COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, October 15, 2019
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:
Ronald Daniels, Vice Chairman
Steve Bosarge
Richard Gollott
Natalie Guess

Also Present:
Joe Spraggins, Executive Director DMR
Kim Papania, Esq., Assistant Attorney General

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788
COMMISSIONER DANIELS: Ladies and gentlemen, we are going to get the Commission on Marine Resources meeting for October 15th underway here.

Chairman Mark Havard was unable to attend today, so I will be filling in for him.

We would like to start the day by asking our Executive Director to lead us in the Pledge of Allegiance.

(Pledge of Allegiance was recited.)

COMMISSIONER DANIELS: Now, we will just have a brief moment of silence.

(Moment of silence observed.)

COMMISSIONER DANIELS: We would like to recognize Senator Seymour for being here with us today. We appreciate him being here.

Then, we will move on to our approval of the minutes.

Do we have a motion to approve the minutes for September 17th, 2019?

COMMISSIONER GOLLOTT: So moved, Mr. Chairman.

COMMISSIONER DANIELS: Do we have a second?

COMMISSIONER BOSARGE: Correction to the minutes, it that is okay.

COMMISSIONER DANIELS: All right.

COMMISSIONER BOSARGE: On page twenty-three, line twenty-four, there was a statement left out of the
minutes that I actually made and it had to do with a roll-call vote, and I would like to put that statement back in the minutes of the meeting.

It would be between line twenty-four and line twenty-five on page twenty-three, “Can we get a roll call on that?” That was my statement.

I would like that added back to the minutes, please.

COMMISSIONER DANIELS: Do we have a motion to adjust the minutes for September 17th?

COMMISSIONER GOLLOTT: Mr. Chairman, I will modify my motion.

Would you read that, Steve, so we can see what we are talking about?

COMMISSIONER BOSARGE: Excuse me, Commissioner Gollott. I didn’t quite hear what you said.

JOE SPRAGGINS: He wants you to read the statement.

COMMISSIONER BOSARGE: Yes, sir.

I don’t know if you have the minutes in front of you, but, if you turn to page twenty-three, it was during the vote, I think, on Tarpon, right after you said, “I would like to abstain.”

If you listen to the audio, it is in the audio, and, then, I said, “Can we get a roll call on that?”
Then, next Commissioner Guess says “Abstain”.
I would just like that added back into the minutes, please.

COMMISSIONER GOLLOTT: Okay. I will modify my motion to include the statement.

COMMISSIONER DANIELS: Do we have a second?
COMMISSIONER GUESS: I’ll second it.
COMMISSIONER DANIELS: All those in favor say aye.

(All in favor.)
COMMISSIONER DANIELS: All opposed?
(None opposed.)
COMMISSIONER DANIELS: Motion passes.

Next up is going to be the approval of the agenda.

Can we get a motion to approve the agenda for today?

JOE SPRAGGINS: Sir, if I could, I would like to have a couple of modifications and ask that y’all look at for the agenda.

Number one is G2(d) and G2(f). I ask them to be stricken from the agenda and also K3 be taken off the agenda, and L1 added as an Executive Session to discuss pending litigation.

I would like to see if y’all would entertain a
motion for that, sir.

COMMISSIONER DANIELS: Can we have a motion to modify the agenda today?

COMMISSIONER GUESS: I will make a motion to modify the agenda.

COMMISSIONER DANIELS: I will second the motion.

All those in favor say aye.

(All in favor.)

COMMISSIONER DANIELS: Opposed?

(None opposed.)

COMMISSIONER DANIELS: Motion passes.

COMMISSIONER BOSARGE: I had one question about the agenda.

At the last Commission meeting I think is was you, Commissioner Daniels, made a motion for staff to come back at the October meeting with recommendations regarding a charter-for-hire reporting program. I don't see this on the agenda.

Were there some changes that we don't know about?

JOE SPRAGGINS: Sir, we were looking at that and I think there were some issues with it and I thought we had coordinated. I am very sorry for that.

We would like to ask to bring it to the next meeting because we are working on it. We just haven't
been able to get everything put together at this point.

COMMISSIONER BOSARGE: That's fine.

JOE SPRAGGINS: We are working on it, sir.

It was on there and we took it off, and we were looking at it because we thought we would be able to do it.

Rick, is there anything else on that?

RICK BURRIS: We will bring it up at the next meeting.

COMMISSIONER BOSARGE: All right. Thank you.

COMMISSIONER DANIELS: Our agenda is approved. We are going to move on to the Executive Director's report with General Joe Spraggins.

JOE SPRAGGINS: Just a couple of little things quickly.

If you have public comment -- P. J., where are you back there?

P. J. in the back stand up. Get him a form and let him bring it up here to us for anything that you would like to make public comment about.

Also, Commissioners, we would like to look at if it would be to have a special session which would be a work session for the Penalty Matrix workshop on Monday, the 28th, at 2:00 p.m.

Would that work for anyone?
COMMISSIONER GUESS: It works for me.

COMMISSIONER BOSARGE: What time, Mr. Joe?

JOE SPRAGGINS: I have Monday, the 28th, at 2:00 p.m.

We can be flexible. I am just trying to come up with a time.

COMMISSIONER DANIELS: (Inaudible).

JOE SPRAGGINS: Had y'all rather wait and do it the first week in November, or something?

Would that be better?

I'm looking for a time more than anything.

COMMISSIONER DANIELS: Me personally afternoon.

COMMISSIONER GUESS: Morning is better for you, or no?

COMMISSIONER DANIELS: No.

JOE SPRAGGINS: Commissioner Bosarge?

COMMISSIONER BOSARGE: I will try to work with you any way I can, Mr. Joe. You just set a time. We will try to make it happen.

JOE SPRAGGINS: Sir?

COMMISSIONER GOLLOTT: The same. I will work with you.

JOE SPRAGGINS: The 28th, I tell you what, we will look at it, and I will put it out to you if there is a possibility on the 28th. If not, we will change it to
the week after sometime the first part of November, and I will get you a date and look in the afternoon and see what would work for everybody.

Employment contracts, pull that up real quick.

There we go.

Jennifer Cumbest is Education Specialist at the NERR who has been hired, and Eric Gigli is Finfish Scientist IV and he has been moved up to that.

Next slide. These are procurements, and I think you can look at it.

Does anybody have any questions on any of the procurements?

(No response.)

JOE SPRAGGINS: The fisheries disaster, what I would like to basically cover on that is we met. We talked about it. They have called us. NOAA called us last week, a little over a week ago and they have sixty days from the 24th day of September to have the information to the congress.

They have asked us to give them information as quick as possible so they can move forward on this disaster relief.

It is for a revenue loss only. Revenue loss is a little different than what we have done in the past. Usually it takes about a year to get the data to tell us
what we have, as far as our fisheries. They are asking for the revenue loss at this time.

    Luckily, because we had hired Scott Levanway’s group to be able to do this, we had a lot of the information already ahead of time and we are being able to get the information to them hopefully sometime this week.

    The information needs to get to them, and what we are talking about is they are trying to keep everything on first line fisheries. When I say “first line fisheries”, we are talking about the fishermen, we are talking about the processors.

    They haven’t given me enough to talk with it about it, but I am thinking what our answer is if you sell seafood, we want to know about it. We want to know what your revenue loss was.

    If you were a charter boat fisherman, we want to know if you had revenue loss.

    If you were a commercial fisherman, we want to know if you had revenue loss.

    Any type of oysters, crab, shrimp, any type loss of any of that, we want to know what it was.

    We are even asking for the restaurants. Now, I don’t know. Maybe they will. Maybe they won’t, but I am shooting for it. I am shooting for anything I can to get as much money as we possibly can to the people who were
affected by this disaster.

We have to get it to them by the first of November. I know Scott Levanway is trying to get in touch with most everyone as much as they can.

If you have not been contacted by him, please let us know. We will get him in touch with you. We want to get this information done so we can get as much as possible back.

There is a hundred and sixty-five million dollars in the pot. I have no idea how much Mississippi is going to get.

If anybody asks me how much are we going to get and what are we going to get, I don't know.

I can tell you we are going to try to get as much of it as we can.

I am going to use Trent Lott's old idea. We get ours and they can have the rest.

I don’t know that that is going to happen, but this is for the whole United States. It is not just for here, but I can tell you that Mississippi is way above the power curve on getting information to them, and that was because we were doing something already ahead of time that the staff was working on to be able to make it better.

If you think you had a revenue loss because of the Bonnet Carre Spillway that caused fishery disaster of
any type -- we are talking fishery, now. These people
that work on the beach and all, I can’t do anything about
that, if it didn’t have anything to do with the fisheries
itself, but I would think the bait shops, anything else
that was working. Anything that had anything to do with
first line fisheries.

Please get that information to us. We are going
to ask for it. We are going to try to get as much as
possible that we can.

Then, I am going back to congress and back to
the Senator Wicker and ask them to come back now in
commerce and say, give me another year to look at the rest
of the things that we have so we will know the disaster is
there, as they go because we need both of these, and that
is what I am shooting for, and I am hoping that he will
give us that, and, then, we will have two disasters out of
this and not just one.

We are also working with Cindy Hyde-Smith to see
if we can get any -- she has asked for another one hundred
and fifty million for the area in the Delta and hopefully
we can use some of that because of what the water did and
the sediment and stuff came into south Mississippi and
causethedissues.

Hopefully we can work all of those things and be
able to get some money to the people. My goal is to get
the money as quick as possible.

    I don’t know. I can’t work congress for you, but I know we have got to get it to them before Thanksgiving, basically, and, then, they pick and say when they are going to release any funds.

    The funds are there. We don’t have to ask for them. They are already in the allocation, and they are even talking about putting more funds in it. It looks like a bright future on it.

    One of the things I am asking for is that we get money to pay the fishermen. I want to pay the fishermen. I don’t want to say you have got to come and do something else for the next six weeks, or the next two years, or whatever. I want to pay you for your loss because I don’t want to lose you, and that is what I am worried about.

    That is what I am fighting hard with them on is that we get the money to pay the fishermen to keep this operation going, and the fishermen are everything that touches the fish all the way through.

    I appreciate it. Thank you very much, sir.

COMMISSIONER GOLLOTT: General, can I ask you a question?

JOE SPRAGGINS: Yes.

COMMISSIONER GOLLOTT: Is there a place that
somebody can pick up an application for this?

JOE SPRAGGINS: There is not an application, at this point, sir.

If you’ve got information, if you have lost any type revenue, any of the processors that you represent if they have lost revenue, please let us know what they have lost.

What we are trying to do -- they know we can’t get everybody’s information. So we are taking it and making an average across of what it is, or where the numbers are going to be.

We will turn it in. Once the allocation is given to us, NOAA will come back and say, you can pay for this, this, or this, and, then, it is up to us to send them a spending plan of how we want to pay for it.

We will put together a spending plan and the spending plan will go forward. Once it is approved, then we will go forward with that, and, then, be able to pay it, and that is when the application part will come in, sir.

COMMISSIONER GOLLOTT: Who do you want us to send this information to, or get with?

JOE SPRAGGINS: You can send it to me, or Scott Levanway. Just send it to me and that was we will get it, or either Rick.
Is Traci here?

RICK BURRIS: Traci is not here, but she is available.

JOE SPRAGGINS: Me, Rick, Traci, either one. Send it to any of us and we will help you.

COMMISSIONER GOLLOTT: Okay.

JOE SPRAGGINS: Thank you, sir, and now I think I have answered all of the questions.

COMMISSIONER BOSARGE: So, Mr. Joe, for now, I guess most of your calculations for losses are being done through the trip ticket system?

JOE SPRAGGINS: It is. It is going through the trip ticket system itself, but, now, if you take -- some people like charter boats don't have trip tickets.

COMMISSIONER BOSARGE: Correct.

JOE SPRAGGINS: They have got to show revenue loss and they are going to have to come back.

Once again, if they give me X amount of dollars and they say, you can do charter boats, then, we will go back and look at it. They are going to have to prove their loss. It won't be that they just make up a loss. They would have to prove it.

COMMISSIONER BOSARGE: That's correct. That's correct, and I know because we have done this disaster relief in different states, plus partnering with some of
the Federal officials. They really look hard at that
data.

So, yes, the trip ticket data is the best data.

JOE SPRAGGINS: It is the easiest. That is by far the easiest way to get the information that we need.

Now, the other part of it will be rebuilding, like, our reefs and stuff. That will come in in two.
That will be in part of it, but we will have to work that according to what we have lost, how much we think it will cost to be able to replenish it.

COMMISSIONER BOSARGE: Yes, sir. I appreciate all you do. Thank you.

COMMISSIONER GUESS: We are thinking it probably won't be until after the first of the year before any funds are distributed.

JOE SPRAGGINS: I don't know, but you are probably right. I would hope it would happen before then, but it is just a matter of whenever they decide they are going to distribute the funds out. I don't know when that will be.

Thank you, sir.

COMMISSIONER DANIELS: Any more questions for the Executive Director’s report?

(No response.)

COMMISSIONER DANIELS: Thank you, General.
Moving on to the Commissioners Report, do any of our Commissioners have anything today?

(No response.)

COMMISSIONER DANIELS: Nothing there. So we will move on to the Office of Marine Patrol, Chief Keith Davis.

KEITH DAVIS: The report is pretty brief this month. I do want to point out a couple of things in the report.

We continue to get reports of individuals stealing crab pots. We did make one case from a individual crabbing at night. That was a recreational fisherman.

A couple of citations for trucks coming into the State without a seafood dealers license.

A few accidents to report in the Back Bay where we had a couple of injuries, but nothing very serious.

That is the report, and you have it in front of you.

Any questions about the report?

(No response.)

KEITH DAVIS: Before I sit down, I do want to point out to the Commission it is breast cancer awareness. As you can see, we are wearing pink patches. We are participating in a national program, and these shirts are
being sold. You can purchase one of these shirts from my assistant upstairs and all proceeds go to the American Cancer Society (indicating shirt).

Please support breast cancer awareness. It affects everyone. A lot of individuals in my department are affected by breast cancer. So we are committed to the cause. Thank you.

COMMISSIONER DANIELS: How much are your shirts, Chief?

KEITH DAVIS: We have a long sleeve shirt and a short sleeve shirt. The long sleeve is twenty-five. The short sleeve is twenty.

COMMISSIONER DANIELS: Okay. Thank you.

Moving on, Office of Coastal Resources Management, Jan Boyd.

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

We have four action items for your consideration this morning, and Greg Christodoulou will be presenting the first one.

I'm sorry. We also have a non-action item and Jennifer Wittmann will be presenting it.

JENNIFER WITTMANN: Good morning.

As Jan said, I am Jennifer Wittmann. I will be presenting a very brief update on some things that Coastal
Preserves had going on over the summer months.

We were able to purchase through Tidelands Funds a new aquatic invasive species treatment vessel. It is a 2020 Pro-Drive X Series boat with a forty horsepower Pro-Drive motor on it which is air cooled. So it is an extremely shallow draft vessel, and the boat and motor together only weigh nine hundred pounds.

This is really going to be helpful for us getting into some of these waterways with the treatment of giant Salvinia. We had a very big Salvinia problem this year. We had a very wet springtime which led to a lot of nutrient in the water and the Salvinia became a pretty significant problem for us.

This is a picture of the boat and motor. You can see it is a little different than anything else that we have in the DMR fleet, but we are excited to get out there and get working on it.

We are going to be adding a spray tank and potentially adding some booms on the side so we can get more coverage.

We wanted to let the Commission know that if you get calls that we have a duck hunting boat, we do, but we are not hunting.

Through NFWF we were able to have a contractor do a prescribed burn at the DeLisle unit of the Wolf River
Coastal Preserves. They burned seventy-eight acres south of the Chemours facility over two days.

Our staff helped with the burn and with fire line installation, and the contract that we have with this individual also includes a burn at the Wachovia Unit in the Hancock County Marsh Preserve near Infinity and fire line installation at Indian Point in Gautier.

We are actually meeting with that contractor today in Gautier at Indian Point to start some fire line installation over there so that we can get some more of our Pine Savannas in a regular fire regime for some active restoration work.

These are just a couple of pictures from the burn that day. This one of the smoke plume was taken from the bridge that goes over the Wolf River, and, then, the fire line, and, then, we are going to see if this video will play.

(video playing.)

JENNIFER WITTMANN: In case you have never been in a prescribed burn, that is kind of what it is like.

Mississippi Power Company is a partner that we work with on a regular basis and this year their Renew Our Rivers Conservation Program won a 2019 EPA Gulf Guardian Award for Business and Industry, and Coastal Preserves has partnered with them for ten years on this project.
Every year we have a cleanup of the Deer Island Coastal Preserve, with the casino partners from Biloxi. We try to have it on Earth Day, or around there in April of every year. Mississippi Power, Harrison County, DMR, the Golden Nugget, Harrah’s Gulf Coast, the Hard Rock and Beau Rivage all participate in that event, and, then, we also work with Mississippi Power at the Pascagoula River, the Bernard Bayou and Turkey Creek and the Back Bay of Biloxi Renew Our Rivers events.

I also have a video of the Gulf Guardian Award and Jennifer Frey with Coastal Preserves is in that video and it is very short. It is just a few minutes, but it talks about the program for Renew Our Rivers and our partnership.

JOE SPRAGGINS: While they are trying to pull that up real quick, sir, for the Commission, this boat that they are talking about is an outstanding deal because they are able to go in and the Salvinia -- Senator Seymour, over in your area they’ve got some Salvinia in that area, and we are trying to fight that for you, and that is one of the things that they are trying to fight, and it is an invasive species that gets out there, and they have come up with this new boat that can go in and work in it and also spray twenty feet at the time on each side which is going to make a whole big difference in
maybe being able to control this invasive species.

    (Video playing.)

    JENNIFER WITTMANN: That is all I have. I just
wanted to share some of the highlights of things that we
had going on over the summer months.

    In addition to the passage of the Title 22, Part
19, we have been actively out there working and, as Joe
said, we are hoping that this new vessel is going to allow
us to get into some of those more remote areas in the
Pascagoula River marsh so that we can get some early
treatment on Salvinia before it gets out into the main
waterways. Hopefully we are going to get ahead of it this
year and we will be in a good place next summer.

    COMMISSIONER BOSARGE: That is great. I am glad
to see so many good people in this country that want to
clean up and make things better.

    I had one question. You know, we always see
fire. Fire is destructive.

    Can you explain what is the goal of these burns?
What are you trying to accomplish?

    JENNIFER WITTMANN: Many, many, many years ago
before there were people living in the Coastal Zones, we
had wildfires on a regular basis, and those kept the under
stories and the leaf litter off of the ground. There were
sparse pines and grass lands, Savannas underneath those.
When you start moving into an area and you have people there, fire can be destructive. Right now all of the Pine Savannas in South Mississippi, unless they are being actively managed by the Crane Refuge and mitigation are in a fire suppressed situation where there is a lot of leaf litter on the ground. There is a lot of understory and, in a lot of instances, there is an overgrowth of pine trees.

We are trying to get into these areas that are currently held in Coastal Preserves and we are going to take out some of those pines, get rid of that leaf litter and move that midstory and those understory plants that are growing so that we can get the area back to what it should be so it is more ecologically stable and we will have habitat for some of our threatened and endangered species and our species of concern.

We can’t necessarily manage an area for a specific animal, but we can manage the area for the habitat.

If we can get the habitats back to what they historically were, or what they can be in today’s world, by doing a regular fire regime and, in some instances, we use herbicides as well because we are in densely populated areas and, if you try to set a fire near a home, or a school, it can be intimidating for the people that are
around the area, as well as the people that are doing the
burning.

COMMISSIONER BOSARGE: I was just curious
because I get asked that question often. Now, I can
answer. Thank you.

JENNIFER WITTMANN: Yes, sir. Thank you.

COMMISSIONER DANIELS: Thank you, Jennifer.

Up next will be G2, Bureau of Wetlands
Permitting, Greg.

GREG CHRISTODOULOU: Good morning everyone.

Greg Christodoulou, Wetlands Permitting. I will
be presenting the first action item on the agenda today
for Coastal.

This is a permit request by DMR for the
expansion of the off-bottom aquaculture site south of Deer
Island.

It is in the General Use District, and the
project purpose and need is to offer additional areas to
allow for commercial off-bottom oyster aquaculture. It
will also provide jobs, supplement the traditional oyster
harvest and will also enhance the nearshore habitat.

The impacts associated with the project are
going to be exactly as it was with the previous oyster
aquaculture project. It is going to be some floating
baskets for most of the culture. It is going to be a
maximum of twelve percent of the coverage area of the site.

As far as the disturbance to the bottom, you will have pilings and, in some cases, you will have screw-down anchors.

There is a request for a Coastal Wetlands Use Plan change from General Use classification to an S-2 and an S-3 Use District and the justification is that there is a significant public benefit in the activity and impacts to public access and adverse environmental impacts have been minimized.

General public and governmental agencies were notified of the project and a public hearing was held.

As far as public access goes, as with the previous project, there will be lanes in the lease area to allow for entrance and exit from the areas to allow people who want to recreationally fish around those areas to do so, or travel to Deer Island.

Here is an aerial view of where the project will be located. I put all the coordinates, the corner coordinates and the centerline coordinates for you.

Here is a diagram of the project in relation to what was previously authorized. I like to call it the toothbrush. This site is a hundred and thirty-four acres.

The project appeared in The Sun Herald on April
14th, 21st and 28th. A public hearing was held on July 9th, 2019. We received no public comments.

DEQ is currently reviewing the project.

Archives and History requested a survey, a sonar survey. It took a little while to get that done, but that has been completed and they are awaiting the clearance from that.

Wildlife, Fisheries and Parks recommends best management practices.

Secretary of State has said a lease would be required for the project.

The recommendation of the staff is to approve the project because it provides a public benefit by creating jobs and providing a product that is in demand and right now it is not currently available through the local traditional harvest and it also provides nearshore habitat for recreational and commercial fish and invertebrate species.

We recommend approval of the permit and the use plan change, contingent on the water quality certification and that clearance from Archives.

Any questions?

COMMISSIONER BOSARGE: I think it is a great opportunity to expand what we have already started. I know some of the guys that are doing it and it is a lot of
work, but it is worth it.

   I know they had some issues with the Bonnet Carre.

GREG CHRISTODOULOU: As did everybody, but I think there would have been a lot of success if we had not had that. There is a marine contractor that is also doing this work. He has a leased site out there, and he is really excited about it.

COMMISSIONER BOSARGE: Good. I'm glad to see it.

With that, I will make a motion that we accept the staff's recommendations.

COMMISSIONER DANIELS: Do we have a second for that motion?

COMMISSIONER GUESS: I'll second it.

COMMISSIONER DANIELS: All those in favor say aye.

(All in favor.)

COMMISSIONER DANIELS: Opposed?

(None opposed.)

COMMISSIONER DANIELS: Motion passes.

JOE SPRAGGINS: Sir, if I may real quick on that one thing, we did a GOMESA project with USM, and they are working with an individual and they are trying to develop a way to raise and lower those baskets electronically.
That will take a lot of the workload, a lot of
the manpower out of it, but it will take it all out and
that will help a whole lot.

That should happen in the next few months that
we get something out of it.

COMMISSIONER BOSARGE: That’s great. I know it
is not just happening here in Mississippi. It is all over
the East Coast. Those guys are very innovative. I have
seen some of them where they actually run a boat down
along side this line and it flips those traps. So they
will figure it out. I’m sure.

JOE SPRAGGINS: We are also looking at putting a
barge and having a tumbler on the barge so they don’t have
to bring them in and out. We are looking at some way of
helping it that way, too, by having a barge out there and
being able to do the tumbling there, and, then, not having
to bring them all the way in to shore, and, then, take
them all the way back.

COMMISSIONER BOSARGE: Good deal.

COMMISSIONER DANIELS: Very exciting for sure.

B2, Willa Brantley.

WILLA BRANTLEY: Good morning.

I will be presenting the next two items on the
agenda.

The first is a request for a permit by the
Department of Environmental Quality. The location is along the western shoreline of Point Aux Chenes Bay and the banks of Bangs Bayou. This is east of Pascagoula.

That is Jackson County, not Harrison County. I don’t know why that didn’t get fixed.

It is in a Preservation District and partially in a General Use District.

The purpose and need is the NRDA Early Restoration Project. This is to support secondary productively.

The agent is Alane Young at Covington Civil and Environmental.

The description is approximately six point five acres of subtidal reef creation in Point Aux Chenes Bay and approximately three acres of intertidal reef creation in Bangs Bayou.

Here is a picture of Point Aux Chenes Bay where the subtidal reefs will be deployed, and this is a diagram depicting the dimensions.

There will be a minimum clearance at mean lower low water of two feet from the top of any of these structures.

To give an undulating and varied water depth of the reef, they will be built in ridges and vary from zero point two feet to a maximum of three feet in height from
Here is Bangs Bayou where the intertidal reefs will be constructed, and here is a diagram showing how they will be constructed. As you see, it will be where the tide range between low tide and high tide will cover and uncover portions of that reef on a daily basis.

The applicant has requested variances to the Coastal Program and Mississippi Code Title 22, Part 23 for permanent filling of Coastal Wetlands.

They have justified these variances stating that the impacts on Coastal Wetlands would be no worse than if the guidelines were followed.

This is because these are ultimately beneficial projects expected to improve the environment and habitat where they take place.

Notification appeared in The Sun Herald as required. There were no public comments received on this proposed project.

401 Water Quality Certification was issued by DEQ on August 19th, 2019.

Archives and History stated for this project they have no objections.

Secretary of State stated that the project will require a rent exempt Tidelands lease.

Wildlife, Fisheries and Parks has submitted no
DMR’s Bureau of Coastal Preserves stated that the Coastal Preserves Program has no objection to the proposed reef projects, provided the applicant requests and receives authorization from the riparian property owners.

This area includes both Coastal Preserves and the Grand Bay NERR. So some discussions occurred to decide whether permission was needed from both of those parties, or just one, and it was decided that as long as the Grand Bay NERR approved the project, no additional approval would be needed from Coastal Preserves for this particular project, and that approval was provided on September 5th, 2019.

Based upon departmental review and evaluation, we determined that the project will have a significant public benefit. Therefore, we recommend that the Commission approve the variance request and issue the requested permit with a few conditions; that the project area should be rechecked for the presence of SAV during the growing season prior to implementation of the project, that that survey report be submitted to the Bureau of Wetlands Permitting at least thirty days prior to project commencement and that if SAV is found in the proposed project area, a final review and approval by permitting
staff should be required prior to project commencement.

Are there any questions?

COMMISSIONER BOSARGE: Yes. I have a couple, of course, Willa.

In Bangs Bayou, there are already oysters along the banks which is where this is going.

Now, is this to enhance what is already there?

I mean, all along and even in Point Aux Chenes Bay, there are already oysters there.

WILLA BRANTLEY: Yes, sir. It is intended to enhance and replace any productively, secondary productively that might have been damaged by the oil spill whether it was specifically in that location, or in a nearby location.

COMMISSIONER BOSARGE: I guess my only concern would be that we are not going to do any harm to what is already there because those oysters in that Bangs Bayou, the oysters are on the breaks, up in the edges which is where you are putting all this.

WILLA BRANTLEY: This project has been extensively discussed and reviewed by our Fisheries Department and Grand Bay NERR, Coastal Preserves.

We have a restoration team made up of all the different offices and bureaus at DMR and we discussed these over the last several years heavily. They have been
carefully planned not to cause problems to any existing resources.

COMMISSIONER BOSARGE: I think I saw where some of that material will be -- in my mind, I'm trying to keep them all straight.

Is this where some of that material is going to be put out in wire cages?

WILLA BRANTLEY: Yes, sir.

COMMISSIONER BOSARGE: It is great. I am glad to see it. We need all the help we can get. We just need to be sure that we don’t mess up what is naturally there.

WILLA BRANTLEY: Yes, sir.

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER DANIELS: Have we got any more questions on that one?

(No response.)

COMMISSIONER DANIELS: Do we have a motion to approve?

COMMISSIONER GUESS: I'll make the motion to approve the variance request and issue the requested permit with the conditions listed.

COMMISSIONER DANIELS: Do we have a second for that motion?

COMMISSIONER BOSARGE: I'll second her motion.

COMMISSIONER DANIELS: All those in favor say
aye.

(All in favor.)

COMMISSIONER DANIELS: Opposed?

(None opposed.)

COMMISSIONER DANIELS: Motion passes.

WILLA BRANTLEY: Thank you.

The second presentation is also a request by the Department of Environmental Quality. This project is along the southern shoreline of Graveline Bay in Jackson County. It is within a Preservation District, and it is also a NRDA Early Restoration Project to support secondary productivity. Alane Young is also the agent for this one.

This one will involve ten acres of subtidal reef creation and two acres of intertidal reef creation.

Here is a diagram. It is kind of hard to see that red, but the red outlines are where the intertidal and subtidal reefs will be deployed. They will be integrated together.

This is a diagram. So you see up here on this end it is showing the intertidal where they will be exposed by the daily fluctuation of the tide, and, then, there will be some further out that will remain submerged at all times, except for in extreme tide events.

They have also requested the same variances as the previous project for permanent filling of Coastal
Wetlands and they were justified the same way, that impacts to Coastal Wetlands would be no worse than if the guidelines were followed, based on the positive hopeful impacts of the projects.

Notification appeared in The Sun Herald as required, and we did receive two public comments. One was from an adjacent property owner who just simply did not understand the mail out that we send. We send a copy of the full application to all of the adjacent property owners to see if they have any comments. She was an older woman and did not understand. She thought the reference to a fifty dollar application fee was asking her to submit fifty dollars.

I spoke with her on the phone and assured her we were not asking for any money. We just wanted to know her opinion of the project, and she was satisfied. She submitted no further comments after that.

One member of the public did submit comments concerning water level calculations, that the calculations in the plan were not realistic and would lead to problems both in construction and in the overall success of the reef.

The applicant has responded stating that the construction schedule will take into account seasonal wind patterns and tidal fluctuations and contemplates that both
the subtidal and intertidal portions of the reef will be periodically exposed by those fluctuations.

The subtidal reef is expected to be covered by water at all times under average meteorological conditions. They did plan it based on the average conditions, but they do know that there will be some conditions that do expose portions of that subtidal reef.

The intertidal reef will be constructed so that a portion will fall between the mean high water mark and the mean lower low water lines, and they do understand that those are mean levels and that they will change seasonally in some cases.

The biological performance criteria is invertebrate fauna and will be used to calculate secondary productivity, and these periodic reef exposures are not expected to impact the overall success of the project.

Second comment is that the monitoring plan is still inadequate and will not allow a reasonable test of the success of the reef in improving secondary productivity.

The applicant has responded that the NRDA Phase IV Restoration Plan has a very specific definition of secondary productivity.

I am not going to read that whole definition,
but if you have any questions, I will be happy to explain it.

They did provide it, and they stated that the biomass will be measured using established methods and will be used to calculate that secondary productivity.

They have also responded that oysters will be good, if they come in and populate these reefs, but they are not required for the success under the NRDA program.

The third comment is that concrete is an objectionable material to use for reef construction in a Coastal Preserve.

The applicant responded that the Coastal Preserves Bureau has approved the project as proposed in the permit application.

The fourth comment was that no provision is made for marking the reef as a navigational hazard.

The applicant responded that as part of the Army Corps of Engineers permitting process navigational hazards are assessed and an aids to navigation plan may be required by the Coast Guard.

If so, the permit will be submitted to the Coast Guard for their analysis and determination, and they will decide if any markings will be required.

They have made a request to the NOAA mapping group to include the subtidal and intertidal reef.
locations on navigational charts.

Continuing on with our agency comments:

DEQ has issued 401 Water Quality Certification on August 19th, 2019.

Department of Archives and History requested a cultural resources survey be conducted. That survey has been completed and submitted to Archives and History, and they are waiting on clearance.

Secretary of State stated that the project will require a rent exempt lease.

Wildlife, Fisheries and Parks submitted no comments to date.

Coastal Preserves, again, stated that the Coastal Preserves Bureau has no objections to the project, but stated that a request from the applicant for work within the riparian zone of Coastal Preserves would be needed.

The approval from the Bureau of Coastal Preserves was provided on August 27, 2019, with some conditions; that the applicant possess all necessary Federal and State permits, that they conduct all activities in compliance with those permit conditions and that the Coastal Preserves office is provided with a final as-built diagram of the project.

These are the same conditions you saw a few
months ago with the Deer Island project.

    Based upon departmental review and evaluation, again, we determined that this project will have a significant public benefit. Therefore, we recommend approval of the variance request and issuance of the requested permit with the following conditions:

    The same ones regarding SAV, that the project area should be rechecked during the growing season prior to implementation.

    The survey report should be submitted to permitting staff at least thirty days prior to project commencement.

    If SAV is found in the area, a final review and approval by DMR staff should be required prior to project commencement.

    Also, the previously mentioned conditions for Coastal Preserves, that a final as-built diagram should be provided within ninety days of construction completion to the Bureau of Coastal Preserves.

    Also, that clearance from the Department of Archives and History should be provided to Wetlands Permitting prior to commencement of construction.

    COMMISSIONER DANIELS: Do we have any questions on this?

    COMMISSIONER BOSARGE: Yes, I do. I have a
couple.

When you say MDEQ 401 Water Quality Certification, we have always had problems with the water and that being the reason we could never really harvest oysters out of Graveline, or relay, or anything.

What is this 401 Water Quality Certification?

WILLA BRANTLEY: That certification is saying that this particular project will not cause the water quality to fail the standards that are set.

It doesn't necessarily mean it will make them pass. The hope is that it will improve water quality, but it means that this project won't cause it to fail.

COMMISSIONER BOSARGE: And some more of this material will be placed in the wire baskets?

WILLA BRANTLEY: Yes.

COMMISSIONER BOSARGE: Is this wire designed to disintegrate over time?

WILLA BRANTLEY: Yes. It is eaten away by the saltwater over time.

COMMISSIONER BOSARGE: Good deal. All right. Thank you.

COMMISSIONER DANIELS: Any more questions?

COMMISSIONER BOSARGE: No, sir.

With that, I will make the motion that we accept the staff's recommendation.
COMMISSIONER DANIELS: Do we have a second for that motion?

COMMISSIONER DANIELS: I'll second it.

All those in favor aye?

(All in favor.)

COMMISSIONER DANIELS: Opposed?

(None opposed.)

COMMISSIONER DANIELS: Motion passes.

WILDA BRANTLEY: Thank you very much.

COMMISSIONER DANIELS: Next up with be Dr. Paul Mickle and Chris Wells.

PAUL MICKLE: Good morning Commissioners, Director Spraggins, legal counsel.

I appreciate the time. This will be a dual presentation by MDMR and MDEQ, specifically myself as well as Chris Wells who is Chief of Staff and Restoration Director of DEQ.

We are going to give you backgrounds of the projects a little bit and also present two proposed agreements for you to consider. These agreements go along with the projects themselves.

You just approved the permits, but the agreements were requested by both the TIG which is the funding body for NRDA which are three of the projects presented here today, and, then, the board of NFWF are
requesting these agreements.

I will let Chris delve into the information as far as the agreements, and, then, I will provide some information about the projects specifically and answer any questions that y’all have.

CHRIS WELLS: Good morning, and thank you for the opportunity to address you again today.

If you will recall, the last time I was before you was back in July and we discussed and you-all approved an interagency cooperative agreement like the two that are being presented to you today.

That agreement covered one component of the Natural Resources, or the NRDA Phase IV Early Restoration Project.

If you will recall, part of the discussion was that that was going to be the first in a series of these types of agreements that we would be asking your approval for over a period of time, throughout the course of this program.

It also covered one of the multiple components of that Phase IV Project.

The first agreement that we are presenting to you today has to do with three additional components of that same project.

Those permits that you just approved were for
the Grand Bay and the Graveline Bay components of the Phase IV Project.

There was also a Wolf River component that you issued a permit for at a previous meeting.

This agreement covers all three of those components.

The second one we will get to in a little while has to do with the NFWF project.

I want to emphasize and Ms. Brantley just eluded to this in the discussion of those two permits. The purpose of this NRDA project is not oyster restoration per se. It was for the restoration of benthic secondary productivity.

Now, obviously, oysters are a big part of that, but not the only component of that productivity. Therefore, the purpose of the project was not just oysters.

Now, I want to pause here and give Paul an opportunity. I don’t need to be talking to you about the science. I am going to give him an opportunity to talk in some detail about the science behind this project.

PAUL MICKLE: Just a little background about the -- with NRDA and these Phase IV projects. I am going to go into each one and answer any questions y'all might have.
I will start with Grand Bay. Like Willa presented when the permit was presented to y'all, it is secondary production. It is NRDA, so it meets certain criteria for the plan.

All of these are NRDA Phase IV.

Grand Bay itself, the intertidal sites and the subtidal sites are in our restricted area designated by our agency in our Tidals and Parks, as far as harvest potential, as being restrictive and meeting that secondary production.

That was a very pointed question, Commissioner Bosarge, about the intertidal oysters that are already there.

If you know Bangs Bayou real well and know that area, the sides of the bayou and most of the area and substrates there are very soft and are substrate limited on catching -- what intertidal oysters are there are struggling when they spawn to have nice hard substrate to attach to.

These projects are built for secondary production, but, when I say there has been a lot of time and design put into these, it is an understatement with our RCT Restoration Group involving DMR and DEQ talking about these areas that give us the best chance for these intertidal oysters and our overall secondary production.
Graveline. Our intertidal subtidal reefs that the permit was presented is very similar to Grand Bay. They are presently in restricted areas designated by this agency.

Secondary production is the overall goal, but, again, those are intertidal areas within the substrate limited areas where the oysters are there, but they have just become so slushed over with soft substrate over the years of lack of tidal flushing and overall that this increased substrate will provide that ability for oysters to really take foothold in what we saw fifty, sixty, a hundred years ago in these areas of intertidal oysters.

Then, the last one is the Wolf River Living Shoreline which you approved the permit a good bit ago, but we are including in the agreement here.

This is a little bit different. This is in a prohibited area, as we all know up in the top level of Bay St. Louis. It is northeast of a current reef done by the Nature Conservancy, and it is designed to protect and enhance existing shoreline as well as provide that secondary production.

Are there any questions about these specific projects that are Phase IV that I can answer here at this point?

COMMISSIONER BOSARGE: Yes, Paul.
You are talking about how the oysters are silting over and what have you. It is kind of like what Jennifer was talking about with the burns. As things grow in and they grow over and the brush gets so thick that it chokes out different things, it is kind of the same way with those areas, Graveline Bayou and Bayou Cumbest where we prohibited any interaction with oysters in those areas, and it has all got to do with water quality.

You were talking about the soft substrate in Bangs Bayou. You don’t really know the fishery because you are not old enough. You are not gray headed like me, but that fishery, they used nippers.

PAUL MICKLE: Joe Jewell was telling me about that. It was really interesting how they were harvesting.

COMMISSIONER BOSARGE: Those guys would go out there and they would only fish on the days when the water was clear because all they see is the bill of the oyster sticking out of the mud. I mean, just as clean a fishery as you could ever get, and those guys didn’t catch many oysters, but they were good.

Anyhow, my point is we don’t get to work any of that anymore, whether it be as an effort just to enhance it, or an effort to try to get water quality.

I mean, I have preached it. You would think Grand Bay NERR would have the best water quality of
anywhere, but we can’t seem to get water quality in our most pristine place in the whole State of Mississippi to do anything.

I still don’t want to see us -- I want to see us do our projects, but like the yellow box you’ve got drawn down there at the Grand Bay NERR, we’ve got three areas where we are doing work and yet we are going to take in that whole area and make it for -- we haven’t decided yet -- three to five years and up to as many as ten years where there will be no chance of ever doing anything for those guys, and you don’t realize the calls I get.

My dad, for instance, this was part of their coming up and coming up in the seafood industry. They don’t have 401k’s.

You see what I’m saying?

So part of their retirement plan was to sell their bigger vessels. My dad did.

Graveline Bayou the last time it was open with a little old plywood skiff, he would get up in the morning, mom would fix his lunch and his thermos of coffee. He would go to Graveline Bayou oysters. If he caught three sacks, or four sacks, whatever, that was the happiest I have seen him in a long time.

They don’t have that opportunity anymore, and I know there are certain parts of it we can’t control.
Water quality, we can’t control water quality, but I would love to see -- I want to see these projects go, but I want to see them take shape. Let’s try to learn what we can from it, do the best we can for the environment, but please try to keep these areas that we are going to say put moratoriums on to the area that we are working in, not this whole big giant area.

That is my only concern because we don’t know what tomorrow brings. Hopefully, in that Grand Bay NERR area where there are no more homes, this should be a pristine area.

I would love to see, at some point in time, that little small nippers, these guys go out in clear water. That is part of their 401k.

PAUL MICKLE: Yes, sir.

Grand Bay, it is definitely a jewel of our state. It is where our research reserve is and we have had meetings out there. It something that we are real proud to have and it is a great State and Federal partnership.

We focus a lot of our intent and discussions and research objectives to this area incorporating oyster production projects.

DEQ does not have to do oysters. The legal intent of NRDA is not for oysters, like Chris was saying,
but they have been listening to what the staff at DMR is saying and believe me oysters is the intent, at least from the DMR perspective, of first intent as well and DEQ has been very wonderful to accommodate.

COMMISSIONER BOSARGE: I appreciate everything they are doing. I hope that we can learn from these projects and adapt it into different places.

Just keep in mind that let’s don’t make it too restrictive.

PAUL MICKLE: We are about to present the agreements, and they only apply to the permitted areas, not these giant boxes.

COMMISSIONER BOSARGE: Good.

PAUL MICKLE: This was just a process from which projects are selected areas. These are not the permitted areas. The permitted areas were presented by Willa previously. The agreements apply only to those.

That was a great point as far as understanding the research here.

I am sorry to be long-winded. I’m going to try to be quick and brief, but the Grand Bay, they actually have a research component added on top of it and NRDA was fine with it of looking at different substrate types, those oysters in the cages, as well as the crushed concrete and doing nice experimental design to really
understand intertidal restoration because the literature out there on the international scale is just not comparative to our Mississippi Coast.

We have very weak tides. We all know that. We have identified that it is just uncomparable on a scientific plane. So we want to do research in our backyard and really Grand Bay is where it needs to be done.

It is going to lead to water quality understanding exactly to your point, and that is part of the research as well. We are very excited about that. It sounds like we are all on the same page which is great to see.

Although these projects are Phase IV and they have similar goals from a legal perspective, the research is ingrained in these and the NFWF presentation that is inside of what we are about to present is on the exact same lines, but, again, NFWF is a different group. It is a board instead of a TIG.

There are differences there, but, again, the overall goals as far as the interagency works and things, it is all there and we are very excited about it.

Are there any other questions?

(NO response.)

CHRIS WELLS: I want to emphasize that the
moratorium that we are asking for that is incorporated in this agreement applies only to the reefs that we are using this particular funding to construct.

COMMISSIONER BOSARGE: Good because that wasn't clear in what I read in the presentation.

CHRIS WELLS: I apologize, and I’m glad you asked that question to clear that up.

With all that, the first agreement that is being presented to you today, like the one that you approved in July, allows for a moratorium on the harvest of oysters to allow us to do the monitoring that is required by the consent decree to obtain the data that we need on the secondary benthic productivity for a minimum of five years.

There are specific goals set forth in the project that if they aren’t met, then, we are required to monitor for an additional two years. That is where the maximum of seven comes in. Minimum of five. Maximum of seven.

With that, I will yield to the Commission for any questions you may have of me.

COMMISSIONER BOSARGE: Just to be clear, in the restrictive -- back up a couple of slides, I think, to where -- maybe it was in a different presentation, but in the Bangs area where you had the areas in blue, it will be
nothing but those areas?

   In other words, it won't be the surrounding bayou, or...

   CHRIS WELLS: The yellow boxes on this map are the total area that are approved under the NRDA process for us to work within.

   The more specific maps that you saw earlier in relation to the specific permits, even those areas are the areas within which we are going to build a certain acreage of reef.

   COMMISSIONER BOSARGE: Correct.

   CHRIS WELLS: And that is where the moratorium would apply and only to the reefs that are built within that area.

   COMMISSIONER BOSARGE: Can we do something to make that clearer?

   COMMISSIONER DANIELS: Will there be any types of markings around these areas that would possibly let people identify the area that is restricted with a moratorium?

   CHRIS WELLS: That is going to be an enforcement issue, I guess. I don't really know.

   COMMISSIONER BOSARGE: I guess my suggestion is if nothing else, at least in the permit paperwork however spell it out where this moratorium -- you see what I'm
saying Paul?

Just keep it a little clearer for everybody because I know once word gets out, then, there is going to be this big uproar about, well, they closed it all and it will never be open again.

PAUL MICKLE: Yes. We can add clarity to the potential permit moving forward and, also, we can look into the signage.

I don’t want to speak when I don’t know what the capabilities are of how to do it.

JOE SPRAGGINS: What Willa talked about a few minutes ago, that is the area that we are talking about permitting only.

Right?

PAUL MICKLE: Yes, sir.

JOE SPRAGGINS: Is that not in the permit that that area is the only area being permitted?

PAUL MICKLE: That’s correct. That is the only area.

JOE SPRAGGINS: I think that the thing that is causing the problem which I see what you are saying, when you put a big box out here and they look at it and they say, you are going to take all of that, but no. It is only those things, and the permit itself is only about that small little area, like, ten acres, or four acres, or
two acres, or whatever it is.

PAUL MICKLE: That’s correct.

JOE SPRAGGINS: Is that correct?

PAUL MICKLE: Yes.

COMMISSIONER BOSARGE: And it only makes sense.

PAUL MICKLE: Sure.

This slide is misleading in that these are project selection sites, and this is an early restoration. This is years ago before I was here; even Kelly was here before me. That is how old these maps are.

They just drew some boxes around these big areas and said, BP agreed we are going to do restoration here. The permitted sites are very small.

JOE SPRAGGINS: Do we have the permits already? I mean the agreement that we are going to do with DEQ, is it already prepared?

PAUL MICKLE: Yes, sir. It was given out to the Commissioners in their packets, the full agreements.

JOE SPRAGGINS: We are not asking them to sign it today?

PAUL MICKLE: If you so agree with this agreement that was sent out to the Commissioners, then, there would need to be a motion made to accept the agreement.

If you feel that some information needs to be
added, or some clarity in that, there is no problem with bringing it back, or there is no threat of losing this project, or there is not a tight timeline. I would inform you, if there was.

CHRIS WELLS: If I may, on page two of the agreement, the draft agreement that we are asking you to approve, the agreement is tied specifically to -- and this is in the whereas paragraphs. It is tied specifically to those specific small permitted areas.

Again, the map that we threw up there a minute ago, as Paul says, is a little misleading in terms of the agreement because those are the overall project areas that are allowed for us to work within for the project.

The permits and the agreement are specific to those small acres, six-and-a-half acres, three acres, ten acres, two acres and thirty acres that were specifically permitted in the action that you just took a few minutes ago.

Those maps that Ms. Brantley had on the screen are the accurate maps to where the moratorium would apply, as referenced in those whereas paragraphs.

JOE SPRAGGINS: Paul, I don’t think they have any of those in that packet.

PAUL MICKLE: The agreements were given to the Commissioners, the full agreements.
COMMISSIONER BOSARGE: Yes. I read it.

JOE SPRAGGINS: Okay.

PAUL MICKLE: Thank you Karen and Willa.

This is what Willa presented previously and, as Chris pointed out, the size and the acreages are in the formal agreement, but, obviously, there needs to be some promotion and clarification for our management needs in those specific areas.

Just to point out, these are restricted areas, currently restricted areas. So there would not be an open season in the near future within these areas.

COMMISSIONER BOSARGE: Correct. Seven years from now, we don’t know where we will be.

PAUL MICKLE: I hope we are in a good place.

COMMISSIONER BOSARGE: I do, too.

PAUL MICKLE: The first agreement is what we are proposing. If the Commission supports, then, a motion would need to be made to accept that agreement.

COMMISSIONER BOSARGE: I’ll make the motion to accept your agreement.

COMMISSIONER GUESS: I’ll second it.

PAUL MICKLE: Just to be specific, this is an agreement for NRDA Phase IV sites only that we just presented.

COMMISSIONER DANIELS: I think there are two
different specific motions that need to be made.

Correct, Paul?

PAUL MICKLE: Yes. We are about to jump into NFWF which is different from NRDA.

This is the first agreement that is in your packet that we presented background to and the agreement itself, just to reiterate, is a five-year harvest moratorium with a potential additional two years for adaptive management so that NRDA feels comfortable that it meets that requirement of eighty-four grams weight of secondary production per square meter. That is what they are legally trying to get to, and we want that to be oyster secondary production. That is why these sites are presented.

COMMISSIONER DANIELS: So do we need to do one now, or do you want to wait a do them both after the next presentation?

PAUL MICKLE: I respectfully request we do the first one now, just to keep them separate enough. Because NFWF is so different from NRDA, I recommend we separate them.

COMMISSIONER BOSARGE: I believe Karen has a slide of what the motion should exactly be because these are so intertwined.

That would be our motion. There are a lot of
acronyms in this and we have got to get it right to make sure that everything is on track here.

COMMISSIONER GUESS: Do we have to add the agreement number, 49981?

PAUL MICKLE: I think it is specific enough, as far as having NRDA in there. MDEQ NRDA Phase IV, that directly links to these projects specifically.

COMMISSIONER DANIELS: Would someone like to make this motion?

COMMISSIONER BOSARGE: Yes. I will continue on with the motion.

Motion to accept the agreement between MDEQ, MCMR and MDMR for MDEQ NRDA Phase IV projects located in Grand Bay, Graveline Bayou and Wolf River.

COMMISSIONER DANIELS: Do we have a second?

COMMISSIONER GUESS: I'll second it.

COMMISSIONER DANIELS: All those in favor say aye.

(All in favor.)

COMMISSIONER DANIELS: Opposed?

(None opposed.)

COMMISSIONER DANIELS: Motion passes.

CHRIS WELLS: Thank you for that.

I know you have a packed agenda today, so I am trying to make my comments brief, but I want to make sure
we answer all the questions that you have. Thank you for that exchange.

As Paul eluded to, NFWF is a completely different animal.

If you will recall, there were three restoration funding streams that came out of the settlements with BP, and NRDA was one of them.

The Gulf Environmental Benefit Fund for which NFWF is the trustee was a second one, and, then, the Restore Act Civil Penalties was the third funding stream.

We are doing oyster work under all of those, and they each have their process and procedure and limitations, restrictions and requirements.

In this particular case, unlike the NRDA Project that we just talked about where the goal was not per se oyster restoration, the NFWF project is an oyster restoration project, but it is also a scientific project, and the purpose of the project was to allow us to do a differential comparative analysis, if you will, between the productivity success, or compare substrates to see if one works better than the other, and collect data regarding that, and, also, the way that the reefs are constructed with relief.

The idea behind this project was to construct three ten-acre reefs and within each of those ten-acre
reefs, we would place five acres of crushed limestone and five acres of crushed concrete with relief, and, then, monitor those reefs for oyster productivity specifically and to compare the two and see what if any difference there is between the two types of substrate, and that will provide data for us to use in making future restoration decisions, but also for you-all to have in managing the fishery as a whole.

That is the purpose of this project and, again, I am going to pause there and give Paul an opportunity to comment further on the science behind this, but I just wanted to make sure and emphasize the difference in the purposes of the project here.

PAUL MICKLE: I apologize. Chris and I are trying to start a mini wave in the room, up and down over and over.

Just to give a little background real quick very brief, this NFWF project has a scientific base to it to understand.

Really when we get into this restoration, we are going to have a lot of restoration in the future with this agency hopefully with some potential Bonnet Carre monies and things like that.

These scientific questions of understanding the substrate type, size, levels of high relief, low relief,
these are the scientific questions that we need to move forward to lower the risk of uncertainty and get our oysters back as fast and as efficiently as we can for all the services that oysters provide both commercial and recreational.

Then, just to point out, these are the sites right here. These are the three sites that Chris was just talking about.

Here is Ocean Springs up here, here is Biloxi, there is the Point and this site, this research site is right here which is currently in the restricted area.

Here is our conditionally approved area that we have had the past seasons recently, and it is very exciting to see a high relief, a very expensive high relief deployment of cultch types right here where oyster larvae can spawn and be transported into a harvestable area.

If you remember, a couple of months ago you approved an agreement of Deer Island, a ninety-acre NRDA site, which is Phase IV just like what we dealt with just a minute ago right here in a restricted area, and that is high relief as well, ninety acres. Large areas of high relief high productivity of oysters of hopefully multiple age classes of oysters at different levels on this relief reef where if bad water quality comes in, there is
survivorship because of the different levels of relief, and you have high resiliency reefs adjacent to harvestable areas pumping larvae in over time.

The hydrodynamic models are starting to show that when the tides change the larvae bounces around here and moves its way out.

When Biloxi Bay comes out, every tide, with the tide it slurps this water with it potentially pulling oyster larvae into these areas.

It is very exciting to see potential oyster management scenarios as to see if we can take this potential model of some high relief reefs in restricted areas adjacent to harvestable areas. We get to check all those boxes. We have water quality increases. These eco systems services the larval transport into the harvestable areas. It gets me excited. It gets the agency excited.

Marine Fisheries has provided a lot of information and a lot of support on these projects, and I just wanted to emphasize the science behind this, that there is a lot of thought that is going into these projects and it is a great interagency endeavor to really see it hit the ground.

The board from NFWF has approved funding for this project. NRDA has approved the funding for the NRDA projects. These are real things. These are not just talk.
anymore. These are happening.

We certainly want to bring them to you and have your full support, if possible, not just the agreements and the permits, but helping us get the word out of how important these are.

When you think about it, the agency has never had funds to this level to do high relief. It costs a lot.

In management practices, we put cultch out for oyster harvest purposes and we put cultch out and build artificial reefs and things like that inshore, but this is new. This is really interesting. I just want to emphasize that.

That is the background behind these projects. I appreciate the time. I tried to be brief.

I will let Chris bring us home, finish up.

CHRIS WELLS: Thank you.

Again, the idea here is to place a moratorium on the harvest of oysters for a period of time to allow us to collect the data that we need.

NFWF, is approving this project. They recognize that what we are trying to do with the project is to add to our knowledge base and, in order to make sure that we are able to do that and that their funds are being invested wisely, we need this moratorium for a period of
time.

The good news is, again, the requirements being different. NFWF is only insisting on a minimum of three years. So this agreement, unlike the other two that you have approved, would provide a moratorium for three years on oyster harvest on these three ten-acre reefs under this project.

With that, any questions you may have, I will be glad to try to answer.

COMMISSIONER DANIELS: Do we have any questions?

COMMISSIONER BOSARGE: I don't have any. I think you have done a very good job of explaining it to us.

CHRIS WELLS: Thank you.

COMMISSIONER GOLLOTT: I have one question.

CHRIS WELLS: Yes, sir.

COMMISSIONER GOLLOTT: What happens if we get a three-inch oyster in eighteen months and our fishermen could go in there and make a living?

We are locking ourselves off of these areas for three years?

CHRIS WELLS: Under this agreement, yes, sir. It is to allow us to collect the data. I mean, that would be good data to collect. If one of these substrates grew a three-inch oyster in eighteen months, that would be good
information to have going forward on how we could do
future restoration work not only under these funding
streams, but other funding streams that you-all manage.

COMMISSIONER GOLLOTT: Wouldn’t it be better to
make it two years instead of three, and, then, that way we
could make a decision in three yeas whether to open it, or
keep it closed?

CHRIS WELLS: I understand your logic behind
that. I can only tell you what NFWF is requiring.

JOE SPRAGGINS: Commissioner, I think the
biggest issue here is they are requiring some research to
be done and because of the testing, it is going to take a
minimum of three years, and they are saying to give us the
money to do any of this at all that we have to stand up
and say, we will give them three years that we won’t touch
a reef so that they can have that research that they are
looking at.

Is that correct, Chris?

CHRIS WELLS: Yes, sir.

COMMISSIONER GOLLOTT: Well, the only thing I am
remembering is the reef we did this to in the Western
Sound and we had oysters that our fishermen could have
gone in -- I mean, a lot of oysters our fishermen could
have gone in and harvested. They made us wait another
year and they all died. Anything could happen in the Bay.
CHRIS WELLS: If I'm not mistaken, I believe that there are provisions in the agreement to allow some decision making along those lines.

I will have to look and make sure it is in this agreement, but I understand the concern you are expressing is if we know that there is another Bonnet Carre coming our way and we can salvage those oysters, then, we would want that flexibility.

COMMISSIONER DANIELS: Just briefly while you are looking for that, I believe Paul Mickle wants to speak.

PAUL MICKLE: Sure. I moved my feet. I apologize.

I agree with you, Commissioner Gollott. There are risks when you go with three years and if, in two years, you have oysters that are of legal size, then, you have to wait that year.

There is one year in question, but what has really happened recently is Marine Fisheries has done a large amount of cultching in that conditionally-approved area just to the west of it.

If you want to have that production capacity, you do lose that one year on that restricted in the current agreement, but, if you want multiple age classes to be pumping larvae into that brand new cultched area,
you do lose a year and there are risks and water quality
issues with that. It is a high relief reef providing that
survivorship, if that happens, a bad water quality and
mortality event.

We are doing our best to provide that three-
dimensional high relief strategy to lower the risks.

I know we are putting that year on the table,
but it is that one year risk that I think is worthwhile to
take because of what is going on in the area, as far as
new cultching, high relief and having multiple age classes
in that high relief.

That three-inch oyster would be that first age
class reaching maturity to reproductive level and we lose
one year, but, again, that is an ability for it to pump
larvae into those newly cultched areas where Marine
Fisheries has literally just completed the last couple of
months.

COMMISSIONER GOLLOTT: But, Paul, why are you
willing to give up that year, when you don’t have to, or
do you have to?

CHRIS WELLS: I think that is the bottom line.
In order to get this funding, that is the requirement.

COMMISSIONER GOLLOTT: Who is controlling the
funding?

CHRIS WELLS: The National Fish and Wildlife
Foundation board of directors.

COMMISSIONER GOLLOTT: Federal, or State?

CHRIS WELLS: It is a federally approved -- congressionally approved, if you will. There is a term for it, but it is a nonprofit board, or organization, that is federally authorized to receive funding through things like this criminal plea agreement with BP, and they do a lot of different types of habitat and restoration and ecological work across the country.

COMMISSIONER GOLLOTT: Does this money belong to the State of Mississippi?

CHRIS WELLS: It does not.

COMMISSIONER GOLLOTT: It does not?

CHRIS WELLS: No, sir.

COMMISSIONER GOLLOTT: Okay.

CHRIS WELLS: It is the Gulf Environmental Benefit Fund which is a trust fund that was established by the plea agreement with BP over the criminal allegations, and NFWF was appointed as trustee of that fund.

Not to get into too much detail, but under the plea agreement their obligation is to fund projects to remedy harm, or prevent future harm, to resources that were injured by the spill, and they are to consult with the State in determining which projects that they will fund, and DEQ is the consulting agency.
COMMISSIONER DANIELS: Like a lot of things in life, I think this all comes down to risk and reward.

We are obviously going to possibly get a huge benefit in learning more about the cultch materials and, if they are willing to fund our research on that and putting this in, I personally think that it is worth the risk.

COMMISSIONER GUESS: Can we get the possible motion up on the board?

COMMISSIONER DANIELS: Would anyone like to make a motion to accept?

COMMISSIONER GUESS: I'll make a motion to accept the agreement between MDEQ, MCMR and MDMR for MDEQ, NFWF, GEBF Phase I Project located in Biloxi Bay.

COMMISSIONER DANIELS: Do we have a second?

COMMISSIONER BOSARGE: I'll second the motion.

COMMISSIONER DANIELS: All those in favor say aye.

(All in favor.)

COMMISSIONER DANIELS: Opposed?

(None opposed.)

COMMISSIONER DANIELS: Motion passes.

CHRIS WELLS: I can't thank you enough for working with us on this and for the opportunity to address you today. Thank you.
COMMISSIONER GUESS: Thank you.

COMMISSIONER DANIELS: Thank you for your presentation.

If it is all right with everybody, we are going to take a quick recess before we get into the last part of our agenda. Ten minutes, and we will reconvene.

MEETING STANDS IN RECESS

COMMISSIONER DANIELS: Let’s reconvene the meeting now.

No presentation from Office of Coastal Restoration.

Next up will be Finance and Administration, Leslie Brewer.

LESLIE BREWER: Good morning Director, Commissioners and legal.

My name is Leslie Brewer, CFO. I will be presenting the agency’s financial statements for the month of September 2019.

At the end of September, our State Revenue was three point three million. Our Total Agency Revenue was four million.

Our State Net Income was one million and our Total Agency Net Income was a negative one million.

After three months of fiscal year 2020, we have ninety point seven percent of the Operating Budget
remaining, while the Tidelands Budget was ninety-four point one percent.

Does anybody have any questions?

(No response.)

COMMISSIONER DANIELS: Thank you.

LESLIE BREWER: Thank you.

COMMISSIONER DANIELS: Ms. Charmaine with Public Affairs.

CHARMAINE SCHERMUND: Good morning Commissioners, Director Spraggins, counsel.

The Mississippi Department of Marine Resources was mentioned fifty-seven times in local, state and national media since the September CMR meeting.

Popular news items included the impact of the spillway opening on Mississippi’s seafood, the announcement of GOMESA projects and the Federal Fisheries Disaster Declaration.

Marine Patrol taught one boat-and-water safety class and certified thirty-five students. So far in fiscal year 20, officers have taught four classes and certified one hundred and eight students.

Marine Patrol took part in the Biloxi Police Department’s Community Festival Against Crime, the East Hancock Elementary School’s Career Fair, the Situational Awareness Event at Vancleave High School and National
Night Out events at both St. Clare Church in Diamondhead and National Estuaries Day at the Grand Bay NERR.

The Office of Information Technology participated in the Disaster Response Exercise with Chevron in September where they demonstrated the agency's UAS response capabilities and participated in a tabletop exercise with first responders from across the Coast and Federal partners.

Information Technology also organized and co-hosted the Mississippi Geospatial Conference October 3rd through the 4th where Karen Clark presented on advances in vegetation mapping using machine learning.

In the Office of Marine Fisheries, Shellfish Bureau's Kristina Broussard and Finfish Bureau's Megan Fleming participated in Fuel Spill Training at Keesler Air Force Base in September.

Kristina also took part in the Gulf of Mexico Alliance Marine Debris Cross-Team Initiative meeting in Corpus Christi, Texas, October 8th through the 9th. The meeting addressed marine debris impacts on the Gulf of Mexico and included a special hurricane panel discussion.

Office of Marine Fisheries Joe Jewell, Rick Burris, Ruth Posadas, Erik Broussard and Jason Rider represented the State of Mississippi by attending and participating in the Interstate Shellfish Sanitation
Conference biannual meeting in San Diego, California, October 5th through the 10th.

The Fisheries staff considered numerous proposals and served on multiple ISSC Task Forces dedicated to assuring safe shellfish for the consuming public.

Finfish Bureau’s Carly Somerset and Trevor Moncrief, as well as myself, participated in the Gulf of Mexico Fishery Management Council’s Release Mortality Symposium October 7th through the 9th in St. Pete Beach, Florida.

The meeting objective was to create an action plan to promote barotrauma mitigation tools, assess data collection efforts for discard mortality and incorporate results into stock assessments and management.

On October 10th, the Shellfish Bureau held oyster harvester training sessions as required by the ISSC. The seminar covered basic oyster handling, hygiene and regulations involving oyster harvesting practices.

John Barr and Katya Jagolta of the Finish Bureau presented at West Harrison High School’s Career Day on Friday, September 20th, and shared insight on their profession and steps taken to becoming marine scientists.

Jessica Rankin represented Fisheries at the NERR’s National Estuaries Day on September 28th for their
feature “Seaside with Scientists” which encouraged the public to join scientists in the estuary by boat for an educational experience.

During the August meeting, the Commission made a motion for DMR staff to report on the possibility of working with a waste management company for a recycling program at harbors and boat launches along the Mississippi Gulf Coast.

After checking with the two primary waste recycling companies on the Coast, we found that Waste Pro does not offer any commercial recycling services and Waste Management only offers cardboard recycling in commercial capacity.

COMMISSIONER DANIELS: Sounds like it was a busy month.

CHARMAINE SCHMERMUND: Yes.

COMMISSIONER DANIELS: Thank you, Charmaine.

JOE SPRAGGINS: Commissioners, on that deal that she just briefed, the only thing that we could do if we put any type of dispensers out, or any type of containers, is get cardboard only and that would be at a price that we would have to pay, and it is not going to do what I think that y'all were looking at.

I'm not sure which one of you brought it up, but it is not going to do what we would like. We couldn't get
anyone to participate with us, to say that they will take recyclables at a boat launch.

COMMISSIONER DANIELS: Well, we tried. We maybe can look into it more later.

Thank you, Charmaine.

CHARMAINE SCHMERMUND: Thank you.

COMMISSIONER DANIELS: Moving on to Marine Fisheries, I see that Mr. Joe Jewell is not here today.

RICK BURRIS: No, sir.

Rick Burris. I will be filling in for Joe Jewell.

Good morning Commissioners, Director, counsel.

We have four agenda items for your consideration. I would like to mention, as Charmaine said, we were at the ISSC meeting last week, and I just wanted to let you know that Erik Broussard was voted in as a Region Five Delegate on the Executive Board. Region Five is the entire Gulf of Mexico. So Mississippi now has a seat on the Executive Board for the ISSC. That is a very big honor for this State and this agency.

Up first if Trevor Moncrief. He will have the first two agenda items.

TREVOR MONCRIEF: Good morning Commissioners, Director, legal.

As Rick said, I will be going over the exempted
fishing permit for Red Snapper.

This was the second year of the exempted fishing permit which allowed Mississippi to manage Red Snapper from State waters out to two hundred nautical miles.

The 2019 allocated allowable catch limit was a hundred and fifty-one thousand five hundred and eighty-four for Mississippi’s recreational sector. This is an increase from last year’s ACL. That equated to a hundred and forty-eight thousand five hundred and seven pounds for the private recreational component. Two thousand six hundred and forty-two pounds for the State for-hire component, after a 2018 over production of four hundred and thirty-five pounds.

Both were managed with an annual catch target of ten percent below the ACL.

To go through our portion of the season, for the private recreational component, the season started on May 24th and ran through July 7th. It was, then, closed for a mid season closure from July 8th through July 28th. It reopened July 29th to August 25th. Reopened for Labor Day August 31st to September 2nd. Then, the final opening was September 6th through the 8th.

The State for-hire component was open from May 25th through June 10th.

If you look here at the table on the right, we
can see the specific days associated with each component.

Private recreational component was seventy-nine total days. State for-hire was twenty total days. The Federal for-hire component which was managed by NOAA, again, during this season was sixty-two days.

We had Finfish staff out that were conducting site interviews across the State. In total, Finfish staff collected over four hundred otoliths and nine hundred and seven lengths and weights from Red Snapper this year.

Our otoliths are currently undergoing processing and, as you all know, age data and also length data is vital to management of the fishery, and length-at-age data are direct inputs into stock assessments.

When we look at our age and length distribution of our catch, it gives us a good idea of what is being harvested.

Here we have the length distribution for Red Snapper for 2019. Like I said, the otoliths are still undergoing processing. As you can see, our highest count was around twenty inches, but you can see it starts out around sixteen, and, then, tapers off gradually as you get into those larger fish which is expected in a fishery that is focused around artificial reefs.

As you can see here on the bottom, around sixty-four percent of all trips designate artificial reefs as
their primary habitat fished.

If we go into our final season results, some of you will recall Joe read these into the record last month, but here they are in a table format.

For our private recreational component, the ACL was once again a hundred and forty-eight thousand five hundred and seven pounds. We harvested a hundred and forty-seven thousand seven hundred and forty-eight pounds of that which is ninety-nine and a half percent which is pretty close.

The State for-hire component was two thousand six hundred and forty-two pounds. We harvested two thousand five hundred and thirty-one pounds which is ninety-five point eight which leads us to a total of a hundred and fifty thousand two hundred and seventy-nine pounds harvested and ninety-nine point one percent of our overall annual catch limit.

On closer comparisons like we always do, if we look at our finalized results, 2019 over here, we have the days for each component compared to 2018.

Our harvest was higher this year because we had an increase in our ACL, a hundred and fifty thousand two hundred and seventy-nine, an increase in the number of fish. Our average weight dropped only a small amount. The average length remained around the same.
We had more trips because we had more quota to harvest this year. Our fish per angler per trip stayed relatively consistent with what we saw in 2018.

We always like to end on our compliance. This year we saw, once again, an increase in compliance from ninety to around ninety-five percent for the private recreational component, and our Federal for-hire component remained around one hundred percent.

These increases in compliance really represent success of this program overall and the cooperation between all the different offices within the department.

With that, I will take any questions.

COMMISSIONER BOSARGE: I don't have any questions, Trevor, but kudos to you and your staff. Good job.

TREVOR MONCRIEF: Thank you.

COMMISSIONER DANIELS: To have a better managed snapper than any other state in the Gulf, that is saying something.

TREVOR MONCRIEF: We appreciate that.

COMMISSIONER DANIELS: It looks like you are going to be at the podium for K2.

TREVOR MONCRIEF: Yes. K2 is going to be sharks. This is ongoing from previous presentations this year.
I will just go through a Notice of Intent for the Commercial Shark Fishery.

At the September CMR meeting, the following motion was passed regarding a commercial shark fishery. The motion was for staff to come back at the October CMR meeting with proposed regulatory changes for a commercial shark fishery to go out for Notice of Intent.

In this presentation I will outline potential requirements for the commercial shark fishery participants and modifications to regulatory language.

Before I go through it, a lot of this was in what Steve read into the record in the last meeting and we had some additions in here.

It will be to establish endorsement to allow commercial shark fishing in State territorial waters which goes out to three miles south of the barrier islands, and the purpose of this endorsement will be to monitor the number of fishery participants and will ensure that all participants attend an approved shark identification/safe handling practices course prior to issuing said endorsement.

Some additional potential eligibility requirements will be that they would have to be a resident of Mississippi and this is largely because we are not sure of the universe of anglers that we will have, we are not
sure of the participation from outside states, or in our
state. So we would like to keep it small to start, and,
then, expand it from there.

Individuals and vessels engaged in commercial
harvest of sharks must be properly licensed as they are in
all fisheries. They must pass an MDMR approved shark
identification exam and protected species safe handling
workshop, and anglers must report species specific shark
landings for Federal quota monitoring through trip ticket.

For the season, it will be established open
shark season in Mississippi territorial waters to run
concurrent with the Federal shark season in the Western
Gulf of Mexico Sub-Region.

Once again, all landings will be deducted from
the established Federal quotas and we will gather that
through trip ticket.

Just to remind the Commission, when we are
talking about small and large Coastal sharks which will be
in the regulatory changes coming up, these are the lists
here. Each different section has prohibited sharks that
are already in regulation, but here are the sharks that
are to be included in those large and small Coastal
designations (indicating slide).

The regulatory changes that will kind of mirror
what we said in the requirements will occur in Title 22,
Part 7, Chapter 9, which is the Commercial Size, Possession and Catch Limit, Section 100.

We will be adding in 100.28:

“Small Coastal sharks twenty-five inches total length.”

And 100.29:

“Large Coastal sharks thirty-seven inches total length.”

We will also make some changes in the following sections:

We strike out 102, and, then, that will renumber all the sections down to 113 where we have added in the endorsement language which will read:

“113. Beginning January 1st, 2020, any individual, or vessel, commercially harvesting small Coastal, or large Coastal, sharks in Mississippi’s territorial waters must possess a MDMR shark endorsement, ten dollars, in addition to a current applicable harvester license.

“In addition, all individuals applying for a shark endorsement must be a Mississippi resident and present documentation of the successful
completion of a MDMR approved shark
identification exam and protected
species safe handling workshop.
“The open season in Mississippi
territorial waters for the
commercial harvest of sharks shall
run concurrent with Federal shark
seasons for the Western Gulf of
Mexico Sub-Region.”
Here in 113.01, the part that was struck
through, we added in, and, then, provided some additional
language. 113.01 reads:
“The practice of “finning”, that is
removing only the fins and returning
the remainder of the shark to the
sea is unlawful. All sharks
commercially harvested in Mississippi
state territorial waters must be
landed in whole form with fins
naturally attached by at least some
portion of uncut skin. Sharks may
be gutted prior to landing.”
Then 113.02:
“It shall be unlawful for any
commercial fisherman to possess a
daily bag limit of more than twenty-five small and large Coastal sharks in aggregate per vessel per day.”

What will be required, if you approve all of these, is a motion to proceed with a Notice of Intent for regulatory changes to Title 22, Part 7, Chapter 9, for a commercial shark fishery.

COMMISSIONER DANIELS: One question I’ve got is we are saying twenty-five small and large Coastal sharks. What is the Federal season on that? Are we going off of the Federal quotas with that?

TREVOR MONCRIEF: Yes. It would match with the Federal season as designated, and the Federal bag limits as they are written right now are forty-five up to, I believe, fifty-five, and they have the ability to change that throughout the season. So ours will be a little bit lower than that at twenty-five.

COMMISSIONER DANIELS: Okay.

COMMISSIONER BOSARGE: I’ll make the motion, then. A motion to proceed with Notice of Intent for regulatory changes to Title 22, Part 7, Chapter 9, regarding the development of a commercial shark fishery.

COMMISSIONER DANIELS: Do we have a second for that motion?
COMMISSIONER GUESS: I'll second it.

COMMISSIONER DANIELS: All those in favor aye.

(All in favor.)

COMMISSIONER DANIELS: Opposed?

(None opposed.)

COMMISSIONER DANIELS: Motion passes.

TREVOR MONCRIEF: Thank you.

COMMISSIONER DANIELS: Next up will be Rick Burris, Troutline Regulations, K4.

RICK BURRIS: If you recall, at the September Commission meeting the following motion was passed, to proceed with a Notice of Intent for regulatory changes to Title 22, Part 7, Chapter 13, to add Section 101 as recommended by the Gear Type Task Force.

That Notice of Intent was passed on September 17th. It was filed with the Secretary of State's office on the same day. On September the 18th, we posted it on the DMR’s web page. The legal notice appeared in The Sun Herald on September 20th.

There is all of that documentation (indicating slide).

The public comment period ran from September 18th, 2019, through October 14th, 2019, a total of twenty-seven days, and no public comments have been received to date.
The changes would be to Title 22, Part 7, Chapter 13, Troutline Regulations. As you recall, in Section 100, we removed the word “metal” and replaced it with “corrosion resistant”.

We, then, added Section 101 to read:

“From and after January 1, 2020, both recreational and commercial troutline tags shall be renewed on an annual basis. Troutline tags will be valid from January 1st through December 31st of each year.”

Those are the changes, and what will be required is a motion to proceed with final adoption of the regulatory changes to Title 22, Part 7, Chapter 13, to add Section 101 as recommended by the Gear Type Task Force.

COMMISSIONER DANIELS: I’ll make the motion for final adoption.

Do we have a second?

COMMISSIONER GUESS: I’ll second it.

COMMISSIONER DANIELS: All those in favor say aye.

(All in favor.)

COMMISSIONER DANIELS: Opposed?

(None opposed.)

COMMISSIONER DANIELS: Motion passes.
RICK BURRIS: Thank you.

COMMISSIONER DANIELS: This is always a fun one. I like seeing these.

We are going to move on to K5 which is Saltwater Fishing Records, Matt Hill.

MATT HILL: We also enjoy seeing these Commissioners, especially when we have some youth records involved.

COMMISSIONER DANIELS: That's the best.

MATT HILL: I will be presenting the State Saltwater Finfish records.

The first is a Youth Division conventional tackle record. It is an Atlantic Bumper with the old record of three point four five ounces. A new record of four point five two ounces. The angler is Mr. Rinlee Armes.

I do want to point out to the Commission this also qualifies as the all tackle and conventional tackle record. If those are broken at some point, he will still be able to retain the youth record until that it broken, or in that category.

Here is a picture of the Bumper. Here is a picture of Mr. Rinlee with the fish.

Our next is also a Youth Saltwater record. It is a Hardhead Catfish with the old record of one pound.
twelve point nine seven ounces. The new record of two
pounds ten point one six ounces. The angler is Mr. David
Kuehn, III.

Here is a picture of the catfish, and he looks
real excited. Here is a picture of Mr. Kuehn holding the
catfish.

What will be required from the Commission is a
motion to adopt these new State Saltwater records.

COMMISSIONER GOLLOTT: Mr. Chairman, I would
like to make that motion to approve these.

COMMISSIONER DANIELS: Do we have a second?
I'll second the motion.
All those in favor say aye.
(All in favor.)

COMMISSIONER DANIELS: Opposed?
(None opposed.)

COMMISSIONER DANIELS: Motion passes.

MATT HILL: Thank you.

COMMISSIONER DANIELS: Moving on to other
business, at this time, I would like to make a motion --

JOE SPRAGGINS: (Interposing) Before we do
that, can I real quick mention one thing on other
business?

COMMISSIONER DANIELS: Yes, sir.

JOE SPRAGGINS: I forgot to tell y'all the
Secretary of State is going to issue us a check tomorrow. It is at 11:00 o’clock and it will be at the Secretary of State's office in Gulfport, but it for our Tidelands check this year. I just wanted to let the Commission know that it is being issued tomorrow. Any of you are welcome to come, if you would like to.

COMMISSIONER DANIELS: Great.

At this time, I would like to make a motion that we go into closed session to determine the need to go into executive session to consider pending litigation.

Do we have a second for that motion?

COMMISSIONER GUESS: I'll second it.

COMMISSIONER DANIELS: All in favor say aye.

(All in favor.)

COMMISSIONER DANIELS: Opposed?

(None opposed.)

COMMISSIONER DANIELS: We are into closed session.

MEETING STANDS IN RECESS

COMMISSIONER DANIELS: We have everybody back in here now.

At this point, we are going to ask legal to give a rundown of what just happened.

KIM PAPANIA: At 11:05, a motion was made by Commissioner Daniels to go into closed session to discuss
the need for executive session to discuss pending litigation. That motion was seconded by Commissioner Guess.

At 11:10, a motion was made by Commissioner Daniels to go into executive session to discuss pending litigation. That motion was seconded by Commissioner Guess.

At 11:26, a motion was made that at the special session on October 8, 2019, the Commission voted not to appeal the Starr decision rendered by Judge Schloegel on September 26, 2019.

However, based upon the judge’s ruling, in order to be in compliance with the court order the MDMR will require a professional mean high water survey for any projects involving fill of Coastal wetlands. These requirements will be in effect until such time as the current statutes are revised by the legislature.

At 11:26, a motion was made by Commissioner Daniels to end the executive session and that motion was seconded by Commissioner Bosarge.

COMMISSIONER DANIELS: I don’t think anybody has any questions.

At this point, do we have any other business for the meeting?

(No response.)
COMMISSIONER DANIELS: Any public comments?
(No response.)
COMMISSIONER DANIELS: I would like to make a motion that we close the meeting.
COMMISSIONER BOSARGE: So moved, Mr. Chairman.
COMMISSIONER DANIELS: All in favor say aye.
(All in favor.)
COMMISSIONER DANIELS: Thank you.
(Whereupon, at 11:33 o'clock, a.m., the October 15, 2019, meeting of the Commission on Marine Resources was concluded.)
CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the October 15, 2019, 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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