COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, January 19, 2016
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
Sean Morrison, Esq., Assistant Attorney General

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

First of all on the agenda, we will have the Pledge of Allegiance. We will ask Shelby Drummond to lead us in the Pledge.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER GOLLOTT: Next we have approval of the minutes.

Do we have a motion to approve them, or any adjustments?

COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion to approve.

Do we have a second?

COMMISSIONER BOSARGE: So seconded.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Motion carries.

COMMISSIONER GOLLOTT: Executive Director's report.

I'm sorry. Let's approve the agenda.

Do we have an approval of the agenda as written,

or any modifications?

COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: Wait. I think we've got some modifications.

SEAN MORRISON: Mr. Chairman, Joe Jewell today will be talking about special permits for ratification by the Commission. If we could add that to his agenda item, I believe that will be F2.

COMMISSIONER GOLLOTT: Do we have any more modifications?

(No response.)

COMMISSIONER GOLLOTT: Do we have a motion to approve?

COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion to approve the agenda as modified.

Do we have a second?

COMMISSIONER BOSARGE: So seconded.

COMMISSIONER GOLLOTT: All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

Now, we come to the Executive Director's report.

JAMIE MILLER: Thank you, Chairman. I've just got a few remarks about public comment period and a public hearing that was originally scheduled for today.

In the December meeting, the Commission passed a Notice of Intent for Coastal Preserves Regulations. That public hearing was scheduled for today as part of this public meeting.

However, we have changed that to the March meeting which will be held in Gautier. So we extended the public comment period to take more comments on those regulations.

In addition to that, the staff will go out for three public hearings in each of the coastal counties to get input from the public on those regulations, and they will come back to the Commission in March for a final decision to adopt the regulations.

Also, we have had a handful of people who have submitted requests for public comments. I want to make sure, if you make a request for a public comment, that you put the agenda item that you want to speak on. If you don't put the agenda item on your paper, then, we will just assume that you want to make comments at the end of the meeting during the public comments section.

I believe everybody has identified what part of the agenda they want to speak to. So I think that's fine,

but, again, the public comment forms are at the back table. If there is an agenda item you want to speak to, please indicate what that is on the form. If not, we will recognize you at the end of the meeting. Thank you.

COMMISSIONER GOLLOTT: Next is Marine Patrol, Keith Davis.

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

I believe you have the report in front of you for the month. I know we have an extended long Commission meeting on several items.

If there are any questions on any of the violations that you see documented, I will be glad to try to answer them for you.

COMMISSIONER GOLLOTT: I think that's it, Rusty. Thank you very much.

RUSTY PITTMAN: Thank you, Mr. Chairman.

COMMISSIONER GOLLOTT: Next is Office of Marine Fisheries, Mr. Joe Jewell.

JOE JEWELL: Good morning Commissioners, Director Miller, Mr. Morrison, Ms. Chestnut.

As y'all may be aware, we have been very active and busy for the last few days.

First on the agenda for the Office of Marine

Fisheries is an update on the Oyster Restoration Program.

Before we get to that, I want to mention, as I do usually at every Commission meeting, the quota system for the commercial fisheries; flounder, red drum, and spotted seatrout.

They typically run January through December. They have reached that this year with a couple of modifications that were approved by the Commission.

For the flounder, it stayed the same. It opened January 1st of this year with a quota of seventy-four thousand. There is no data that is available to update to that right now because we are early in the year.

The commercial quota for red drum was modified last year to sixty thousand and the calendar season was split between three four-month periods; January through April, May through August, and September through December, with twenty thousand pounds for each one of those four-month periods.

Spotted seatrout, the commercial season will start on February 1st, with three periods; February through May, June through October, and November through January.

I just wanted to update the Commission on those changes to the cycle and the quota for red drum.

With that, I will start on the agenda item on the update of the Oyster Restoration Program.

Before I go into the details of the program, as we moved into the details of the program, staff evaluated one of the concerns we had about the efficiency and safety of the program gear type, particularly the dredges.

We are requesting the Commission to consider a modification of the gear type to allow for larger dredges to act more efficiently and in a safer way for the operation on a temporary basis for this program.

Should the Commission choose that, we would need a motion so we could develop a permit to allow for that action.

COMMISSIONER BOSARGE: Joe, this modification would be just for the dredges?

JOE JEWELL: Just for the dredgers and just for this program.

COMMISSIONER BOSARGE: And not change the number of dredges. Just change the size of the dredges.

JOE JEWELL: Just the size of the dredges.

The actual Title 22 Part 1, under these conditions, allows for up to two dredges, and we are not asking for a change to that, but, as the Commission recalls, we did change the weight size, and we are asking for a temporary variance for that so that we can allow for larger dredges that will create a more efficient operation, and it will be a little bit safer for the

fishermen.

COMMISSIONER BOSARGE: They can get a little bit more done in a shorter amount of time.

JOE JEWELL: Shorter period of time, and I will go into more details in the presentation that I have, but I thought we would bring that up quickly so we could act quickly.

COMMISSIONER BOSARGE: Would you be okay if we made a motion basically giving the Executive Director the authority to modify it?

JOE JEWELL: Yes, to give the details that the permit will be issued under.

COMMISSIONER BOSARGE: Just for this special occasion?

JOE JEWELL: Yes.

COMMISSIONER BOSARGE: Then, I will make that motion that we give the Executive Director the authority to modify the dredge rules for our special use permit.

COMMISSIONER GOLLOTT: We have a motion on the floor.

Do we have a second?

COMMISSIONER HARMON: I so second it, Mr. Chairman.

COMMISSIONER GOLLOTT: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER GOLLOTT: Opposed?

(None opposed.)

COMMISSIONER GOLLOTT: Motion carries.

JOE JEWELL: Thank you, Commissioners.

With that said, I'm going to move into the update on the Oyster Restoration Program.

As the Commission will recall, at the December 23rd special Commission session, the Commission directed the DMR staff to develop an Oyster Restoration Program to outreach some of the concerns that were happening in the environment, particularly the red tide and the potential opening of the Bonnet Carre Spillway.

In response to this, the DMR, in coordination with the opening of the Bonnet Carre and the red tide, developed an emergency relay program in area 1B, particularly the St. Joe Reef area.

These are some of the details of the program. We had to get this program up and running pretty quickly to address the potential influx of the fresh water.

We used the Bonnet Carre Federal Disaster Funds. This was the disaster that occurred in 2011. So to use those funds, they had certain requirements that were attached to the funds; particularly fishermen had to meet

the licensing requirements which they had to have a license in 2011 was the first step, and, then, they had to have a license in one of the three preceding years. So they had to have a license in either the 2007-2008 year, the 2008-2009 year, or the 2009-2010 year, and, then, they had to show some sort of effort through the trip ticket program.

We did an analysis of all those individuals, and all those people that met the licensing requirements, those two license requirements, did have effort in the trip ticket program. So that was not an issue, once they met the licensing requirement.

The MDMR conducted two public hearings that dealt with eligibility requirement. They were held on Wednesday, January the 13th, here in this building. The overall session was here in this Commission room. The first one occurred at 9:00 a.m. and another one at 5:30 in the afternoon so that we could get the broadest amount of participation by the fishermen.

Approximately, a hundred and ninety people attended the morning session, and about fifty people attended the evening session.

Prior to the public meetings, the staff did an internal review of the license and trip ticket data base and we estimated that there were, approximately, two

hundred and fifty people that were eligible.

Through these two sessions that occurred on Wednesday, we found about a hundred and fifty people that applied, or registered, became eligible for the program.

I want to give the Commissioners an update on the two events that sort of initiated the Oyster Restoration Program.

The red tide is essentially what closed all the reefs early in December. So far we have collected two hundred and fifty water samples. We are continuing the water sample effort. We had two coordinated flights. There were a total of thirty-seven reported fish kills. That has sort of dissipated a lot over the last week, or so.

We collected six of the ALISSA instrument and companion water samples this past Monday, January the 11th. The alissa samples were sent off. The data results came back, and they were all good. They were all well below the FDA requirements for these samples.

Once that was done and we knew that the results were good, we had test crews that went out yesterday and initiated the bayou sampling. Those are being processed in the laboratory this morning and will be sent off this afternoon for processing.

COMMISSIONER GOLLOTT: Joe, how long will it be

before they come back with the results on that?

JOE JEWELL: Well, they will be sent to the Florida laboratory for preprocessing and it could be anywhere between ten to fourteen days.

COMMISSIONER GOLLOTT: With the water clearing up, after this program -- and it is going to be a short program -- is it a possibility we could let the fishermen go catch a few sacks before the spillway starts affecting this thing?

JOE JEWELL: Well, that is going to be a lot of timing issues. If the bayou sampling comes back quickly within a shorter time frame and they come back within the FDA guidelines, then, there certainly is the potential that the season could open back up, and, if the Bonnet Carre Spillway closes as anticipated and they keep to that January 26th to January 28th commitment to start shutting the gates, then, that is a potential, but there are a lot of ifs in that equation.

COMMISSIONER GOLLOTT: On the 28th, they think they are going to close the Bonnet Carre Spillway?

JOE JEWELL: That's the date that they are looking at. Next week is when they anticipate closing.

The one point two, one point four million CFS estimates that they initially had estimated, they are below that, now.

The slide that I'm going to show you, the update is from their web page. They are well below that, now.

That's the second event that triggered this sort of emergency response to what is going on, and things are looking positive. It's not the magnitude of the 2011 Bonnet Carre Spillway opening, but it is probably a little above the 2008 Bonnet Carre Spillway opening.

The way things sit today, we are not anticipating an event that happened in 2011 where we had ninety to ninety-five percent mortality on the reefs.

If the ALISSA tests came back well within range and the bayou tests come back well within range and they come back on the shorter end, that ten-day cycle, we are looking to be able to open the season pretty quickly.

That being said, they could come back out of the range, or they could come back on the longer term, fourteen days, or longer, and, then, that would put it out of the ability for the Commission to open it back up, in the context of the Bonnet Carre Spillway.

COMMISSIONER GOLLOTT: What are our fecal coliform counts looking like?

We are keeping up with them?

JOE JEWELL: We are, and they are well within range, and the Pearl River is below ten feet and dropping.

COMMISSIONER GOLLOTT: That would be just right,

then.

JOE JEWELL: It is a breath of good news in a sea of bad news.

COMMISSIONER DRUMMOND: Joe, has the Bonnet Carre freshwater shown up yet on our western reefs?

JOE JEWELL: It is. At our long-term gauge, we are seeing a drop from the twelve to fourteen parts per thousand to, now, around three parts per thousand.

Our response gauges were put out, placed right at St. Joe, but we had to temporarily remove them because of the oyster effort going on, and we will replace those once we move past the oyster program. The gauges near there are showing a significant drop in the salinity, now.

COMMISSIONER DRUMMOND: Thank you.

COMMISSIONER GOLLOTT: One of the conversations I had yesterday was with Mike Cure, and he was telling me that the oysters that they are catching down there really needed to be worked. They are old oysters and they are full of muscles and, even if the Bonnet Carre doesn't kill them, it would be a great thing the way we went in and cultivated the reef and got some of these oysters out of that area and it would give them a chance to catch a good spat this coming season. If of all our luck holds out, we might come out real well on this thing.

JOE JEWELL: It is a delicate balance.

COMMISSIONER GOLLOTT: It is.

The next thing, I would just like to thank the staff, and I'm not throwing any roses at Jamie, but he was down there at 5:00 o'clock yesterday morning and stayed all day long and the staff did, too. I think it was a holiday yesterday. We commend you for that. It shows you care and you really wanted to see this thing happen. Thank you very much.

JOE JEWELL: I want to point out what happened yesterday. We had a lot of staff and we were supported by Marine Patrol. We had a lot of dedicated staff that were out, but in one particular group, we had three staff members, Andrew, Wade and Jack who were out yesterday.

In the morning around 4:00 o'clock, they started the bayou sampling, and they got back in around noon, and, when they got back in, they, then, relaunched and went to Ocean Springs to mark the four corners for today for the deployment of the resource that was harvested in St. Joe, and, then, when they finished -- that occurred around 4:00 o'clock yesterday afternoon. When they completed that task, they came to the Bayou Caddy staging area and stayed and until 1:00 o'clock in the morning to help offload the boats as they were coming in.

That was a particular example of how dedicated our staff was to making that happen.

COMMISSIONER GOLLOTT: I told Jamie he is going to look like Barack Obama in about a year around here with white hair.

JOE JEWELL: I wanted to give the Commission a little update visually how that occurred and what happened yesterday.

I want to thank the Harrison County Sheriff's Department for allowing us use of their helicopter. We did do an aerial overflight.

This is the most intensive effort that occurred right on St. Joe Reef. It's the aerial photograph that shows the mass of the boats, the dense effort that was occurring.

If you will notice, this is the Silver Slipper Casino. This is the barge right here right at the mouth of the Bayou Caddy where they were offloading (indicating photograph).

This is another shot at the mouth of the bayou. It shows the boats as they started coming in, and, then, mid morning and mid afternoon, and this is one of the boats, the dredgers that they are offloading right onto the barge (indicating photograph).

This was early this morning, one of the last boats that was offloading about 12:30, or 1:00, o'clock this morning (indicating photograph).

I will answer any questions the Commission has.

COMMISSIONER GOLLOTT: Were you able to get another barge down there for today's work?

JOE JEWELL: We did. Well, we actually had to swap barges. The first barge, we loaded that up to capacity, and, then, around 9:30 last night we had to have a second barge come in and start that process, and that's the barge they will start with this morning.

COMMISSIONER GOLLOTT: We had real good weather last night. So that barge didn't have a lot of problems running. It was pretty slick last night.

JOE JEWELL: It did. It made it to Ocean Springs this morning.

COMMISSIONER GOLLOTT: They are unloading, now?

JOE JEWELL: They are.

COMMISSIONER GOLLOTT: We have staff out there checking, now?

JOE JEWELL: We do.

COMMISSIONER GOLLOTT: Does anybody else have any questions on that particular topic?

COMMISSIONER BOSARGE: How many people did you say you actually qualified for the relay?

JOE JEWELL: There was just under a hundred and fifty.

COMMISSIONER BOSARGE: That's good.

COMMISSIONER GOLLOTT: Joe, how about backing up?

I don't know if you passed it on purpose, but the potential for establishing FDA certification at the laboratory.

Do you have a report on that?

It's on the agenda.

JOE JEWELL: I'm sorry. I did skip over that, and that wasn't on purpose. That was an accident on my part.

Dr. Griffitt is here and he is going to give an update on that.

Dr. Griffitt, I apologize. I skipped right over you.

JOE GRIFFITT: Hi. I'm Joe Griffitt. I'm associate professor at the Gulf Coast Research Lab. In, I think, December, we were asked about the possibility of establishing an FDA certified lab at GCRL for handling samples, in the event of another Karenia brevis bloom.

We have been looking into that for the past couple of weeks and we made contact with the FDA to find out exactly what would be involved in getting that certification. Unfortunately, we haven't gotten an exact response back yet. So I can't say for certain if we can, or can't, do that.

What I can say is that the analysis in itself is technically rather simple and we have capabilities to do that within the lab, as long as we can get the FDA approval.

If that's what the Commission requires, or wants us to do, we can continue looking into that and establish exactly what it would take for us to get that certification, and, then, make a decision as to whether or not we will go ahead with that at that point.

On the other hand, if you are comfortable sending the samples off to Florida, we can do that, as well.

Just let us know what you would like us to do, and we can do that.

The upshot from our end is that, yes, it is technically possible for us to do it. There are certain steps that we have to do, in terms of getting the approval and also getting the university approval to house the mice that are would be required for forty-eight hours in the lab. It shouldn't be anything particularly difficult.

Just let us know what you want us to do, and we will be happy to do it.

COMMISSIONER GOLLOTT: I think we have a consensus of the Commission that we would like this done. We don't want to have to stand in line to have our samples

done because, for instance, it was costing us, like, thirty-five thousand dollars a day every day that we are waiting for somebody else to run the samples, and it is costing fishermen their livelihood. I think I speak for the rest of the Commission that we would like to move forward on this.

Does anybody else have anything they want to add to that?

(No response.)

JOE GRIFFITT: Then, we will continue making contacts with the FDA. We will find out exactly what would be required to get that certification and make sure that it is something that we can do within the appropriate time frame, and we will let you guys know.

COMMISSIONER GOLLOTT: Thank you, Dr. Griffitt.

COMMISSIONER BOSARGE: And maybe a cost analysis on what it may run us to set all this up?

JOE GRIFFITT: Yes. That will certainly be part of what we will present. A large part of what that cost would be would be what it would entail getting the certification, particularly in terms of the personnel requirements for that. That is going to be the main part of those costs, and I can't give it to you, right now.

As soon as we have that information, we will have it in front of the Commission.

COMMISSIONER BOSARGE: Great. Thanks.

JOE GRIFFITT: Thank you.

JOE JEWELL: Thank you, Dr. Griffitt.

The final agenda item for the Office of Marine Fisheries is an overview of the 2015 Programs for Marine Fisheries.

I will try and go through this quickly. As you know, Marine Fisheries is a rather large office with a lot of programs that we administer.

As you know, I'm the Director of Marine Fisheries and I have two Deputy Directors, Ms. Traci Floyd and Mr. Mike Brainard.

One of the large programs that we are dealing with, right now, is the Bonnet Carre Spillway.

I am going to try and go through this rather quickly. It's a long program. As you well know, this is the program that we are using, right now, to establish the Oyster Relay Program that is going on in St. Joe.

The big components of this are that we applied for this Disaster Relief Program, in response to the opening of the 2011 Bonnet Carre that impacted our resources, that had a ninety to ninety-five percent mortality on most of our major reefs in the Mississippi Sound.

We applied for the disaster grant, and we

received the actual funding in August of 2015. It was a total of ten point nine million dollars that was split between the Shell Fish Programs and the Crab Program.

This is an outline of the way the disaster monies are expended through jobs. There is an Oyster Restoration and Resiliency plan, and part of that is the Governor's Oyster Council, the Commercial Shell Fish Reef Cultch Plants, the Oyster Stewardship Program, the Commercial Oyster Reef Substrate Mapping, the Commercial Oyster Reef Cultivation and Relay Program; that is the particular job, one point five, that we are operating under, right now (indicating slide).

Under the Crab Restoration Program is the Commercial and Recreational Blue Crab CPUE, Predation on Juvenile Blue Crabs by Sciaenid's, Blue Crab Life History-Recruitment and Habitat Needs, Shorelines Initiative to Enhance Crab Habitat, Crab Trap Bycatch Reduction Voluntary Program (indicating slide).

Next is the Artificial Reef Program that is administered by Mr. Jimmy Sanders and Jennifer Herbig. They do gillnet sampling. They have conducted thirty-six of these and collected twenty-six species, totaling just over eleven hundred fish.

They have the Artificial Reef Deployment Program. Of course, they accepted Chevron's big jacket

that was done in February of 2015. We accepted, from Omega Protein, the Barrataria Bay and deployed that on one of our major fish havens, fish haven thirteen.

We deployed concrete culverts. Over six thousand tons were deployed on Buoy Reef which was enhanced. On September the 17th and 18th, over fourteen hundred cubic yards of crushed concrete was deployed.

I want to mention to the Commission you will see, through the presentation, several items that are highlighted in yellow. There are over sixteen of them. These are new records that were broken by the Marine Fisheries staff through the course of the year through their efforts. That, in itself, is a record of efficiency for our staff.

Thirty-six side scan trips. This is a record for the artificial reef. That includes artificial inshore and offshore reefs. It produced the first images of the Pascagoula and Graveline Oyster Reefs.

They conducted dive operations to do Lionfish intrusions onto our reefs.

They conducted, in coordination with GCRL, red snapper release. Over seven thousand juvenile red snapper were released. That, also, is a record.

Next bureau is the Finfish Bureau administered by Mr. Matt Hill and Dr. Paul Mickle. Two major programs

are IJ and FAM. They conducted ninety-six gillnets which is also a record. Thirty-six species totaling thirty-five hundred fish were sampled. Approximately seven hundred otoliths collected and processed ten different species. That's a new record.

Red Drum Project is another one of our main projects. They collected over seven hundred dependent fish, a hundred and fifty independent fish. They have also collected two hundred and fifty red drum stomachs that are currently being processed and looking at new and innovative ways of gear type.

These are three main programs that come through Gulf States. Biological Sampling, again, eight hundred and forty otoliths, twelve recreational and commercial important species were targeted with over fifty trips conducted.

The MRIP sampling, these are the ones you are probably the most familiar with. Our surveyors are down at the docks recreational collecting data and conducting interviews with the local fishermen. We have three modes; shore, party/charter and private/rental. Almost two thousand interviews were conducted during 2015 which, again, is another record.

Trip Ticket Program. We scanned over fifty-four hundred tickets and six thousand were submitted

electronically and processed. Six hundred and thirty active fishermen and dealers.

Other programs that they administer. The State fishing records. A total of nine state records were processed, and certified eight conventional records and one fly fishing tackle record.

Monofilament recycling program. Currently, Mississippi has forty-one recycling stations. Again, that's a record. Twenty-one tubes in Jackson County, thirteen in Harrison County, and seven in Hancock County.

I will go through this quickly. This has been presented several times before the Marine Commission.

This past year, a total of fifty-two thousand pounds were harvested. Over ten thousand fish were harvested. The average weight was just over five pounds. The average length was about nineteen-and-a-half inches. About fourteen hundred trips were completed, and about four point three seven angler vessels per trip.

Seafood Technology Bureau is administered by Ms. Ruth Posadas and Mr. Jeff Davis. These are some of the major programs that are administered under Seafood Technology; Regulatory and Technical Assistance, Seafood Safety Education and Public Outreach, Seafood Sanitation and HACCP Training, Mentorship and Environmental Stewardship, the Research Program, and the Aquaculture

Technical Assistance Program.

These are the Mississippi certified dealers and processors for 2014 through 2015. One of the things to note is that we are almost back to the pre-Katrina years, but, operationally, the facilities are a lot smaller in scope and a lot more specialized than they were pre-Katrina.

Seafood Education and Public Outreach is part of the ISSC-NSSC Public and Dealer Processor Education Program that became mandatory to all fishermen and dealers and processors to engage in the educational training. We started this in 2014. We have two certified instructors at the DMR, Mr. Jeff Davis and Ms. Jessica Rankin. Both of these have received superior ratings by the FDA.

Other programs. We have certified a total of fifteen dealers and processors, in 2015. We have increased our water sampling to a hundred and eighty-six samples. We did one oyster season just before Thanksgiving for no refrigeration. We investigated one vibrio case of Louisiana product in Mississippi.

We had a total of just under ten thousand regulatory technical assistance which is a new record for the State of Mississippi, and our FDA evaluation, we were in compliance with the FDA program.

Shrimp and Crab Bureau administered by Mr. Rick

Burris and Mr. Bill Richardson. In January 2015, we closed north of the ICW. April 30th, we closed south of the ICW. June 3rd, the shrimp season opened. June 18th, we closed north of the ICW. July 13th, we reopened north of the ICW.

As y'all will recall, that was sort of a hectic year for us. We had multiple cohearts entering the fishery.

September the 28th, we opened waters in the Biloxi channel between beacons eighteen and twenty-six.

Our landings data as of date is just over eight million pounds, with a dockside value of just over seventeen million pounds. We are right on average of where we were last year, or maybe just a little bit above.

It was sort of an unusual start to the season, but we made up ground at the very end. The actual value is down again, though, because of imports and infrastructure issues. Our licenses sold is down again.

Our Trawl Sampling Program, of course, we do this for multiple reasons; primarily for the support of the opening of the shrimp season. We collected three hundred and forty-five trawls. This is for population assessment and monitoring and in support of our interjurisdictional program.

The 2015 crab season. The landing values, as of

November, were just under seven hundred thousand pounds, with a dockside value of just over a million dollars.

Seventy-eight derelict crab traps were recycled. The record for us is just over nineteen thousand traps, since 1999, have been removed from our environment. We were the first in the Gulf to establish this program. This program is an award-winning program that has won multiple awards and recognized as a benefit to the environment and the Coast community.

We participated in the Gulf-wide Blue Crab FMP coauthored with Gulf States Marine Fisheries Commission.

Blue crab landings, you can see were up a little bit. Crabs tend to be very cyclable. The landings are up a little bit, but the value is up a lot.

These are the licenses. They are about average, as you can see over the last five to six years (indicating slide).

The MDMR Recreational Blue Crab Effort is a program we host in house. This is another record that we have set. Just under three thousand crabs have been sampled. A total of seventy-one trips which is a new record.

This is our catch per unit effort data for the Pascagoula River, Biloxi Back Bay and Bay St. Louis (indicating slide).

Live bait shrimp camps. There are fourteen licensed shrimp camps throughout the Gulf Coast.

We sold just over a million and a half live bait shrimp, in 2015.

Our Sport Fish and Restoration Projects. The Commission has been briefed several times throughout the year on these programs. I will go over them briefly. The Artificial Reef Program, the Sport Fish Tag and Release Program, Coastal Sport Fish Studies, Assessment of Red Drum stock in Mississippi Coastal Waters, and the U.S. Fish and Wildlife Coordination and Administration Program.

Other programs that the Shrimp and Crab administer are the Real Time Hydrological Monitoring -- I mentioned that -- and the Bonnet Carre opening. That's one of the stations. Most of the stations we monitor, when the spillway is open, to see how the fresh water is impacting our resources. It is available on our website.

We issued special permits. These are all new records. Forty-two new Scientific Collection permits, one Experimental Gear Permit. one Salt Water Scientific Transport Permit, and two Salt Water Special Collection Permits.

The Shellfish Bureau is administered by Mr. Scott Gordon and Mr. Erik Broussard.

Oyster landings, as you can see from 2005, are

rather cyclable because of either Katrina, or the BP. We have struggled over the last two, or three, years. We have implemented new programs through the Governor's Oyster Council that we are hoping will have a long-term effect.

Mississippi Oyster license data. You can see our resident dredging licenses have actually increased a little bit. Our resident tonging is staying relatively the same. Most of these license data remain pretty consistent over the years.

These are just some of the other programs.

Sampling and Sanitary Shoreline. Looks like they are just over eleven hundred fecal coliform samples. We conduct annual shoreline and sanitary surveys. We identify and document actual and potential pollution sources. We maintain growing area classifications, as required by the model Ordinance. We monitor conditional growing area parameters and operate the meteorological weather stations. We added two new ones this year, I think, for a total of seven.

Our Phytoplankton Monitoring Program is generally under the radar. It's not noticed that much, until this year, when we had our major red tide program. We have collected over two hundred and eleven water samples so far. As I had given the update previously, it

is over two hundred and sixty, now, and that is a new record for the State of Mississippi.

We collaborated with outside agencies and submitted sixteen samples for analysis, by the Shellfish Program.

On December 10th, 2015, over seven point nine million cells were identified, in a sample south of Cat Island, which is a pretty significant event for us, and, then, there were over three hundred and fifty thousand cells per liter that were collected at the Light House Pier in Biloxi, Mississippi, which is right on the shoreline.

We analyzed thirty-six samples in one day which is a new record, and I do want to thank Dr. Ayesha Gray and her staff at the Grand Bay NERR that provided the staff that allowed us to accomplish that task.

The square meter dives in the Shellfish Program accomplished five hundred and fifty of those which is also a new record. We conducted over sixty-four one meter dredge tows.

This is the map I wanted to put in the presentation this morning. I know the Commission is very interested in this.

These are areas that we have identified in Biloxi Bay as potential areas for shell plants. This box

here on the northern edge of the east of the Biloxi channel is where the St. Joe collected oysters are going to be relayed to this morning (indicating map).

There was a potential area here on this side, but because it is so close to the Corps of Engineers spoil area, we probably are not going to utilize that area at this time (indicating map).

Oyster Harvest and Education Program. This is the same program I mentioned briefly in the Seafood Technology Bureau. Both bureaus administer this program. It is a required program by the ISSC. We have conducted eight of these classes. Twenty-eight certificates were issued. For 2015, four hundred and sixty-three certificates were issued to the fishermen.

I do want to say, when this class was first established, it was effective for two years, and, during this past session of the ISSC, it was extended for a duration of five years.

These are additional programs that the Shellfish Bureau administers. They take dermo sampling. They did a study of bag-versus-basket comparison, cable-chain. They conduct public hearings. Two new weather stations. We are working on the conservation. We expect those back in the early spring, and we are working on a broodstock collection for the oyster hatchery.

That being said, I will take any questions.

COMMISSIONER DRUMMOND: I heard, or I read that there is a study going on, on flounders, a flounder study along the Coast.

Are we involved in that?

JOE JEWELL: The GCRL is administering that.

COMMISSIONER DRUMMOND: Who?

JOE JEWELL: Gulf Coast Research Laboratory, and we do help and assist them with that program.

COMMISSIONER DRUMMOND: We are involved in it?

JOE JEWELL: Yes.

COMMISSIONER DRUMMOND: Seems like it would be a nice study.

JOE JEWELL: It is.

COMMISSIONER BOSARGE: Joe, I didn't realize just what all you do, and I want to say thank you for everything you do.

Also, whether most people know it, Joe is one of the people that it can be nine o'clock at night and I get a phone call with somebody asking me a question about something I don't know and he will pick up the phone, answer your question, and the same thing the other way. Every now and then, he will call me, and it may be nine or ten o'clock at night. Joe's work does not end at five. I appreciate everything you do.

I had a couple of comments and some questions.

I read in the paper where, in Alabama, they have two filet-sniffing dogs.

Is this something we might want to consider?

JOE JEWELL: I have read that, and we were aware of that early last year. They have developed two dogs that are able to sniff red snapper.

I do know Marine Patrol is considering that, but that is something you probably have to ask Marine Patrol. It's a rather innovative approach.

COMMISSIONER BOSARGE: Yes, I thought it was very innovative. They said it started, I guess, in Alaska with the ice fishing and the guys wanting to pass their bag limit and putting the fish over in some ice somewhere. I thought it was very innovative. If that's a possibility, I could see Rusty with his dog.

JOE JEWELL: Steve, I did want to say I appreciate your compliments, but I can't say enough about the Marine Fisheries staff. I have challenged them, and they have really risen to that challenge, and, if you look at the effort that was expended in 2015, they set sixteen new records of efficiency for our office and for our agency, and I'm really proud of what they did.

COMMISSIONER BOSARGE: I agree. We've got a good bunch of people.

RUSTY PITTMAN: I will tell you this, Commissioner. We have looked at that and we have looked at Florida, but we do have some good officers and, when one can find a red fish in a flare kit, we will have to think about it.

COMMISSIONER BOSARGE: A couple of other things, Joe.

I don't know if we ever mentioned it, or talked about it at a meeting, but I talked about opening south of the intracoastal waterway.

JOE JEWELL: We have, yes.

COMMISSIONER BOSARGE: I think we have to change State Statute, or something.

JOE JEWELL: We can look at that. We will.

COMMISSIONER BOSARGE: Let's try to move forward with that. I really think, as far as on the shrimp end of commercial fishing, that would be something that would be a positive move.

Also, talking about circumference measurements around trawls, trying to look at where we have our trawls, now, shrimp trawls are at twenty-five foot. I think we've got a headline measurement and a footrope measurement. I feel like a circumference measurement would make it easier for enforcement and get everybody where it kind of takes the cheaters out of it so to speak.

JOE JEWELL: Okay.

COMMISSIONER BOSARGE: That's about it, just add to your list.

COMMISSIONER GOLLOTT: Any more questions?

COMMISSIONER DRUMMOND: Thanks for all your help, Joe.

JOE JEWELL: Thank you. I appreciate it.

COMMISSIONER GOLLOTT: Joe, would you like to submit your telephone number to the general public?

JOE JEWELL: While there are a lot of things I would like to do for the Commission, that's not one of them.

COMMISSIONER GOLLOTT: At this time, I would like to call Ms. Thao Vu. I think she has something she wants to say.

THAO VU: Good morning Director Miller as well as the Commissioners. My name is Thao Vu. I work for a local organization, Mississippi Coalition for Vietnamese-American Fisher Folks and Families.

I have been trying to get over a cold. So my voice may be a little low. Please pardon.

I'm here to express some concerns regarding the Emergency Oyster Recovery Program.

First of all, it was just announced last Wednesday, and I'm not the only one who has these

concerns, but actually two of the fishermen here who sat beside me, they also have some very similar concerns.

Not only did we express some of our concerns about this at the Wednesday meetings -- and I was at both meetings -- but we also spent hours observing what happened, transpired yesterday.

Yesterday was really disorganized. Three boats sank and one fisherman was injured. The fishermen have struggled so hard, in the past six years, and I have stated over and over again that their livelihoods are just basically disappearing in front of their eyes. The reefs haven't been properly restored, and there are no words to describe what happened, particularly to those three fishermen. They endangered their lives. Their boats are gone.

What happens to their families, their livelihoods?

They should be at least compensated for their efforts yesterday, even when those oysters were lost. We have to be concerned about them, too.

This program, even though this is considered an emergency program, you have to put enough time into it to think of the logistics.

There weren't enough watchers yesterday. The unloading process was extremely long and it was not safe.

First of all, processors need to have more of their employees helping to unload. There was only one dealer who actually had his employees working, and they were exhausted by the end of the day. That is not sufficient.

If dealers are getting compensated through this, they need to provide more of their employee staff to help with the unloading.

Fishermen start at three, or four, in the morning and, as into the wee hours of this morning, many of them did not arrive at home until midnight, or past midnight.

How could you expect them to go out today and be alert enough and have the energy to continue another hard day's work like this?

This program, it should have been designed to be longer, not a few days. It should be over three weeks, and a sack limit of a hundred sacks per boat per day. That way, you won't have the problem of maybe overloading, and all boats will have equal opportunity.

So my greatest recommendation, right now, is to extend this to at least three weeks and the sack limit reduced down to a hundred for safety reasons.

The other thing is to please, please raise the sack price. After Hurricane Katrina, when they were hired

in 2006 and 2007, they were compensated twenty dollars a sack.

They haven't hardly worked at all in almost six years. They need greater compensation to provide and support their families. Many are struggling, and that is the God honest truth, Director Miller and Commissioners. They are greatly struggling, right now.

Please do the right thing and implement my recommendations.

The last thing I want is that tongers have not been a part of this, as they should have been. I know their boats are smaller, but there must be a way to include some tonging boats because they, too, have been greatly impacted by this and, because their boats are smaller, or their boats are not ready, they haven't been a part of this program, and that needs to be rectified as well. Thank you.

COMMISSIONER GOLLOTT: Ms. Vu.

THAO VU: Yes.

COMMISSIONER GOLLOTT: Let me try to help you out a little bit.

Number one, if the spillway was completely open, the oysters will be dead so you can't stretch this thing out for weeks. It's an emergency thing.

Yesterday was the first time that I know of, in

history, that anybody has attempted to help the fishermen like this, and it's not that Director Miller didn't care. He and his staff were down there observing this yesterday.

There were a lot of problems yesterday, but they are addressing them as fast as they can.

As far as the price, you only have so much money to move this stuff, and we are interested in the resource, as well as helping the fishermen.

I think they have bent over backwards and done everything they can to do exactly what you are saying, and you should give them a little slack on it.

You need to research and find out more about the oyster industry, before you stand up here and criticize and degrade them. They are working very hard to try to help the fishermen.

THAO VU: Commissioner Gollott, pardon me, but I do a lot of research. I work very hard. I spend a lot of time with the fishermen, as well as attending many of these meetings.

I work constantly, Commissioner Gollott. Anyone who knows me knows I work constantly, and I want to do what is right, not for my own personal gain, but what is right to help the communities.

There have been opportunities, many opportunities post BP for this agency to help the fishing

communities.

In Louisiana, they helped some of the fishermen with some of the BP money that they received right after BP, but this State hasn't.

COMMISSIONER GOLLOTT: How did Louisiana help their fishermen?

THAO VU: They received some seafood tourism marketing dollars and part of that portion went to grant money that the qualified fishermen could get five thousand, ten thousand, fifteen thousand, or higher, for gear and equipment on their boats.

In this State, none of the money has been used to help the fishermen at all.

COMMISSIONER GOLLOTT: Did that help the tongers in Louisiana?

THAO VU: It helped a number of the fishermen. It helped a number of the dredgers, as well as the shrimpers for years, now.

We could be learning from other states. Best practices. Lessons learned.

There have been many opportunities to help, and we have not seen those opportunities manifested.

COMMISSIONER GOLLOTT: I think you saw a lot of it manifested yesterday, if you had been down there, because Director Miller was down there at five o'clock and

he stayed until about ten o'clock last night. We have never had a Director do that with this agency, in the whole time I've been here. He cares. He is trying. That's the most you can ask for somebody to do.

THAO VU: Yes.

COMMISSIONER GOLLOTT: Like I say, he is well aware of the problems that you were on television, WLOX, talking about last night, and they were trying to do things to change it yesterday, as it went.

Nobody had any idea how many oysters were going to be harvested that quick by sixty-one boats. It was a total shock to them.

It is not going to go on that long, but you're right. We need to have plans in place for things like this.

A lot of times the only way you can find out what the problems are is to try it, and, then, you find out what the problems are and you fix them.

THAO VU: I think, Commissioner Gollott -- and I'm know I'm being afforded additional time. I'm not here to personally attack anyone in the agency. I want us all to work together to be able to find solutions to help, to help these impacted fishing communities from the BP disaster, from the Bonnet Carre Spillway in 2011, red tide, all of these issues, all of these disasters. That's

what I want, at the end of the day.

I don't see many attempts to try to work together. I wish there were more opportunities for us to work together, meaningful opportunities. Maybe more opportunities where the staff here could actually meet with the fishermen and really find out what are some of the issues and collectively work together.

For example, using the building at the dock, at the Pass Christian Dock Harbor. That is a very nice building. That two-story building, you could use that once in a while to have some meetings with fishermen, a quarterly meeting.

How are things going? What are your issues? Here is what we are working on. He is our program. Let's find a way to work together.

That building would be better utilized, and the fishermen are right there in Pass Christian Harbor. They are not far from Bay St. Louis. They could occasionally meet there, and not only about the oyster stewardship, or safety courses, but other things that the fishing communities are grappling with.

COMMISSIONER GOLLOTT: Well, remember that this agency and both departments are constrained by laws. They have to go by rules and regulations and laws. They just do everything they want.

THAO VU: Yes. I understand that.

COMMISSIONER GOLLOTT: Thank you anyhow. Appreciate it.

THAO VU: Thank you.

COMMISSIONER GOLLOTT: Mr. Jan Boyd is up next.

JAN BOYD: Good morning Mr. Chairman, Commissioners, Director Miller and legal.

We have three action items on the agenda for your consideration this morning, and Chris Pickering will be our first presenter.

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

I will be presenting the first two action items for your consideration.

First is the request for permit modification by the City of Pascagoula, DMR-110063. Note that this was presented before you last month, and it was conditionally approved.

It is in the General Use District, and the agent is BMI Environmental Services, LLC.

The purpose and need of the project is 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.

Here is an aerial of the project. You have Highway 90, Market Street going down to Beach Boulevard, and the zoomed-in aerial.

This is the proposed shade structures. There are two of them. As you can see, here is the covered area that will be sixteen feet high and it extends out approximately twelve feet from the seawall (indicating slide).

This is what was conditionally approved at last month's meeting. It was for ten fire pits, and the diagonal line indicates where the fire pits would be located, and, then, two shade structures at Firth Street and Eleventh Street (indicating slide).

We did receive comments from the public, and that is why we are brining it back. I will go over those, now.

Notification of the project appeared in The Sun Herald on November 22nd, November 29th, and December 6th, 2015.

Four public comments were received, and one additional comment was received after the comment period ended.

The comments are summarized before:

Opposition to the shade structures and fire pits because there is no parking available.

The construction will increase the amount of activity on the beach and encourage people to use vacant lots for parking and other activities.

Concern about who is liable, if someone is injured on the vacant lots used for parking.

This was the applicant's response to those comments:

The City is planning to install two fire pits at locations where access and parking are already available, while minimizing impacts to private property owners.

The proposed project is planned entirely on public property and is for public benefit.

A Tidelands Lease is in place for the improvements. No agencies have objected. The City believes the proposed improvements that are the subject of the permit modification will enhance the project, greatly improve recreational access along the beach, and add to the overall public benefits of the important project.

Here are some more concerns about the project:

Concerns that noise, smoke and litter will adversely impact the flora and fauna in the area and disturb the residents.

The proposed project will alter these wetlands from their natural state.

Concern that the shade structure will obstruct the Gulf view from the landowners' property and decimate its value.

Here is the applicant's response:

The shade structures are located along the pathway to provide pedestrians a safe place to rest while walking. The structures are not designed to be a location for large gatherings and will only seat four people. The construction of the shade structure is immediately adjacent to the road and pathway and will not impact any vegetation.

The locations of the fire pits will be at the western end of the project, immediately adjacent to Point Park and at the eastern end of the project. At each location, the fire pits would not impact any planted vegetation and would be located in the middle of the sand. No fire pits are anticipated at other locations along the proposed project.

They have reduced the impacts from the fire pits from ten which was presented to you last month down to two.

DMR's response is that Department of Wildlife, Fisheries and Parks did not object to the project, as long

as best management practices were utilized.

The conditionally approved shade structures are sixteen feet in height and typically structures are permitted up to twenty-five feet in height under a General Permit.

Concern that the proposed project is not what the Corps of Engineers presented in 2010, and the proposed construction will interfere with the property owners' littoral/riparian rights which could set a precedent for additional intrusions upon waterfront owners.

DMR's response to that is the application was forwarded to the Corps of Engineers for their evaluation, and they are going over that, now.

Another concern is that the project appears to be wasteful. It's cost of construction alone, mush less the disruption of the natural beach ecology and damage to the rights of property owners, exceeds any likely benefit.

The applicant's response to that is, when the original project was designed, budgetary constraints limited the number and type of amenities that could be added to the base project. The City and MDEQ determined that the shade structures and fire pits which have become popular beach amenities in Harrison County and Hancock County would be enhanced features for the Pascagoula Promenade project.

MDMR's response to that is the applicant reduced the number of five pits from ten to two, based on public comments.

The shade structures are staying the same, and here are the new two proposed fire pits, instead of the ten:

One on the western end of the project and there is parking over here from the boat launch, and one on the eastern end of the project and there is parking from the park here (indicating slide).

This is a typical shade structure. This is already located out there, now (indicating diagram).

DEQ is currently reviewing the project.

Archives and History has no objections.

Wildlife, Fisheries and Parks asked for best management practices to be utilized.

Based upon the applicant's reduction in the number of fire pits, response to the pubic comments, and departmental review and evaluation of the decision factors, it has been determined that the project is consistent with the Mississippi Coastal Program because it will serve a higher public purpose by providing pedestrians enhanced access to the beach.

Staff's recommendations from the December meeting have not changed.

With that, I will take any questions.

The agent and someone from the City is here to take any questions.

COMMISSIONER GOLLOTT: Do we have any questions?

COMMISSIONER BOSARGE: Do we have any public comment on this issue?

JAMIE MILLER: Chairman, we do. I'm going to read the names of the individuals that signed up to make public comments on this agenda item, and, then, they can come up.

COMMISSIONER GOLLOTT: The gentleman with the red tie held his hand up. Come up to the mike, sir.

JAMIE MILLER: Brad Paetz, Michael Moore, Vincent Castigliola, Liz Ford and Kathie Keene, y'all can come up in any order, but, please, just state your name when you get to the mike.

VINCENT CASTIGLIOLA: I'm Vincent Castigliola. Excuse my face. I had carotid artery surgery last week, and we have a little nerve damage right now.

The last time I attended a meeting -- I think it was called the Seafood Commission -- it was with my dad, Vincent Castigliola, about fifty years ago. I wasn't old enough to drive. I notice that the same kinds of people are involved today.

I did it the old fashion way. I went to the

office for a few hours yesterday and printed some pictures out to look at.

(Photographs handed to the Commissioners by Vincent Castigliola.)

COMMISSIONER GOLLOTT: Was your dad the one in the seafood business?

VINCENT CASTIGLIOLA: Yes, sir, Castigliola Seafood Company.

COMMISSIONER GOLLOTT: I remember him.

VINCENT CASTIGLIOLA: And my Uncle George as well. That is going back pre 1966, and I'm thinking back then. Mr. George Brumfield was on the Commission, and I remember going to a meeting, and it was at some shack, building used by the enforcement officers, and they met at night and they met in short sleeves which was pretty much their work uniform.

Back then, they were people who worked in the industry in different facets, and they were, I guess, very knowledgeable in their particular area, and they were trying to protect it and together, it seemed like they worked out really well in doing their job.

Things have changed, now. You've got video presentations and badges, and this is all good.

I live on Beach Boulevard in Pascagoula. I've lived there since 1989 in a house that my wife and I

bought from her father, and it was a house that her grandparents lived in. The house had been there since before 1900.

Liz Ford will be here. She is much better of a historian than I am, but just briefly, some of y'all know her who are familiar with Pascagoula; some not so much.

If you will at the papers in the folder, the first one is just a Google map of Pascagoula beachfront. It runs for about two miles from the east Pascagoula River on to not exactly Bayou Casotte, but the yacht club.

Within that two miles, there are two areas I have outlined in red, and those are the existing public beaches which is land owned by the City which has been used for public benefit and public use for as long as I've been in Pascagoula, and I've been in Jackson County since 1955.

After Katrina, I think everybody's home was either wiped out, or it was essentially destroyed. About forty percent of us have since moved back and built homes on the beach at no small expense and no small difficulty to comply with the changes in building requirements and insurance. It's part of the people who live on the beach and in our neighborhoods, part of that community and a part of that culture.

A few years after Katrina, we had gotten our

house built back. The Corps of Engineers called for a public hearing at City Hall and, at that pubic hearing, they announced a plan to build an artificial sand beach south of the seawall.

We already had a sand beach on the east end, that red area that is shown on the first page, which was the pre-existing public sand beach, and they thought that if they built a two-hundred-foot wide artificial beach, that would help mitigate the storm surge the next time we had a hurricane.

Whether that's true, or not, it didn't sound so bad, and traditionally years past there was a sand beach in Pascagoula.

Some of you may remember the county used to operate a dredge and it would pump sand up on the south side of the seawall which helped protect the seawall.

Liz Ford may mention to you. It goes back to, I think, the 1930's, when property owners owned -- there was no Beach Boulevard, and Mr. Bacot suggested and promoted the idea that Beach Boulevard would be helpful to the community, and the property owners which would have included my wife's family donated a right-of-way to build Beach Boulevard and to build the seawall, and other things have come from that.

Then, we had this change where the Corps of

Engineers was going to build a sand beach, and we were concerned. We didn't want something like you have in Biloxi where it's kind of a promotion for recreational activities. It's inconsistent with the existing homes, the property owners' expectations.

And they said, "Oh, no, this will not be for recreation", and that is documented even in the City Council's meeting minutes.

I had spoken with the Corps of Engineers and a lady I met there, Susan -- I can't think of her last name, right now -- "Oh, yes, that's the Corps of Engineers' position", and, if need be, we are going to follow up and try and document that further.

With the understanding that there was no intent to promote public recreation different from what we already had, the property owners did not object, and the Corps of Engineers expressly said, if there was any objection, the sand beach would not be built, and it was presented for a good purpose which would help property owners' protection from storm surge.

Then, we've got the history of a few years after that the Corps of Engineers -- I guess everybody can miss things -- when they engineered the beach, they had these things called Geotubes that were supposed to hold the sand in place. Well, it didn't, and the beach was doing as it

has always done in years before when we had one, it was eroding to the west.

As it as eroding, the Corps of Engineers realized they had to do something, and they were going to bring in riprap and stabilize the beach. It made sense to me, a real practical solution, and they were going to plant seagrass which would develop a beach kind of consistent with what we have which is marsh grass and brown water like the barrier islands, very logical.

The City stepped up and said, "No, we can't do this because it will interfere with the public's access to the Mississippi Sound", never mind the fact that over thirty percent of our two-mile beach is already specifically and exclusively preserved for public use, the areas that I show you in picture number one.

COMMISSIONER GOLLOTT: Excuse me, Mr. Castigliola.

VINCENT CASTIGLIOLA: Yes, sir.

COMMISSIONER GOLLOTT: You have a three-minute limit, and you are going way over it. So go ahead and wrap it up.

VINCENT CASTIGLIOLA: Thank you. I'm sorry.

Going through the pictures here, photo number two, that shows the west end of the beach. That's all new beach.

Photo number three is the new beach east of Market Street.

Then, photo number four is the public beach which shows the public pier and the area which has already been developed for public use. It has what they call the shade structures.

Photo number five shows the new area. The lower picture shows the new barriers that were constructed and a concrete walkway.

The photograph at the top of the page is to the west, and it shows one of, I think, four of these mounds that were built, at the City's insistence, to allow people to walk down to the Mississippi Sound, and it was a big waste of money. It serves no useful purpose.

As somebody who drives down the beach at least once a week, I have never seen anybody utilize these mounds to walk into the water.

We've got the public beach which allows people, if they choose, to step out into the water.

Photo six, again, is another picture of one of these mounds that was built at the City's insistence and at public expense.

Photo seven is the two existing shade structures which are both located at the public beach.

They call it a shade structure. I will call it

a blue tarp which is what it is. It's a tarp that is extended up essentially to allow people to get in the shade and sit down. Well, you can sit down anywhere along the seawall that you want.

I have never seen anybody use a shade structure, and more significantly -- I mean, that's the City's property. If they want to put them and they have the money, I guess that's their choice.

The beach in front of our home is our view. It's what we paid for and part of our riparian right.

I lived through Katrina and the aftermath, and I've seen enough blue tarps. I don't want to look out and see one every morning when I get up, and one of the locations is about a hundred feet to the east of where I live.

Finally, I've got a list of natural resources that are often overlooked, and it is based on the property map, and it's the property owners, the people who have lived along the beach front in Pascagoula for years, and it's got columns which show lot numbers.

These are all taxable parcels. There is a total of ninety parcels, and, then, they've got a column to the right which is homes previous and the total is on page two.

The point is there were fifty-four homes which

paid taxes which were an asset to the community in more ways than tax payers. Today, we have twenty-eight. We have less than fifty percent of the people who have built back, and the cost in tax revenue, the cost in part of what I will say is the natural fauna of beachfront in Pascagoula --

COMMISSIONER GOLLOTT: (Interposing) I'm sorry, Mr. Castigliola.

Can we assume that you are against this?

VINCENT CASTIGLIOLA: Yes, sir. I appreciate that.

That's just my point, and this is, in a way, something you don't usually deal with. You are here to promote the seafood industry and the sport fishing industry, and what part of the industry is people who live on the beach.

I think it's improper. The total request should be denied. We don't need fire pits. We don't need more blue tarps.

The City has a responsibility to show -- they have the burden of proof here, and they haven't met it. This is another example of using people's money.

COMMISSIONER GOLLOTT: I'm sorry, sir.

VINCENT CASTIGLIOLA: I'm sorry. I can't help myself. Thank you for listening to me.

COMMISSIONER BOSARGE: Who is representing the City, or is there a representative of the City?

JACQUELINE TURNER: I'm with the City, and I have BMI here.

COMMISSIONER BOSARGE: Could you come to the podium for a second and state your name?

JACQUELINE TURNER: Yes. I'm Jacqueline Turner with the City of Pascagoula.

COMMISSIONER BOSARGE: I guess my question is has this issue been before the Board of Supervisors?

JACQUELINE TURNER: The County Board, or the City?

COMMISSIONER BOSARGE: City Board.

JACQUELINE TURNER: Which issue?

COMMISSIONER BOSARGE: This issue of the fire pits and the shade areas.

In other words, has the Board of Supervisors actually voted on this?

JACQUELINE TURNER: Our City Council, I don't know that there was a specific separate vote, but they have considered it numerous times and there have been several local public hearings as well.

COMMISSIONER BOSARGE: I would like to hear their opinion of it, before I make a judgment on it.

JACQUELINE TURNER: The general consensus of the

City Council, as well as most of the comments that we received, is that the intent of getting pedestrians off the roadway which is where they walk, now, onto a pedestrian pathway is a matter of safety.

The beach, as it exists, we currently permit fires along the entire length, and our fire department and our council are interested in containing those both for safety as well as for maintenance. That's the purpose of the fire pits is to try to allow the activity, without allowing it freely along the length of the beach.

The shade structures are intended to be within the first fifteen feet from the road, simply as a shade over the walkway, and, again, those were encouraged and requested by our council in a number of public comments. We do have one at the other end. It is used pretty regularly by people who are walking kind of as an area of rest. It's not an area that is rented out, or used as any kind of gathering area. We have lots of that at the beach park which are reserved and used, but, basically, this is intended to be an area that safely allows people to walk off the road.

COMMISSIONER BOSARGE: I can understand Mr. Castigliola's point.

I just wonder, because there are so many vacant lots, now, on the beach, would it be possible to relocate

those shade areas to where there are two, or three, vacant lots where it wouldn't impede their view?

JACQUELINE TURNER: I think one of the residents who is here one of his comments actually spoke to that. It is in front of a vacant lot that is owned his family.

We have tried to pick two that impact the least number of people we can in two spots. I think anywhere we put it, you have a panoramic view and it is going to impact a number of people. We have tried to pick the least impact that we can, but we still believe that it provides a public benefit and we would like to use them, if you will allow them.

COMMISSIONER BOSARGE: Would you guys be against trying to determine where best we could put these where they would be the least intrusive?

VINCENT CASTIGLIOLA: If I may speak, I will try to be brief this time.

COMMISSIONER BOSARGE: Yes, sir.

VINCENT CASTIGLIOLA: I would like for each one of those vacant lots which are owned by property owners to be built back. If you locate it in front of what is now a vacant lot, such as my neighborhood Dr. Paetz, people who might buy a lot with an intent to build are going to choose another one. That's where we get that it is harmful to everybody.

The City owns lots on the north side, and, if the City wants it in front of their property, that's their business.

COMMISSIONER BOSARGE: That's, I think, where we are trying to go with this where it is least intrusive on anybody, but, as far as the vacant lot goes, if you put it in front of a vacant lot, then, that person has the choice as to whether they want to build their home on that vacant lot, or not, with that structure already being there, instead of putting it in front of an existing home.

VINCENT CASTIGLIOLA: The point is you put property values down.

Years back, people paid a lot of money to buy a lot on the beach and they would like to be able to get their money back out of it, and their property is diminished.

COMMISSIONER BOSARGE: Yes, sir. I'm just trying to weigh the benefit for the public.

COMMISSIONER GOLLOTT: Can I say something?

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: We are not a planning commission. We have to go by the law; does it meet all of our specifications. It's not our place to move these fire pits and stuff. It's just our place to look at it and see if it meets our criteria. Maybe saying that might help us

out a little bit.

VINCENT CASTIGLIOLA: I appreciate that, and my thought here is look at the cost-benefit. The cost is substantial. The benefit is insignificant.

To me, it's a classic case of the City spending other people's money. They obtained a grant to do something, and this is a cool idea.

Now, it is going to interfere with the natural condition of the beach. It looks kind of like God created it, even though it was he Corps of Engineers. It won't with these blue tarps. It won't with fire pits. We don't need either one of them. I think that's where it comes back within your purview.

Long ago the walkway was approved. It's a good thing. My oldest daughter was jogging on the beach, Beach Boulevard, about twelve years ago --

COMMISSIONER GOLLOTT: (Interposing) Keep it short.

VINCENT CASTIGLIOLA: I have a stake in this and I appreciate the walkway. She was walking where she had every right to be, but she was unprotected by a faded line. She was not protected by a driver who probably had a little bit to drink, and he wandered over and hit her from the back and caused serious long-term injuries.

We are not here to talk about the walkway. That

was approved years ago, but the City apparently got some more money that they want to spend and they came up with this idea which is impractical and it is, I submit to you, harmful to the criteria and the values that it is your job to protect. So I think it is within your purview.

COMMISSIONER GOLLOTT: Well, let's find out. Let me ask the expert in the room.

Sandy, can you give us some legal advice here?

What do we need to look at?

SANDY CHESTNUT: The staff has evaluated the project according to the guidelines and they have submitted their recommendation that it go forward as submitted.

You are exactly right. The issues that Mr. Castigliola has raised really is between the City and the residents. He has every right to go back to the City to plead with them to change the locations and things like that, but that is really outside of our purview.

COMMISSIONER BOSARGE: Could we possibly table this until you guys can get together and come up with a spot that is amicable for everybody to put a couple of share areas, or you get with the City and hash it out, and let's come to a final decision?

VINCENT CASTIGLIOLA: I'm happy to resolve this. I called the City attorney weeks ago and made that

suggestion.

Ms. Turner, she called me; missed me. I called her back. That's one of those things.

As far as public meetings regarding these shade structures, or the fire pits, there were none. We received no notice. The first notice I received was back in November from your people and not by any intent, but, in fact, the references to the shade structures and the fire pits were buried within a number of pages which led off with some repairs to the bridge down by Eleventh Street.

We didn't know about it. We have never had a chance to discuss this with the City, and I, to my knowledge --

COMMISSIONER GOLLOTT: (Interposing) Excuse me.

VINCENT CASTIGLIOLA: Yes, sir.

COMMISSIONER BOSARGE: Commissioner Bosarge, if you would like to table this, would you like to make a motion?

COMMISSIONER BOSARGE: I make a motion we table this until said time, when the property owners and the City maybe can come to some agreement as to which way to go.

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. It is tabled.

WILLA BRANTLEY: My name is Willa Brantley.

I just wanted to add that we do have ninety days to make a decision on that. Just to get it on the record, we received that on November 19th. So we have until around February 19th. The Commission meeting is scheduled for February 16th next month. Unless the City agrees to stay the time clock again, we would have to make a decision next month.

COMMISSIONER DRUMMOND: Willa, what was the recommendation of the staff the last time?

WILLA BRANTLEY: The recommendation last time was for approval of the modification request, and the Commission approved that conditional upon not receiving any further comments because the comment period had not ended.

COMMISSIONER DRUMMOND: What did the staff recommend?

WILLA BRANTLEY: We recommended approval.

COMMISSIONER DRUMMOND: Thank you.

COMMISSIONER GOLLOTT: It would be up to the City of Pascagoula to extend the time limit.

Is that right, Willa?

WILLA BRANTLEY: Past next month. We do have until next month to make the decision.

COMMISSIONER GOLLOTT: But it is their decision, then?

WILLA BRANTLEY: After that, it would be their decision to extend it.

COMMISSIONER DRUMMOND: One other question, Willa.

Do all these people live on the beach in Pascagoula (indicating document)?

WILLA BRANTLEY: They all are considered adjacent property owners -- wait. I don't know. That may not be our list. They may just be waterfront property owners. They may not have been considered adjacent property owners for our purposes. I would have to compare the lists.

CHRIS PICKERING: I haven't seen that list. That's the one Mr. Castigliola just brought. I don't know

who is on that list and who is not.

We got a list from the City for the adjacent landowners and we sent a copy of the application to each adjacent landowner along the beach, according to the Tax Assessor's office.

COMMISSIONER DRUMMOND: I just saw some of these street names and it looks like they extended north.

COMMISSIONER GOLLOTT: Let me say this, as a point of order. It has been tabled. We can't go any further with it. It will be next time. Thank you.

CHRIS PICKERING: Next is a violation by Peter G. Vicari and Coastal Marine Contractors, LLC, DMR-02183. It is located on Back Bay of Biloxi at 2269 Baywood Drive in Biloxi, Harrison County, Mississippi, and it's in the General Use District.

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

This was presented to you at last month's meeting and was tabled to give Mr. Vicari a chance to come to the meeting and speak.

Mr. Travis Warriner who is with Coastal Marine Contractors, LLC, did speak to you last month at the meeting.

Here is an aerial of the project location; Pass Road, Popps Ferry and Back Bay of Biloxi. The yellow

thumb tack indicates Mr. Vicari's property.

Here is a zoomed-in aerial. There is Mr. Vicari's boathouse.

This was an application that was sent in previously for proposed dredging inside Mr. Vicari's boathouse and along this proposed channel. It was denied for lack of information.

I'm not going to go into all the chronology that was from last month. That should be in your writeup. If you want me to go back and touch on any of that, I can.

This is the updated chronology. On December 15, 2015, the Commission on Marine Resources tabled the violation until the January meeting to allow Mr. Vicari to make arrangements to attend the meeting.

On December 15, 2015, staff found a post on MudmotorTalk.com from September 6, 2015, stating there would be a tugboat in Bay Back of Biloxi for a week, or so, doing wheel washing/dredging. The post said, "No permits required and to call Brad if anyone needed dredging done. This is the same Brad O'Brien that was on the tub boat, when Marine Patrol confronted the boat on September 11, 2015.

Marine Patrol first confronted this boat on September 11th, when Brad O'Brien was on it and Marlon Dawsey, if you recall -- he was the boat captain of the

boat -- from last month's meeting. This was all five days after this post was made on this website.

On January 6, 2016, staff spoke to Mr. Vicari and notified him of the January meeting. He said he would look at his schedule and try to make it.

This is the website. As you can see, this post was made on September 6, 2015, and it states:

"We have a tug in the Back Bay Biloxi area for the next week, or so, doing wheel washing/dredging. If anyone needs a channel to their dock, or just a little deeper around a dock, or boat house, call Brad".

Our recommendation is that the staff of the Department of Marine Resources has conducted a thorough evaluation and recommends that a fine be issued to Mr. Peter G. Vicari and Coastal Marine Contractors, LLC, in accordance with Mississippi Code 49-27-51.

This is the potential penalty range. The violations were discovered on September 11, 2015. The duration of the violation was 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 issued to Peter G. Vicari in the amount of five thousand, and a fine issued to Coastal Marine Contractors, LLC, in the amount of ten

thousand.

These are 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.

No application was received for dredging.

An employee from Coastal Marine Contractors, LLC, posted on a website asking residents of Back Bay Biloxi to contact him if they needed dredging conducted without a permit.

I don't believe Mr. Travis Warriner is here with Coastal Marine Contractors. He was notified of the meeting.

I do believe Mr. Vicari is here.

FROM THE FLOOR: (Indicating).

COMMISSIONER GOLLOTT: Yes, sir.

Would you come to the podium and state your name?

PETER VICARI: Hi. My name is Peter Vicari. I own the home at 2269 Baywood Drive.

I appreciate your concern, but I think the facts are totally wrong. There was no dredging being conducted,

and I think I sent the letter to you, Chris.

CHRIS PICKERING: Yes.

PETER VICARI: We have only be communicating by phone. So I have never met him. I forwarded you a letter, Chris.

I've got to explain what really happened. Some twenty years ago when we started -- I'm part of Cruising the Coast. I handle the auction -- all the gentlemen there wanted me to buy a house. I finally ended up buying Mr. Ricky Matthews' house. He has since built right next-door.

This application that we submitted -- and I'm not quite sure when. It may be over a year ago.

CHRIS PICKERING: It was over a year ago.

PETER VICARI: I was going to buy a bigger boat, like, a sixty-five stern driven. Ricky was going to buy a bigger boat. So we needed -- there is a navigable channel there, now. It is small. It's, like, twenty foot wide.

The barge owned by Matthew Brothers -- no relation to Ricky Matthews -- is thirty-five foot wide. That's why the application was submitted as a thirty-five foot wide channel. The cost was prohibitive to do that.

Now, what brought us here today -- because the tugboat that was here in Biloxi was -- and I apologize. I didn't know how many members, but I have four copies of

pictures I would like to share with y'all.

(Photographs handed to Commission members by Mr. Vicari.)

PETER VICARI: In 2001, Mr. Ricky and Ann Matthews got approval for a channel right behind their home which I have, now, which I bought from them, and they live right next-door. They built a home right next-door. They didn't leave the area.

Over the period of time, whether it's Katrina, or high water, or whatever, when high water comes and we get a south wind, we end up with all the debris that is in that Bay area in our channel.

We have watched personally people come through from east heading towards Popps Ferry. I'm on the dock one night and I'm flagging a guy down. He thinks I'm waving at him.

Well, guess what happens?

He hits that piling and that tree that is in our channel. We know it's there because we go around it.

We felt like it's in the best interest of public safety. I had a friend that worked for Travis and I just told him. We were laughingly joking about the guy that hit the piling and his motor went flying up.

He said, "Well, if it's a navigable channel, my boat can come in, loosen it up, y'all are responsible for

picking it up", which Ricky and I did. We grabbed on to the pile, drove it to our dock, took the tree stump, moved it over and had Mike Arguelles -- I think that's his name. He's a contractor here with a little barge. He came with a little machine, picked it up and hauled it off. That was the extent of it.

Now, when the boat came back, like, three weeks later, when they wrote this violation, there was no dredging, or nothing, going on.

He just called, "Hey, can I park by your dock for a couple of days?"

"Sure. No harm."

So that's what brought us here today -- not today, but from a violation for a month ago, but there was no intent on anyone's part to try to do something illegal, or none of that.

We just were trying to say we've got to get rid of this. Somebody is going to get seriously hurt, and that's where we are today, ladies and gentlemen.

I marked, on one of the copies, where the existing channel was and where the trees and the pilings were, and that was the extent of it. He got there about two o'clock on a Saturday. Six or seven o'clock that night, he parked the boat. He was gone.

It wasn't until three, or four, weeks later,

when I didn't even know about this posting and all this stuff. I didn't have a clue that was going on.

COMMISSIONER GOLLOTT: When did they write him the ticket, when he came to get the trees out?

PETER VICARI: When he came back, and I didn't know what was going on. He just parked at my dock, and Brad O'Brien called me a couple of days later and said, "You've got a violation coming. Some people stopped us from dredging and we were just docked, parked at your dock."

I don't know what was going on away from my house, or on other parts of the Bay, or based on this posting on the internet that he was asking for work. I have no clue what that's about.

All I know is what he did about three, or four, weeks before that, and I think the violation date -- I have a copy of it -- is September 10th.

By the way, in the report where he says some lieutenant tried to get to the house to stop the boat, well, if you knew the waters there, if you are on the south side, you don't go due north.

There is a navigable channel that was there, when the Popps Ferry Bridge was built. If you know how to get in, you could bring a forty foot boat in there, but, if you don't, you are not bringing a twenty foot boat in

there because it is shallow. If you come straight south and due north, you can't cut across.

COMMISSIONER GOLLOTT: So you could bring a forty foot boat into your pier?

PETER VICARI: Yes.

COMMISSIONER GOLLOTT: There is a channel that comes in there?

PETER VICARI: Oh, yes.

COMMISSIONER GOLLOTT: It seems like this guy that was doing this dredging testified at our last meeting that he charged you, like, five thousand dollars.

Am I wrong?

I can't remember what the minutes were.

PETER VICARI: You're wrong on that. It was eight thousand dollars.

COMMISSIONER GOLLOTT: Eight thousand dollars?

PETER VICARI: Yes, and it was for the fuel, and Mr. Ricky Matthews and I and the gentleman -- there's another neighbor on the other side, Mr. Bill something -- we paid for that. That was the fuel that he used to come from Slidell to here, and, then, go back.

COMMISSIONER DRUMMOND: What exactly did the officer see?

PETER VICARI: I wasn't there. I'm sorry.

CHRIS PICKERING: I do want to make a note that

the stump he is talking about pulling up is considered debris removal and that is a violation in itself, also.

COMMISSIONER DRUMMOND: I didn't understand you.

CHRIS PICKERING: The stump he was talking about they removed from the waterway, that is a permitted activity. That is a regulated activity. They had to get a permit for that, too, and they did not.

COMMISSIONER GOLLOTT: You've got a stump in your channel and you've got to get a permit?

CHRIS PICKERING: It's considered debris removal.

COMMISSIONER GOLLOTT: Oh, my.

Does somebody have the minutes from last month?

CHRIS PICKERING: I can go over the report from last month, if you want.

COMMISSIONER GOLLOTT: I was more interested in what the officer said that went out and stopped him.

CHRIS PICKERING: If you want me to go over the report that they turned in, I can go over that.

SANDY CHESTNUT: Commissioner, I have the minutes here.

COMMISSIONER GOLLOTT: You do?

SANDY CHESTNUT: Yes. Travis Warriner with Coastal Marine Contractors said he had talked to Mr. Pete about wheel washing his slip and on the side of his slip

and in front of his neighbor's slip.

You want to know what the officer said?

COMMISSIONER GOLLOTT: Yes.

What was he doing, when he caught him?

SANDY CHESTNUT: Let me find that.

CHRIS PICKERING: The report is right here, if you want me to go over it (indicating document).

COMMISSIONER GOLLOTT: It seems like a lot of money to pay somebody eight thousand dollars to come from Louisiana just to do something that somebody like Mr. Borries, one of the Borrieses, or there are plenty of people with drag lines and tugs and everything around here that could have done it for you probably a lot cheaper than that.

PETER VICARI: I realize that. That's hindsight, but Mr. Ricky Matthews, my neighbor, was handling it and he was at his wits end. We had been asking Mike Arguelles, I think his name is, the Matthew Brothers, and it was his ball to deal with it and he didn't, and it's hindsight.

To answer your question, at the time the violation was written, nothing was going on. He was trying -- they said they saw him trying to come in and they thought he was run aground, but that wasn't the case.

He was pulling a little flatboat. When he

stopped, he sucked the flatboat in under him and he had to just stop, and it took him hours to get that boat out, and he just pulled up at my dock and was parked there, and, then, they came over and wrote him a violation.

COMMISSIONER BOSARGE: According to minutes of last meeting, when they boarded the tugboat, it says, "The tugboat captain, Mr. Marlon Dawsey, told the officers that he was dredging on behalf of Peter G. Vicari" (indicating document).

PETER VICARI: That's wrong.

COMMISSIONER BOSARGE: Well, that's what he said here at the last meeting.

PETER VICARI: By the way, Travis just texted me, not just now, but before I came up. He had an emergency and he couldn't make it. He had to put his dog down, right before he left.

COMMISSIONER HARMON: Mr. Chairman.

COMMISSIONER GOLLOTT: Yes, sir.

COMMISSIONER HARMON: Do you mind if I ask him a question?

COMMISSIONER GOLLOTT: Not at all. Go ahead.

COMMISSIONER HARMON: Sir, I'm kind of confused. Maybe you can help me out here.

PETER VICARI: Sure.

COMMISSIONER HARMON: One minute you are saying

you had no relationship with this tugboat and he came to your dock, and, then, just a minute ago, you are saying you gave him eight thousand dollars for fuel from Slidell to here which is exorbitant. If you paid him that, he ripped you off badly.

Just a minute ago you stated that he just asked you if he could come up and tie up along side your pier. That is kind of contradictory.

PETER VICARI: No, it's not. Like me clarify that.

The date of this violation was September -- is that the date where they actually saw him, the 10th (indicating document)?

CHRIS PICKERING: That was the first time.

PETER VICARI: Okay.

CHRIS PICKERING: And, then, they actually stopped him on September 11th.

PETER VICARI: So September 10th was the first time they saw him. When they came to my house and Ricky's house to do that work was three weeks prior to that, way before, and, then, he called me maybe the 8th, or the 9th, to ask me if it was okay for him to pull up to my dock.

I said, "Sure."

I mean, I don't want to confuse you, but what we had him doing, what we paid him to do was three weeks, or

four weeks, prior to this.

COMMISSIONER HARMON: That's fine. I was just confused on the dates.

PETER VICARI: Okay.

COMMISSIONER GOLLOTT: Do we have a motion on this.

(No response.)

COMMISSIONER GOLLOTT: Does someone want to table it?

COMMISSIONER BOSARGE: I think we have already tabled it once.

COMMISSIONER HARMON: Yes.

SANDY CHESTNUT: There is some additional verbiage in the minutes where Travis is talking, on page fifty-nine, saying:

"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 said they also spoke with the U.S. Corps of Engineers and were told it was okay to conduct dredging by use of a wheel wash without a permit.

Of course, we went into that at the last meeting, and that is not the case. A permit is still required.

COMMISSIONER GOLLOTT: I will make a motion that

we go with the staff's recommendation on this, and we do need some input on the fines.

COMMISSIONER DRUMMOND: Does that include the fine?

COMMISSIONER GOLLOTT: No. It's just a motion to find them guilty, I think, and, then, we will need to come with a fine.

Clearly, the guy with the tugboat, he's on the internet advertising. That's guilty there.

Now, what him and Mr. Vicari went back and forth with, I don't know why he would say, when the officers got on the boat, that he was wheel washing for Mr. Vicari, if he wasn't. I mean, it looks like he would have said, hey, man, I've got this boat stuck in my wheel and I'm trying to get it out, or something.

I think we ought to find them guilty.

The fines are pretty steep. I think we need to cut them a little slack on the fines.

COMMISSIONER BOSARGE: I'll make the motion that we fine Mr. Vicari a thousand dollars and Coastal Marine Contractors five thousand dollars.

COMMISSIONER GOLLOTT: Do I have a second on the 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. That's what it is. Thank you.

PETER VICARI: Thank you.

GREG CHRISTODOULOU: Good morning. I'm Greg Christodoulou and I will be presenting the final item for Coastal this morning.

This is a Petition for Reconsideration for a Consistency request by the U.S. Army Corps of Engineers, located at Bayou Caddy. It's in the Preservation Use District.

At last month's meeting, the Commission approved a change to a Special Use District S6 for restoration.

The project description was fill consisting of a riprap breakwater, segmented engineered living shoreline and an access channel dredging for the purpose of providing additional protection to an existing Corps of Engineers restoration site.

On December 29th, Mr. Chris Lagarde filed a Petition for Reconsideration to the Commission's decision.

Mississippi's Administrative Rules as Required by Mississippi Administrative Procedures Law, in Title 22 Part 15 Chapter 2 Section 107 addresses the requirements for petitions for reconsideration and submitting that in the petition states specifically the points of laws, or facts, which the party requesting the reconsideration believes the Commission overlooked, or misapprehended.

DMR believes that Mr. Lagarde does not have standing to petition for this reconsideration because he does not comply with the earlier section. There were no comments during the written public notice period, he did not attend the public hearing, and the only way to petition is to comply with one of those two methods for objecting to the project, or commenting on the project.

Staff does not believe Mr. Lagarde has standing to petition. However, we have prepared a response to Mr. Lagarde's petition.

Here are the reasons that Mr. Lagarde petitioned:

The public notice period. The public hearing. The total impact from Bayou Caddy. The Pearl River was overlooked. The positioning of the breakwater could have been where the new shoreline could have been pushed out. Access channel allowed for this project, but was not allowed for the DEQ project, and overall does not believe

that the project adheres to the goals and intent of the Coastal Program.

The Commission has four options.

They can make a final disposition by either granting, or denying, the requested action without any argument.

They can request a response from staff, prior to making a final disposition.

Set he matter for evidentiary hearing, or whatever other orders that you so may choose.

Like I said, staff has made a response to Mr. Lagarde's petition, if you care to hear that, or whatever your choosing may be.

SANDY CHESTNUT: Mr. Lagarde is here, if you would like to hear from him, as well.

COMMISSIONER GOLLOTT: If you want to come up and say something, Chris.

CHRIS LAGARDE: Good morning Commissioners and Director Miller and Ms. Chestnut.

I knew, when I filed this petition, that I didn't have standing. The reason I didn't have standing is because I wasn't aware of the meeting.

If I could get anything out of this, as I stated in my petition, is that the agency did what it needed it do to the strict letter of law to make the public aware,

but, if you notice the dates that were in the paper, and, then, the date of the public hearing and the date that comment period closed were all kind of mingled in there.

I think the public comment closed on December 3rd and there was a public hearing on December 8th.

I did not know that this permit was even being subjected to. I didn't expect y'all to change your mind. I will say these are basically the same points on the South Hancock County project. I think we are missing an opportunity to actually create some marsh and actually make something bigger, restore what we lost.

I get tickled because, when people talk about the Corps of Engineers, they talk about them like they are God. They can do anything they want, and that is really not true. The State, you have authority over these issues.

The same thing with NOAA. I'm told, we can't do anything because NOAA won't let us. Well, that's not exactly true. You've got to get the person who thinks he runs NOAA to come tell us that he can't do it.

It's just one of these things, again, that I think we are missing a great opportunity to expand.

The thing that kind of, I guess, interests my curiosity is why did the Corps get away with building an access channel, a thirty-five hundred foot access channel,

but we wouldn't let DEQ build an access channel.

Now, I realize that's not consistency, in the sense of the Coastal Program, but that is consistency in why do we let one guy do one thing and we won't let the other guy do something else.

With that, I don't expect the Commission to change their mind. I understand that that's not going to happen. If we could do a better job of letting the public know, maybe a press release, and I'm not talking about every little issue that comes up, but these are major projects. These are probably the largest projects, other than ports, that have occurred in the State of Mississippi, in terms of the breakwater and the amount of rock we are putting overboard and so on and so forth.

I just got a notice from the Corps that you are going to be presented, at some point in the future, with a Gulf LNG permit to fill wetlands over in Jackson County because they want to re-up their liquified natural gas, and they actually want to fill wetlands that they have already mitigated for in their previous project.

Again, I would hope that somehow we can get the word out there. I truly believe the reason there is nobody at these public meetings is because nobody knows about it, not to mention it was during the holidays, and it's a terrible time to try and get folks involved in

these issues.

I appreciate your time, and that's all I've got to say.

COMMISSIONER GOLLOTT: Thank you, sir.

CHRIS LAGARDE: Yes, sir.

COMMISSIONER GOLLOTT: Greg, can you just kind of real quickly refresh us on what we are talking about here?

GREG CHRISTODOULOU: Sure. The Corps of Engineers has a twenty-two acre restoration site at the mouth of Bayou Caddy that, back in 2006, the Department granted a Consistency for the entire coast-wide Mississippi Coastal Improvements Program that the Corps of Engineers has done.

They finished that Bayou Caddy project, I believe, around 2010 and restored about twenty-two acres of coastal marsh.

This project that you approved last month, basically, was an addition to that project, by adding more erosion protection to that same property.

Also, it goes a little step further in that the Corps, once this project is concluded, will probably most likely turn that area over to DMR to the State as a beneficial use of dredge material area.

COMMISSIONER GOLLOTT: Thank you, Greg.

Do we have a motion?

COMMISSIONER BOSARGE: We still have the four choices?

GREG CHRISTODOULOU: Yes.

COMMISSIONER BOSARGE: I want to say I appreciate Mr. Lagarde for coming up and bringing it to our attention. We need to hear from folks like you, and I'm sure these guys are listening, as far as the public comment and the dates and the times. Maybe, yes, we could do a better job at that.

I will make my motion denying the requested action without further argument.

Is that correct?

GREG CHRISTODOULOU: That is one of your options.

COMMISSIONER GOLLOTT: Do we 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.

Thank you, Chris.

CHRIS LAGARDE: Yes, sir.

COMMISSIONER GOLLOTT: Finance is next.

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

These are the financial results as of December 31st, 2015.

At the end of December, we had State Revenue of five point one million dollars.

We had a total Agency Revenue of sixteen point four million.

The State net income is three hundred and thirty-eight thousand dollars.

Our total Agency net income for this fiscal year is five point six million dollars.

After the first six months of fiscal year 2015, we are still in good shape from a budget standpoint.

We have seventy-five point five percent of our Operating Funds budget and sixty-three point eight percent of our Tidelands budget remaining.

Any questions?

COMMISSIONER GOLLOTT: Thank you, Kacey.

KACEY WILLIAMS: Thank you.

COMMISSIONER GOLLOTT: Ms. Melissa is up next.

MELISSA SCALLAN: Good morning everyone.

Since the last Commission meeting, the Mississippi Department of Marine Resources was mentioned ninety-five times in state, local and national media.

Of course, some of the most attention we've gotten is in the past month between the red tide and the opening of the Bonnet Carre Spillway, as well as our Oyster Recovery Program that has gotten a lot of attention the past couple of days and that is still ongoing. We expect quite a bit more from that.

Marine Patrol held three boat and water safety courses at St. Martin High School, with a total of sixty-five students certified. So far in fiscal year 2016, Marine Patrol has held ten classes with a hundred and ninety-seven students.

Marine Patrol also participated in several special marine events in December; Christmas On the Water in Biloxi, Christmas in the Pass in Pass Christian, and Christmas on the Bayou in Gulfport.

The Grand Bay NERR also had several activities in December that reached nearly four hundred people. Some of those were an activity booth at Christmas in the Pass, an Adventure Quencher, they participated in the Sandhill Crane Refuge birthday celebration and a program at Vancleave Upper Elementary School and their annual Star

Party.

Any questions?

COMMISSIONER GOLLOTT: Thank you, Melissa.

Do we have any more business to come before the Commission?

(No response.)

COMMISSIONER GOLLOTT: Next is public comments.

Gilbert Ramsey, you've got three minutes.

GILBERT RAMSEY: Yes, sir.

Good morning council. My name is Gilbert Ramsey. I'm a concerned citizen, veteran.

I'm here to introduce the Individualized Educational Program. Individualized Educational Program has been introduced with Gulf Coast Research Laboratory with the University of Southern Mississippi.

In 2002, Technology Learning Center at the University of Southern Mississippi introduced an adaptive sports lifting system for boats at Point Cadet.

After Katrina, it as never implemented and introduced more appropriately for everybody to have options for Deer Island, or options for research capabilities for the disabled community.

So what we are doing, ladies and gentlemen, we are introducing this for international recognition for the hospitality state. We are putting Mississippi on the map.

I have been internationally recognized for this option.

I'm here to identify this appropriately with everybody's best interest. I'm setting forth with the Gulfport High School students with the United States Championship Robotics Industry. I met them at the Gulf Coast Research Laboratory during the research development symposium.

What is going on is Dr. Graham and Dr. Snyder have a Center of Excellence Program. All the universities in the State of Mississippi are implementing these options for innovative ideas, manufacturing options and everything.

This is what has happened. We are stepping up this program. The City of D'Iberville implemented a new park with Tidelands Funds to implement this opportunity with the Special Olympics Program included with Keesler Air Force Base.

We are stepping up to introduce this individualized educational program, recreational and employment opportunity for the disabled community.

I have a contract to introduce this. Councils recognize me from all my meetings and everything.

Here we go, ladies and gentlemen. It is on for the State of Mississippi. I'm stepping up for my birthday. I've been working on this for five years. My

birthday is in March.

Secretary of State Delbert Hosemann stand by. I'm coming to you. The Governor has already recognized it; all senators and everything.

I'm here to introduce myself more appropriately and identify this more appropriately with y'all's best interest.

Any questions?

COMMISSIONER GOLLOTT: No, sir. Thank you, sir.

GILBERT RAMSEY: All right, sir. Thank you very much.

COMMISSIONER GOLLOTT: Do I have a motion to adjourn?

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

COMMISSIONER GOLLOTT: We have a motion to adjourn.

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: Adjourned.

(Whereupon, at 11:13 o'clock, a.m., the January 19, 2016, 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 January 19, 2016, 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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