 Not much we can do about it right now. They are
19 fully expecting that the carp will be coming through the
20 spillway.

21 Of course, the plants, the hydrillas, salvinia
22 which we've had some of that and have been fighting that over
23 many years, water hyacinths, you know, we can expect to see
24 more of that. Of course, we have some of that in Mississippi,
25 but, you know, we don't need any more of it.

30

1 And that's pretty much it right now for the
2 invasive species.

3 But the introduction of freshwater
4 phytoplankton, Christina Broussard that works in the shellfish
5 bureau, she's now our phytoplankton expert, and she does a lot
6 of the sampling, and so this is some of the new sampling that
7 we will be doing this year that we haven't been able to do in
8 the past.

9 We'll be looking at the introduction of
10 freshwater phytoplankton.

11 Higher nutrient content may promote algal
12 blooms, and algal blooms can deplete dissolved oxygen which may
13 cause fish kills. Harmful algal blooms increase toxins which
14 may cause fish kills, such as your classic red tide.

15 Possible introduction of toxic freshwater
16 phytoplankton.

17 I fully expect to see some phytoplankton blooms
18 as a result of these extra nutrients coming into the waters.

19 Our sapling locations. We're working with the
20 USGS, the Corps of Engineers and the various agencies and
21 universities and with the State of Louisiana and also some in
22 Mississippi to monitor the Bonnet Carre Spillway. We did this
23 back in 2008. We're continuing it this time.

24 I don't know if you can see. We have several
25 sampling stations. All of those are east of the -- I'm sorry

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1 -- west of the Gulfport ship channel where we're doing various
2 sampling.

3 All these other little dots on here, this is
4 sampling that's going on in Louisiana waters.

5 Again, here is the Mississippi River. Here is
6 the City of New Orleans, Lake Pontchartrain, the Rigolets, Lake
7 Borgne, and Mississippi Sound. Cat Island is right here.

8 So expected effects. Vast input of fresh water
9 into the brackish and saline waters has immediate short term
10 adverse environmental effect.

11 That's pretty much verbatim off the Corps of
12 Engineers website.

13 And then they went into a lot of wonderful
14 things. And there can be some long term benefits from having
15 the spillway open.

16 But I think you need to know some of the
17 negative effects first.

18 Many of the mobile species, shrimp, finfish and
19 crabs, should be able to move ahead of the diverted
20 floodwaters.

21 We will probably be seeing increased mortalities
22 of larval stages of young that are unable to escape moving
23 ahead of these waters.

24 I fully expect to have 100 percent mortalities
25 of oysters and other sessile benthic marine or estuarine

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1 species in the western Mississippi Sound.

2 We should see increased nutrient load,
3 phytoplankton blooms, and lower oxygen levels also due to the
4 fact that this water is typically warmer than what we would
5 normally see with the unusual Bonnet Carre opening that's
6 caused more by a snow meltoff. This is mainly a rainfall
7 event.

8 I would expect to see decreased or zero salinity
9 levels in much of the Mississippi Sound and adjacent waters.

10 Possible permanent introduction of invasive
11 species into coastal rivers and streams.

12 And delays or setback coastal restoration
13 activities, which we did postpone much of our spring cultch
14 plant due to the anticipated opening of the Bonnet Carre.

15 So in conclusion, the Department of Marine
16 Resources will continue to identify and monitor affected areas
17 over the next several months and document any potential impacts
18 from his historic event.

19 DR. ASPER: Any questions?

20 MR. BOSARGE: One question. When you talk about
21 the Bonnet Carre Spillway and the amount of water that's
22 flowing out of it, I guess it being more than what would be
23 reported before simply because of the height of the river?

24 MR. GORDON: The height of the river, the flow
25 of the river, and also a greater effect on Mississippi due to

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1 the fact that the Mississippi River Gulf Outlet and the
2 navigation canal are now closed.

3 MR. BOSARGE: And when they opened the Bonnet
4 Carre in '83, do you recall what time of the year that was?

5 MR. GORDON: I believe we were -- I don't know
6 if we have that on there. In '83, it opened May 20 and closed
7 June 23.

8 MR. BOSARGE: So actually it was later in the
9 year.

10 MR. GORDON: Yes, that's right.

11 MR. BOSARGE: Thank you.

12 DR. ASPER: Scott, is there anything that we as
13 a commission or as an agency can do to help address this,
14 anything with our season, with our areas, with our looking into
15 our regulations, and is there anything that we need to be
16 proactive on?

17 MR. GORDON: I believe that you already did that
18 today with the shrimp season. Other than that, there's nothing
19 that I can think of. We can use all the moral support we can
20 get.

21 DR. ASPER: Well, thank you very much. It's one
22 of those situations that you have to just deal with it. And
23 I'm glad to see that you and the staff are on top of it. Very
24 nice report. Thank you.

25 MR. GORDON: Thank you.

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1 MR. DIAZ: Thank you, Scott.

2 And last for marine fisheries, Matt Hill has
3 final adoption of changing the total allowable catch for
4 commercial season.

5 7. Title 22 Part 7 - Final Adoption

6 MR. HILL: Good morning, commissioners, Dr.
7 Walker, Sandy.

8 I'm here for your consideration on the final
9 adoption of Title 22 Part 7.

10 We talked about this last meeting about the
11 season was extended for three months from October 1 until
12 December 31 for this particular year. Requested to move the
13 flounder quota from 74,000 to 92,500, the redfish quota from
14 35,000 to 43,750, and the speckled trout quota from 40,000 to
15 50,000 for the 2011 year, and it will revert back to the more
16 familiar quota numbers beginning January 1, 2012.

17 And we would just like -- here's how it was in
18 the thing. Here's for the flounder, and we made the change.
19 And we made a change for the red drum and the spotted seatrout.

20 And we just need your approval for final
21 adoption.

22 MR. GOLLOTT: Mr. Chairman, I'd like to make a
23 motion we accept staff recommendation on this.

24 MR. BOSARGE: Second.

25 DR. ASPER: Motion made and seconded. Those in

35

1 favor say aye. Carries unanimously. Thank you.

2 Are we ready for coastal ecology?

3 H. Coastal Ecology

4 MR. BOYD: Good morning, Mr. Chairman,
5 commissioners, Dr. Walker, Ms. Chesnut.

6 Coastal ecology has four action items for your
7 consideration this morning. And Ron Cole will be our first
8 presenter.

9 2. Program Status

10 a. Parnell Shoreline Services/Brandon Parnell

11 MR. COLE: Good morning. My name is Ron Cole,
12 and this is a follow-up to a project that we presented last
13 month. It was a after-the-fact general permit violation.

14 At that time, the commission ruled to approve
15 the after-the-fact general permit and to table the fine in
16 order to have the contractor who performed the work present so
17 that they could ask him why he performed the work without a
18 permit.

19 So to get started, this is a violation by
20 Parnell Shoreline Services. Brandon Parnell is the contractor.
21 It's on an unnamed canal adjacent to Fort Bayou on Hanover
22 Drive in Ocean Springs. It's in the general use district.

23 Here you can see an aerial of the project
24 location. It's located just east of Highway 609 between I-10
25 and Highway 90.

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1 This is a closer aerial. You can see where the
2 bulkhead was constructed on the end of a manmade canal.

3 Description of the project. Mr. Brandon Parnell
4 of Parnell Shoreline Services has constructed an unauthorized
5 bulkhead for Ms. Dona Stephens measuring 46 feet in length.

6 In October of 2007, Mr. Parnell was stopped by
7 DMR for constructing a commercial bulkhead without a permit
8 over at Anatole Bay off of Popp's Ferry Road. At that time, the
9 commission fined the business owners \$2,000.

10 April 19, again this project was presented
11 before the commission. And the commission voted to approve the
12 after-the-fact and table the fine so that they may speak to the
13 contractor.

14 Photograph of the bulkhead.

15 And another photograph from a different angle.

16 Staff recommendation in this case is to issue a
17 fine in accordance with the Mississippi Code to Mr. Parnell.

18 The violation was discovered on March 31, 2011.
19 Duration of the violation from that time until last month's
20 commission meeting was 19 days. Therefore, the maximum fine
21 could have been \$9,500. Minimum fine would have been \$50.

22 Our recommended fine was \$2,500. And we based
23 our decision factors on that he was involved with a previous
24 violation back in 2007 and at that time the business owners
25 were fined and that was documented his prior knowledge of the

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1 same place you go out, you do have to get a permit. Well, she
2 agreed and said, well, that will be fine. So that's the reason
3 I constructed it.

4 I moved in. It was just some old stuff there.
5 There was trees growing eight or ten foot tall. And there was
6 an alligator sleeping on the ground out there, had a spot. So
7 she just wanted something to hold the dirt, keep it from
8 washing, and so she could cut the grass there. So that's what
9 I did.

10 And back in 2007 Anatole Bay, that fine that
11 they done there, that was the previous contractor come in and
12 built a wall, 600 foot worth of all. And they called me, and
13 it was falling. The whole thing was falling in. And they was
14 losing their piers and everything.

15 Well, the contractor worked there for six months
16 constructing that wall, probably \$300,000 job. I just went in
17 to repair it three months after he had did it. And so I caught
18 the fine for it.

19 And, you know, I never did think about then of
20 having a permit because, I mean, somebody worked just right
21 there by a road for six months, and I would have figured a
22 place like that would have had it.

23 So that's kind of what was back then.

24 But this one, I really did think I was doing the
25 right thing. I didn't know because usually I do call Ron if I

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1 permitting process.

2 So if you have any questions for Mr. Parnell, he
3 is here today.

4 MR. DRUMMOND: How does it stand right now? I'm
5 not quite sure I understand.

6 MR. COLE: Well, we have a bulkhead constructed
7 without a permit. That has been taken care of as far as the
8 permit. You guys approved the permit last month. And now
9 we're looking at fining the contractor who constructed the
10 bulkhead without a permit.

11 MR. GOLLOTT: I'd like to see Mr. Parnell come
12 up here.

13 Yes, sir, Mr. Parnell. Would you care to tell
14 us why -- and at the last meeting you wasn't here, but it was
15 stated that you told the people that you were working for that
16 you did not need a permit to do this.

17 MR. PARNELL: Well, I guess I didn't get the
18 letter in the mail or whatever the last meeting. I didn't even
19 know there was one.

20 Well, when I went there to look at it, she said
21 she had somebody to look at it and this and that, and we was
22 out of work for about a month. The way the old wall was, it
23 was knocked down, had a few pilings there. Well, I told her --
24 she said something about what if we move it back in, you know,
25 a couple of feet. I said, well, usually if you put it back the

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1 do have a concern about something, if I need something, or, you
2 know, I think I'd be all right or whatever. But I did not call
3 him on this project or call anybody at DMR. Usually I call,
4 you know, make sure I'm doing something within my boundaries.

5 MR. GOLLOTT: Mr. Chairman, I'd like to make a
6 motion we accept the staff's recommendation on the \$2500 fine
7 and caution Mr. Parnell if this happens again it won't be that
8 cheap.

9 MR. TAYLOR: Second.

10 DR. ASPER: Any further discussion? Those in
11 favor say aye. Carries unanimously.

12 3. Bureau of Wetlands Permitting

13 a. City of Biloxi

14 b. City of Biloxi

15 MS. RAY: Good morning. My name is Rebekah Ray.
16 I will be presenting H-3(a) and (b) together. They're both
17 permit extensions by the City of Biloxi.

18 The first is the Lighthouse Fishing Docks
19 located on the Back Bay of Biloxi, and the other is the
20 commercial docking facility on the Mississippi Sound. They're
21 both in Biloxi, Harrison County. And they're also both
22 commercial fishing and recreational use districts.

23 The yellow thumbtack on the Back Bay of Biloxi
24 is where the Lighthouse Fishing Dock is located. And the
25 yellow thumbtack on the Sound is the commercial docking

40

1 facility.

2 The Lighthouse Fishing Dock project description
3 is the applicant is requesting a five year extension to a
4 previously authorized permit. They were authorized for a
5 bulkhead, for removal of riprap, dredging for a total of
6 approximately 50,000 cubic yards of material, and it will
7 require a tidelands lease from the Secretary of State.

8 This is a diagram of the Lighthouse project.
9 This is where the dredging will take place. This is where the
10 new bulkhead will be going. And that's also the area where
11 they will be removing riprap.

12 The commercial docking facility project
13 description is also a five year extension request to the
14 permit. They were authorized for dredging for a total of
15 approximately 5,621 cubic yards of material to be removed. And
16 the dredge material disposed of at an offsite location spoil
17 facility or beneficial use site.

18 This is the diagram of that project. And this
19 is the area where the dredging will take place for these slips.

20 On May 16, 2006, the commission approved these
21 projects and to expire on May 23, 2009.

22 And on April 15, 2011, they received a request
23 from the applicant to extend the projects for an additional
24 five years to expire May 23, 2014.

25 For the first project, the Lighthouse Fishing

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1 Dock, staff recommends approval of the five year extension
2 request to expire on May 23, 2014. And these will need to be
3 voted on separately.

4 MR. TAYLOR: That's staff's recommendation, make
5 a motion.

6 DR. ASPER: For both permits?

7 MR. TAYLOR: She said we've got to vote on them
8 separately.

9 DR. ASPER: Okay.

10 MR. GOLLOTT: Second.

11 DR. ASPER: Those in favor say aye.

12 MS. RAY: The staff also recommends approval of
13 the five year extension for the commercial and marina facility.

14 MR. TAYLOR: I make that motion.

15 MR. GOLLOTT: Second.

16 DR. ASPER: Those in favor say aye.

17 MS. RAY: Thank you.

18 c. Mississippi State Port Authority

19 MS. WITTMANN: Good morning. I'm Jennifer
20 Wittmann, and I'll be presenting a request by the Mississippi
21 State Port Authority located at the Mississippi State Port in
22 Gulfport. It's in the industrial development use district.

23 This is an aerial showing the port's location.
24 And this area here is the area that we're talking about this
25 morning.

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1 The applicant is seeking authorization to dredge
2 500,000 cubic yards of unsuitable construction material within
3 the footprint of an existing permit.

4 And the material will be placed in an approved
5 offsite beneficial use.

6 On December 3, 1997, the DMR issued coastal zone
7 consistency certification to the state port to complete a three
8 phase 84 acre expansion project. A condition of the
9 certification was that the Commission on Marine Resources
10 reaffirm or revoke the certification.

11 On November 16, 2010, the commission did
12 reaffirm implementation of the project for Phase 3, 24 acre
13 expansion, as well as an updated mitigation plan.

14 And on April 21, 2011, a request for dredging
15 and subsurface material which was unsuitable for construction
16 was submitted.

17 This is a diagram of the approved project. This
18 area here is where the dredging will take place of the
19 unsuitable construction material.

20 The project serves a higher public purpose by
21 allowing for the previously approved expansion of the
22 Mississippi State Port at Gulfport.

23 The project is allowable within the industrial
24 development use district.

25 There are no precedent setting effects. The

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1 site has historically been utilized as the state port and
2 similar projects have been approved by the commission, as well
3 as the filling of this area has been approved and reaffirmed by
4 the commission.

5 There will be a loss of benthic organisms during
6 dredging operations, and an increase in turbidity in the
7 immediate area can be expected. However, best management
8 practices and daily water quality monitoring will reduce
9 adverse impacts.

10 The full project consists of the previously
11 authorized Phase 3 expansion of the port, dredging and
12 transportation of dredge material to a DMR approved beneficial
13 use site.

14 Best management practices again will be utilized
15 during all phases of dredging, and methods to minimize
16 resuspension of sediment during removal and transfer will be
17 used, as well as daily water monitoring.

18 The proposed dredging project is within the
19 footprint of the authorized Phase 3 expansion of the port, and
20 no alternatives have been considered.

21 The project is located in an area that's
22 historically been utilized as a port, and scenic qualities
23 should not be impacted.

24 And in the national interest, Mississippi
25 Coastal Program states that state agencies shall consider the

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1 following aspects of the national interest, including the
2 national need for transportation including ports and
3 navigation.

4 Notice of the project appeared in the Sun Herald
5 as required. No public comments were received.

6 DEQ, Archives & History, and Department of
7 Wildlife, Fisheries & Parks are reviewing the project. The
8 Corps of Engineers has stated that no permit will be required.
9 And the Secretary of State's Office has stated that the Phase 3
10 expansion would require a tidelands lease.

11 Staff has conducted a thorough evaluation of the
12 project and has determined that the project is consistent with
13 the Mississippi Coastal Program because it serves a higher
14 public purpose and recommends approval of the project.

15 DR. ASPER: Any questions?

16 MR. DRUMMOND: The biological integrity will be
17 harmed?

18 MS. WITTMANN: Will be a loss of benthic
19 organisms during the dredging operations, but overall there
20 shouldn't be a great negative adverse impact.

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

23 DR. ASPER: Is there a second?

24 MR. BOSARGE: I'll second.

25 DR. ASPER: Jennifer, could you elaborate on

45

1 MR. BOSARGE: Motion to adjourn.

2 MR. GOLLOTT: Second.

3 DR. ASPER: Meeting is adjourned.

4 (Meeting adjourned 10:10 a.m.)

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1 what unsuitable construction material really means?

2 MS. WITTMANN: From my understanding on the
3 project is they did some subsurface geotechnical sediment
4 studies, and it's kind of mucky material that's not going to
5 support the fill that will come in for the expansion of the
6 port project. So, they need to get the unsuitable mucky
7 material out of the way before they can come in and fill it.
8 But the footprint is not going to increase from what has
9 already been approved and reaffirmed.

10 DR. ASPER: Any further discussion? Motion made
11 and seconded. Those in favor say aye. Carried unanimously.

12 MS. WITTMANN: Thank you.

13 DR. ASPER: I believe that concludes coastal
14 ecology. Ready for our financial report. Kara.

15 J. Administrative Services

16 2. Financial Report

17 MS. VESA: Okay. This financial report today
18 represents the budget as of April 30, 2011. The budget
19 remained at \$6,266,493. On that date, we had spent all state
20 funds leaving a remaining balance of zero. And our tidelands
21 funds are all obligated.

22 Are there any questions?

23 DR. ASPER: Okay. Thank you very much.

24 Any other business?

25 Is there a motion to adjourn?

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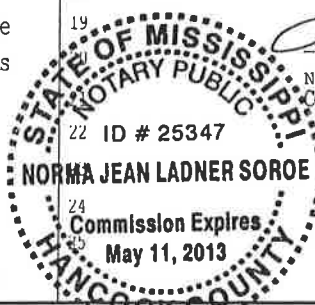
1 BEFORE THE COMMISSION ON MARINE RESOURCES

6 COURT REPORTER'S CERTIFICATE

8 I, Norma Jean Ladner Soroe, Certified Shorthand
9 Reporter, do hereby certify that to the best of my skill and
10 ability I have reported the meeting of the Commission on Marine
11 Resources and that the foregoing 47 pages constitute a true
12 transcription of said meeting held on the 17th day of May 2011.

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

17 Witness my signature this the 3rd day of June 2011.



Norma Jean Ladner Soroe, CSR #1297
Certified Shorthand Reporter

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