

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, September 22, 2020  
9:00 a.m.  
Zoom webinar

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Commission Members:

Ronnie Daniels, Chairman  
Natalie Guess, Vice Chairman  
Steve Bosarge  
Richard Gollott  
Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR  
Sandy Chesnut, Esq., Assistant Attorney General

1 COMMISSIONER DANIELS: Let's go ahead and get  
2 started.

3 Since y'all have the flag in the room, would you  
4 mind leading us in the Pledge of Allegiance today?

5 JOE SPRAGGINS: I would not mind.

6 (Pledge of Allegiance recited.)

7 COMMISSIONER DANIELS: Thank you, Joe.

8 Now, if we could have a moment of silence.

9 (Moment of silence observed.)

10 COMMISSIONER DANIELS: Approval of the minutes  
11 for the August 18<sup>th</sup>, 2020, meeting.

12 Does anybody have anything to discuss on that?

13 (No response.)

14 COMMISSIONER HAVARD: Mr. Chairman, at this  
15 time, I would like to make a motion that we approve the  
16 minutes for August 18<sup>th</sup>.

17 COMMISSIONER DANIELS: We have a motion.

18 Do we have a second?

19 COMMISSIONER GUESS: Commissioner Guess, second.

20 COMMISSIONER DANIELS: We have a motion and a  
21 second.

22 All those in favor say aye.

23 Commissioner Guess?

24 COMMISSIONER GUESS: Aye.

25 COMMISSIONER DANIELS: Commissioner Bosarge?

1 COMMISSIONER BOSARGE: Aye.

2 COMMISSIONER DANIELS: Commissioner Havard?

3 COMMISSIONER HAVARD: Aye.

4 COMMISSIONER DANIELS: Commissioner Daniels,  
5 aye.

6 Motion passes.

7 Approval of the agenda for today's meeting.

8 Do we have a motion to approve the agenda?

9 COMMISSIONER BOSARGE: So moved, Mr. Chairman.

10 COMMISSIONER DANIELS: Commissioner Bosarge  
11 makes the motion.

12 I will second it.

13 All those in favor say aye.

14 Commissioner Guess?

15 COMMISSIONER GUESS: Aye.

16 COMMISSIONER DANIELS: Commissioner Bosarge?

17 COMMISSIONER BOSARGE: Aye.

18 COMMISSIONER DANIELS: Commissioner Havard?

19 COMMISSIONER HAVARD: Aye.

20 COMMISSIONER DANIELS: Commissioner Daniels,  
21 aye.

22 Motion passes.

23 Director, it is on to you.

24 JOE SPRAGGINS: Could we bring up the contracts?

25 CRYSTAL MATTA: Yes, sir.

1           JOE SPRAGGINS: As you can see on there, our new  
2 Chief of Marine Patrol is Chief Kyle Wilkerson. He has  
3 been approved by the Governor and sent forward.

4           Congratulations to Kyle. He has done a great  
5 job so far. He has been leading the department since  
6 December of last year when Chief Davis left, and I think  
7 he will continue to do a fantastic job for us. Just  
8 welcome him as our new Chief.

9           We are going to have a pinning for him, as far  
10 as a swearing in soon. We are just trying to work it out.  
11 So I will let everyone know when we do that. We want to  
12 do it in person, if possible, and we are trying to work it  
13 out.

14           Any questions on Kyle?

15           COMMISSIONER BOSARGE: Congratulations, Kyle.

16           JOE SPRAGGINS: Jennifer Wittmann is our new  
17 Coastal Resources Management Director. Jennifer has been  
18 with us for quite a while and she has been doing a great  
19 job there and she was promoted into that position and  
20 approved by the Governor.

21           Jennifer, thank you and we look forward to  
22 working with you.

23           Any questions for Jennifer?

24           COMMISSIONER DANIELS: Congratulations,  
25 Jennifer.

1 COMMISSIONER BOSARGE: Excellent choice.

2 JOE SPRAGGINS: Trevor Moncrief is our new  
3 Finfish Bureau Deputy Director, and Trevor has done a heck  
4 of a job.

5 In all of the stuff that we did in the 2011  
6 Bonnet Carre payout and the other things that he has  
7 worked on hard, Trevor has done a great job for us and we  
8 are glad to have Trevor in that position.

9 COMMISSIONER BOSARGE: Congratulations, Trevor.

10 JOE SPRAGGINS: We have one more that is not  
11 listed. It just happened yesterday and we were unable to  
12 get it on the agenda.

13 Robin Zantow is now our head of the Grants  
14 Bureau. Robin has come to us from the Coastal Resources  
15 area and she is going to head up the grants. Kimberly  
16 left, and Robin will do a great job. It is always  
17 wonderful to be able to promote within.

18 She has a good background in grants. She did  
19 the grants for Coastal. I think we will be having a good  
20 time with Robin and we are looking forward to getting her  
21 in that position.

22 Anything for Robin?

23 COMMISSIONER BOSARGE: Have you about gotten all  
24 of those positions filled there, Mr. Joe, in grants?

25 JOE SPRAGGINS: Well, there was one open and we

1 just got it filled. That is Robin. Robin is going to go  
2 in and look at it. We have Robin and RoxAnn in, now.  
3 They will go in after that point, and, then, decide what  
4 we need to do further.

5 I wanted to get Robin onboard first before we  
6 did anything else.

7 COMMISSIONER BOSARGE: Good deal.

8 JOE SPRAGGINS: That is all the promotions and  
9 updates, I think, on employment.

10 No new contracts.

11 Just to give you an idea, a lot of the contracts  
12 that we had to put a stop work order on one July have all  
13 been brought back, most of the contracts.

14 Anything to do with public access Tidelands, we  
15 have brought back, or anything to do with GOMESA, we have  
16 brought back on.

17 It was quite a few million dollars that was  
18 brought back. A little over fifty million that we were  
19 able to get back and started working on the 1<sup>st</sup> of  
20 September.

21 That is good to hear and we are moving forward  
22 with that, and maybe can catch up and get everything  
23 finished in the short term.

24 Any questions on that?

25 (No response.)

1           JOE SPRAGGINS: Agency update. We do have a  
2 budget, and I thank the Governor and the House and the  
3 Senate and the Lieutenant Governor for helping us be able  
4 to get that.

5           The budget is passed and it is effective and we  
6 are ready to go, and we also were able to get everyone  
7 back pay for those five days, or whatever amount it was  
8 that they were not paid, when they were on furlough. They  
9 have already received their check for that.

10           Everybody is back pretty much whole and,  
11 hopefully, we can continue moving forward.

12           The budget has a few little issues, but we are  
13 working those as we speak.

14           As you know, in our Tidelands Funds, we were cut  
15 back from around eleven million last year to seven point  
16 three million this year.

17           In that seven point three million, we had to put  
18 a million and two to pay the bond debt, and, then, the  
19 public access took about five point three million of it,  
20 and they left us a million and thirty-nine thousand  
21 dollars to operate the agency.

22           This is a shortfall that we can operate. We  
23 can't continue operating under this, and I have been  
24 talking with the Governor and the Governor's staff, Greg  
25 white and also with Liz Welch at DFA, and everyone feels

1 confident that we will get this straightened out in  
2 January.

3           It is basically the situation where the  
4 Secretary of State allowed some of the casinos not to have  
5 to make their payment on July 1<sup>st</sup>, but they were able to  
6 make it at another date. As soon as that is paid, then,  
7 that will make us whole in some of that operation.

8           The biggest thing is not necessarily the money.  
9 We have plenty of money in Tidelands to operate at this  
10 time and we have a lot of projects. It is just holding up  
11 a lot of our managed projects that were already in effect  
12 because we don't have the funds -- we have the funds. We  
13 don't have the authority. They didn't give us enough  
14 authority in the managed projects to be able to do it.

15           According to DFA, even though we have seven  
16 point three million in Tidelands authority, we cannot  
17 spend more than a million and thirty-nine thousand of the  
18 managed side of it and that includes salaries and all.

19           We are watching it very close. I have been  
20 talking to Chairman Reed and he has very much said that he  
21 has been talking with who handles our budget there and  
22 Timmy Ladner who is over Marine Resources in the House.  
23 All of them felt that we would be able to make this whole  
24 and not have any issues.

25           Hopefully, we will get that done the first part



1 of January and we will be able to make it. We will work  
2 through it, until that point.

3 Are there any questions on that from the  
4 Commissioners?

5 (No response.)

6 JOE SPRAGGINS: One other thing, our COVID. The  
7 Lord has blessed us, I believe, because, out of the  
8 hundred and seventy-five people, we have only had ten to  
9 come down positive with COVID. We are very blessed to  
10 have that.

11 I tell you, looking at a lot of other agencies,  
12 just take the House and the Senate and you look at it and  
13 you see how many of those came down with it.

14 We have been very blessed with it. Our team is  
15 working extremely hard to make sure that everybody is  
16 wearing a mask when they are supposed to and they are not  
17 trying to spread anything. They are doing a lot of hand  
18 cleaning and we are doing a lot of cleaning of the areas  
19 and cleaning of our boats and our vehicles and everything  
20 that we have contact with.

21 Hats off to the team of DMR for what they are  
22 doing. They are really working hard to be able to make  
23 this as seamless, as far as health, as we possibly can.

24 Any questions from the Commissioners on that?

25 (No response.)

1           JOE SPRAGGINS: That is pretty much the agency  
2 update.

3           We are working on some other stuff.

4           To give you an idea on the CARES Act, Traci is  
5 working it with us. We are down to the point of sending  
6 NOAA back the final that we hope will go through and, if  
7 that happens, hopefully, we will be able to start sometime  
8 in October of being able to get this information to the  
9 fishermen and anyone dealing with Fisheries where we can  
10 look at possibly getting some CARES Act Funds to them and  
11 be able to disburse them as soon as possible.

12           We were going to use an outside agency, but we  
13 decided against that because NOAA came back and made a lot  
14 of changes as to what we had to be responsible for and  
15 because of that, we feel we can do it in house, and, then,  
16 get NOAA to pay the in house personnel to do it, and that  
17 will help us a little bit with our budget, also, and we  
18 can do it.

19           We were going to have to do ninety percent of  
20 what we have to do, now, anyway. So to hire an outside  
21 agency, just didn't seem to be the right way to go.

22           Any questions on the CARES Act?

23           (No response.)

24           JOE SPRAGGINS: The money, we got one point five  
25 million, just a few dollars over in it and, hopefully, we

1 are trying to get it disbursed sometime before the 1<sup>st</sup> of  
2 the year.

3 Steve, you are talking. I see your lips moving.

4 COMMISSIONER BOSARGE: You've got better eyes  
5 than me. On my screen, your head is cut off. I can see  
6 your body, but I can't see your head.

7 JOE SPRAGGINS: That is probably the best part  
8 of me.

9 COMMISSIONER BOSARGE: Our payment plan has been  
10 approved and we are all good to go on that?

11 JOE SPRAGGINS: Well, it has been approved by  
12 the Governor, and we are waiting on NOAA. There were a  
13 few questions.

14 As a matter of fact, to be honest with you,  
15 between back and forth and back and forth, NOAA has asked  
16 us eighty-two different questions on this, and Traci has  
17 done a fantastic job with this in Fisheries and they have  
18 worked hard on it, but I think that we are down to the  
19 point that obviously we are working this through Gulf  
20 States and Gulf States, David Donaldson and them are  
21 handling it and we are working everything through them,  
22 but everything has been fine so far.

23 I think we are to the point that hopefully by  
24 the end of this month we will have an answer from NOAA to  
25 go forward.

1           As soon as that happens, we will take about  
2 thirty days for everyone to get their applications in.  
3 Once all the applications are in, then, we will evaluate  
4 the money, what we have to put between each one of them.  
5 we will split it up.

6           I can get y'all a copy of what it is, if you  
7 would like a copy to know how much we are splitting it,  
8 like, so much for Fisheries.

9           Joe, do you have it by any chance?

10          Do you have that in your hand, Joe Jewell?

11          Is Traci with you?

12          TRACI FLOYD: This is Traci. We are following  
13 the NOAA percentages. For the commercial fishermen, it  
14 will be fifty-one point nine percent of the direct  
15 payment. For the dealer/processors, thirty-one point nine  
16 percent. For the charter boat industry, sixteen point two  
17 percent of the direct payments.

18          COMMISSIONER BOSARGE: I think that is pretty  
19 much what you gave us the last time.

20          JOE SPRAGGINS: Yes. It hasn't changed.

21          COMMISSIONER BOSARGE: It sounds good. I'm glad  
22 to see we are moving forward.

23          JOE SPRAGGINS: Any questions for Traci while  
24 she is on?

25          COMMISSIONER BOSARGE: I'm sorry. Say it again,

1 Mr. Joe.

2 JOE SPRAGGINS: Any questions for Traci while  
3 she is on?

4 COMMISSIONER BOSARGE: No, sir.

5 JOE SPRAGGINS: Well, she has done a great job  
6 on that, and we will move forward.

7 Now, the 2019 Bonnet Carre Update. We are  
8 working with the Governor to get their approval, as far as  
9 our spend plan.

10 Rick Burris has been working that through  
11 Fisheries and they have done a great job. I think we've  
12 got it laid out.

13 Rick, are you on that you can talk about that a  
14 little bit?

15 RICK BURRIS: Yes, sir.

16 we have several projects involving Fisheries,  
17 fisheries improvements, habitat improvements, as well as  
18 direct payments similar to what we did a couple of months  
19 ago.

20 As Director Spraggins said, once we get that  
21 approved by the Governor, then, we can go out for public  
22 comment.

23 JOE SPRAGGINS: That is about twenty-one million  
24 dollars in that process. Hopefully, we will be able to  
25 get some funds out and get it out quickly.

1 I know it is a five-year program, but the five-  
2 year program part will be the rebuild. It won't be the  
3 payout for the fishermen.

4 I think the five-year program will be the  
5 rebuild of what we need to do to rebuild our fisheries, as  
6 far as oysters and that type, any cultch plants and stuff  
7 that we are doing. That is where we are talking about the  
8 five-year part of it.

9 As far as paying out the Fisheries personnel --  
10 Rick, tell me if I'm wrong -- we are planning on doing  
11 that as quick as possible.

12 RICK BURRIS: That's correct. We were able to  
13 do it with the 2011 money in just a few months. It is  
14 going to take a little bit longer than that this time,  
15 but, as soon as we get the money, we will start processing  
16 those for those people.

17 COMMISSIONER BOSARGE: Mr. Joe, on that Bonnet  
18 Carre money, I know on the CARES Act money they did a two  
19 percent administrative fee.

20 What are we going to do on the Bonnet Carre?  
21 Do you know?

22 JOE SPRAGGINS: Rick, what is that number?

23 It's like two million dollars?

24 It is ten percent, isn't it?

25 RICK BURRIS: Yes. Our federally negotiated

1 rate was ten point five percent, ten point three percent,  
2 something like that. That is what will be applied to this  
3 grant.

4 The CARES Act is a little different because it  
5 is a subgrant through Gulf States that they put their own  
6 requirement of two percent for administrative costs.

7 COMMISSIONER BOSARGE: Got you.

8 So it will be ten point two, or three, or  
9 somewhere in that neighborhood?

10 JOE SPRAGGINS: Yes, sir. Just a little over  
11 ten percent, I think, is what we are looking at and that  
12 is to administer the whole project.

13 That will be not necessarily just paying for  
14 overhead as far as financing, but it also paying the  
15 Fisheries Department to be able to handle it.

16 COMMISSIONER BOSARGE: Correct. All right.  
17 Thank you.

18 JOE SPRAGGINS: Any other questions?

19 COMMISSIONER DANIELS: Joe, can you email that  
20 breakdown of the CARES Act money?

21 JOE SPRAGGINS: I sure can. I will get that to  
22 you.

23 Traci, I think you are on. If you don't mind,  
24 send it back to me, and, then, I will send it straight to  
25 them, or, if you have the Commissioners' emails, you can

1 send it straight to them.

2 TRACI FLOYD: Yes, sir.

3 COMMISSIONER DANIELS: Thank you, Joe.

4 JOE SPRAGGINS: Commissioner Daniels,  
5 Commissioner Gollott's internet is the problem, but he is  
6 trying to get on with dial-in on his phone.

7 COMMISSIONER DANIELS: Okay.

8 JOE SPRAGGINS: Other than that, I think that  
9 pretty much answers what we are doing here.

10 we lived through the storm. Obviously, the  
11 personnel did a great job in getting all of our boats  
12 secured and all of our assets secured, and we were lucky  
13 and blessed by the Lord to not get hit any harder than we  
14 were on any of the storms.

15 we are still keeping an eye out, and Patrick  
16 Levine handles that for us in the agency, and Patrick has  
17 done a fantastic job staying in touch with things with all  
18 of the three lower counties and the state.

19 we are working very hard to move that forward  
20 and everything is good. I don't know of any damage that  
21 we have had.

22 we took all of our stuff up off our piers and  
23 everything else. So we shouldn't have any damage, other  
24 than just very minor, on anything that we've got.

25 Hopefully, we will live through the rest of



1 this. Beta is going across, now, and we will see what  
2 happens with Beta.

3 Are there any questions?

4 (No response.)

5 JOE SPRAGGINS: That is my report, Commissioner  
6 Daniels.

7 COMMISSIONER DANIELS: All right. Well, we sure  
8 do appreciate it. That was a lot of good information  
9 there.

10 Do any of our Commissioners have anything to  
11 report today?

12 (No response.)

13 COMMISSIONER DANIELS: I don't either.

14 We will move on to our new Chief Kyle Wilkerson,  
15 Office of Marine Patrol.

16 KYLE WILKERSON: Good morning Commissioners,  
17 counsel and director.

18 Director, thank you for the kind words and the  
19 comments you have give me and my department. We are going  
20 to carry the torch to the future higher and better.

21 Thank you Commissioners for the thanks you have  
22 given me, and it really is great for me to be Chief of  
23 Marine Patrol.

24 Looking at the citation report, it is pretty  
25 self-explanatory. Nothing just stands out.

1           We are looking at a possession of Red Snapper  
2 during closed season. That was a pretty good citation.

3           We had several boat accidents. As everyone  
4 knows, one involved a fatality. It is still pending.  
5 Tragic, tragic event there, but we will find out what  
6 happened. I promise you.

7           I do want to bring up the Red Snapper on Labor  
8 Day weekend. We had right at a hundred and fifty checks.  
9 Fifty-one Tails n' Scales. One violation for no Tails n'  
10 Scales. Six hundred and eighty-two people checked. Two  
11 hundred and thirteen Red Snapper checked. Three seized.

12           Very good turnout. We were blessed. Everybody  
13 looks like they are complying which is good. That is what  
14 we strive for.

15           Once again, that is pretty much what I have.  
16 Nothing jumps out on the report. It looks like everybody  
17 is complying with State regulations.

18           It looks like we are blessed. Hopefully,  
19 everyone is well. Once again, as the director said,  
20 Marine Patrol, we are well and we are a hundred percent at  
21 this time.

22           That's all I have.

23           COMMISSIONER BOSARGE: I had a couple of  
24 questions there, Kyle.

25           KYLE WILKERSON: Yes, sir.

1           COMMISSIONER BOSARGE: I know we had some  
2 boating accidents and that is sad, but I see on your list  
3 you've got it listed as a personal watercraft.

4           Is that what I see "PCW"?

5           KYLE WILKERSON: I do see that, yes, sir. That  
6 may be a typo from dispatch. Once again, it was two  
7 vessels.

8           COMMISSIONER BOSARGE: I thought I had  
9 understood that it was a regular motor vessel, in other  
10 words, instead of a jet ski. I guess you would call a  
11 personal water craft.

12          KYLE WILKERSON: Yes, sir. I noticed that  
13 earlier, also.

14          COMMISSIONER BOSARGE: On the Red Snapper, you  
15 went pretty quick there on the checks and stuff. I was  
16 just curious.

17          I think you said six hundred and eighty-two  
18 checks on this season.

19          Is that correct?

20          KYLE WILKERSON: No. That was the total people  
21 onboard. That was the individuals onboard. So it could  
22 possibly be the four to six people onboard each vessel.  
23 That was just people, individual people.

24          COMMISSIONER BOSARGE: Okay.

25          Could you give those once again?

1 I would like to hear them one more time just a  
2 little bit slower.

3 KYLE WILKERSON: Okay. I'm sorry.

4 It was a total of a hundred and fifty vessel  
5 checks. We are looking at fifty-one Tails n' Scales. One  
6 no Tails n' Scales. One violation during that event.

7 Six hundred and eighty-two people that were  
8 checked, individual people which, once again, could be  
9 four to six people onboard, or two people onboard.

10 COMMISSIONER BOSARGE: Do you have it broken  
11 down where checks at sea versus checks at the boat  
12 launches?

13 KYLE WILKERSON: I don't on this list I have,  
14 now, but we do break that down, yes, sir.

15 COMMISSIONER BOSARGE: You do have that  
16 information broken down that way?

17 KYLE WILKERSON: I believe we do. I would have  
18 to double check, but I did look at some yesterday.

19 COMMISSIONER BOSARGE: I would like that. If I  
20 could get it, I would appreciate it.

21 KYLE WILKERSON: Okay.

22 I think we physically looked at two hundred and  
23 thirteen Red Snapper, and three were seized due to the  
24 fact that one individual had no Tails n' Scales.

25 COMMISSIONER BOSARGE: I've got you.

1           As far as this year versus last year, I don't  
2 remember the number of checks last year.

3           Do you?

4           I know you weren't Chief, but do you have that  
5 information?

6           KYLE WILKERSON: You are talking about a total  
7 of checks?

8           COMMISSIONER BOSARGE: Total stops, yes.

9           KYLE WILKERSON: No, sir. I can get that  
10 information for you.

11           COMMISSIONER BOSARGE: If I remember correctly,  
12 I don't know why the number four hundred and something  
13 sticks in my head, but, yes, if you could get those two  
14 things, I would appreciate it.

15           KYLE WILKERSON: Well, this is just strictly  
16 that Labor Day opener, that one day event.

17           COMMISSIONER BOSARGE: Okay. I thought you were  
18 giving total numbers.

19           KYLE WILKERSON: No, sir. No, sir. It is much  
20 larger than that.

21           COMMISSIONER BOSARGE: I thought so. I thought  
22 that's what I remember. You kind of threw me. All right.

23           Congratulations on the promotion. I think you  
24 deserve it.

25           KYLE WILKERSON: Thank you, Commissioner. I

1 appreciate you.

2 COMMISSIONER BOSARGE: Yes, sir.

3 JOE SPRAGGINS: Commissioner Daniels, we also  
4 have Commissioner Gollott on by phone.

5 COMMISSIONER DANIELS: Okay. Good deal.

6 You made it on, Richard?

7 COMMISSIONER GOLLOTT: I can't hear you.

8 COMMISSIONER DANIELS: We were just making sure  
9 you were on here. welcome.

10 COMMISSIONER GOLLOTT: Can you hear me, now?

11 COMMISSIONER DANIELS: Yes, sir.

12 COMMISSIONER GOLLOTT: Okay. I'm logged in with  
13 my telephone instead of the internet. My internet is  
14 down.

15 COMMISSIONER DANIELS: All right. We're good.  
16 Chief, is that all we have, or have you got  
17 something else?

18 KYLE WILKERSON: Yes, sir, I think that is all  
19 we have, unless you have any other questions.

20 COMMISSIONER DANIELS: No, sir.

21 KYLE WILKERSON: Stand by. I think Captain  
22 Levine wants to talk to you.

23 COMMISSIONER DANIELS: We will get Captain  
24 Levine up next.

25 I just wanted to personally congratulate you as

1 well, Kyle. I look forward to seeing what you do there.

2 KYLE WILKERSON: Thank you, Commissioner. I  
3 appreciate it.

4 COMMISSIONER DANIELS: Patrick Levine.

5 PATRICK LEVINE: Good morning Commission,  
6 director, legal.

7 This morning I will be doing a presentation to  
8 receive the Commission's recommendation on a potential no  
9 wake zone in Simmons Bayou.

10 In the portal, you should all have received a  
11 letter of consideration from the Jackson County Board of  
12 Supervisors and, also, an Order from the Jackson County  
13 Board of Supervisors establishing a no wake zone in  
14 Simmons Bayou, and that was done by unanimous decision.

15 We can go on to the slide that has a picture of  
16 the proposed no wake zone.

17 On August 14<sup>th</sup>, 2020, I received a letter  
18 outlining the Jackson County Board of Supervisors' passage  
19 of a no wake zone in Simmons Bayou south of Eagle Pine  
20 Island, Ocean Springs, Mississippi.

21 On August 19<sup>th</sup>, 2020, Senior Master Sergeant Jeff  
22 Payne and Officer Jack Husley surveyed the area to  
23 establish probable cause for the establishment of a no  
24 wake zone.

25 It was noticed, when surveying the property,

1 that the channel has direct contact with the homeowner's  
2 piers. Considering this, vessels often navigate the  
3 channel at high rates of speed only a few feet from where  
4 the residents congregate.

5           Considering the proximity of the channel, boat  
6 operators have no reaction time should they have to  
7 deviate from the channel. Additionally, the property  
8 owners have vessels moored in the location.

9           In addition to observation, it was established  
10 that it is approximately sixteen hundred feet long, the  
11 proposed no wake zone, and that it takes approximately  
12 four minutes twenty-eight seconds to travel the length of  
13 the proposed zone operating at idle speed.

14           Considering the nature of the circumstance, the  
15 Office of Marine Patrol strongly recommends the  
16 establishment of a no wake zone for the specified  
17 location.

18           This decision rests on proximity of the channel  
19 in relation to piers on which people fish, boat and  
20 socialize.

21           The staff recommendation, as stated, is the  
22 proposal of a no wake zone in this area of Simmons Bayou  
23 and, at this time, we would like to receive any questions  
24 and/or the Commission's recommendation on the proposed no  
25 wake zone.



1           COMMISSIONER HAVARD: Mr. Levine, this is  
2 Commissioner Havard. We approved a no wake zone in  
3 Pascagoula last year, or maybe a year-and-a-half ago, and  
4 I asked the Board of Supervisors, when we passed this, to  
5 make sure it is clearly marked and enforced where  
6 everybody will know that it is a no wake zone and do it in  
7 a timely fashion.

8           To this day, there have been two no wake signs  
9 added and it spans about a quarter of the way of the total  
10 no wake zone that we approved.

11           If we are going to approve these no wake zones,  
12 we need to make sure that they are identified in a timely  
13 fashion with appropriate signs.

14           I know that the one in Pascagoula has to do with  
15 the railroad and the Highway Department and there are a  
16 lot of different departments that have to be touched  
17 there.

18           what is the case here?

19           who is responsible the no wake zones, putting  
20 them up on Simmons Bayou?

21           PATRICK LEVINE: It will be Jackson County,  
22 also, on Simmons Bayou.

23           COMMISSIONER GOLLOTT: Fellow Commissioners,  
24 this is Richard Gollott. I have always been against no  
25 wake zones because it is Pandora's Box. You open one,

1 and, then, you are going to get a dozen behind it.

2 I have been fighting this thing for ten years  
3 now, and we haven't had any problems really.

4 I mean, yes, you have always got these  
5 homeowners that want to put a no wake zone right in front  
6 of their house and I don't blame them, but it is going to  
7 clog the bayous and everything up with people just idling,  
8 and, then, of course, you get the idiots that come through  
9 there wide open.

10 I have always been against it and it has been  
11 working out so far for us. We haven't gotten a lot of no  
12 wake zones, since I have been on the Commission, and it  
13 has worked out well, as far as I can see.

14 PATRICK LEVINE: Commissioner Gollott, that is  
15 one of the concerns on this particular piece of property.  
16 It is a very narrow channel and the piers are in close  
17 proximity. The channel goes right against the piers and  
18 that is the concern, as you said, the individuals that go  
19 through there extremely fast while people's children are  
20 out there playing on the piers and people are congregating  
21 on the piers and they are in their boats.

22 There is no time for boat operators to deviate  
23 who are going through there at a high rate of speed. That  
24 is why the Office of Marine Patrol puts the recommendation  
25 out there for the establishment of this no wake zone in

1 Simmons Bayou, and we felt confident -- after the other  
2 passage that happened in Davis Bayou, we looked at the  
3 other properties in Davis Bayou, we felt confident that  
4 this same particular body of water would be one that would  
5 be addressed in the future and here we are today  
6 addressing this particular body of water.

7 COMMISSIONER DANIELS: Patrick, can we go back  
8 to the aerial view of that?

9 (Aerial view on screen.)

10 COMMISSIONER DANIELS: Whenever you are coming  
11 into that thing and you are making that curve right there  
12 going into those houses, approximately how wide is that  
13 bayou there?

14 PATRICK LEVINE: I would say at the widest point  
15 it is forty yards wide.

16 COMMISSIONER DANIELS: So it is narrow?

17 PATRICK LEVINE: It is very, very narrow. In  
18 fact, there is no way to operate a vessel outside of one  
19 hundred feet from the property. So, when those vessels go  
20 through there at a high rate of speed, they are already in  
21 regards breaking the law operating that vessel next to  
22 property within one hundred feet.

23 what this no wake zone would do, it would give  
24 Jackson County and the Office of Marine Patrol some more  
25 bite to enforcing those laws in those bodies of water.

1           COMMISSIONER DANIELS: That looks like a pretty  
2 tight turn there. I mean, you get decent size boats at  
3 the wrong place at the wrong time right there, it looks  
4 like it could get a little hairy, in my opinion.

5           COMMISSIONER GOLLOTT: Is there any way we might  
6 could put a temporary no wake zone there just to see how  
7 it works out and see what kind of violations we are  
8 having; maybe a year, or something like that?

9           PATRICK LEVINE: As far as a temporary no wake  
10 zone, I think for the purposes of this presentation  
11 Jackson County Board of Supervisors is asking us for the  
12 establishment of a no wake zone.

13           We don't like idling through those no wake zones  
14 and it is uncomfortable and it can be hot, but, when it  
15 comes to public safety, that is what they are wanting to  
16 address.

17           JOE SPRAGGINS: Patrick, how long is it, the  
18 distance between the two red lines?

19           PATRICK LEVINE: One thousand six hundred feet.

20           COMMISSIONER DANIELS: So we are talking about  
21 less than five minutes of idling through there?

22           PATRICK LEVINE: Four minutes twenty-eight  
23 seconds.

24           COMMISSIONER DANIELS: I can promise you four  
25 minutes twenty-eight seconds is not nearly as valuable as

1 a kid's life, or somebody getting hurt, in my opinion.

2 PATRICK LEVINE: We all like going through there  
3 as quick as we can and getting out to the fishing grounds  
4 as quick as we can, but it is something we need to look at  
5 and consider.

6 COMMISSIONER BOSARGE: Patrick, who all would be  
7 enforcing that?

8 I know that you guys can enforce it, but does  
9 the Sheriff's Department?

10 I know they've got boats and stuff.

11 who all would be enforcing that no wake zone?

12 PATRICK LEVINE: The Jackson County Sheriff's  
13 Office will be able to enforce that and we will be able to  
14 enforce that no wake zone.

15 COMMISSIONER BOSARGE: All right.

16 COMMISSIONER HAVARD: Patrick, have the  
17 homeowners attempted to put up their own no wake zone  
18 signs?

19 Typically, people are cordial enough that they  
20 put up the signs and people slow down.

21 Have the homeowners attempted to do that?

22 PATRICK LEVINE: Commissioner Havard, there are  
23 multiple no wake zone signs that have been placed in that  
24 area over the years and, unfortunately, courtesy is one of  
25 those things that is not as common as it used to be.

1 Folks aren't quite as courteous as they used to be. So  
2 they don't pay much attention to those no wake zone signs.

3 COMMISSIONER HAVARD: Has the department gone  
4 out there and stopped any of these folks?

5 Typically, it is three, or four, boats that ruin  
6 the whole basket for everybody.

7 Have y'all been out there and said, "Hey. Look  
8 guys. The bayou is only this wide. They have kids out  
9 there. Would y'all please slow down and be careful?"  
10 Just a courtesy thing.

11 Has anybody attempted that?

12 I'm with Richard on this. I mean, there are a  
13 lot of folks out there that would love to have a no wake  
14 zone in front of their house. If we open up this can, it  
15 could turn into a mess real quick, but I do agree with  
16 Commissioner Daniels that five minutes is nothing for  
17 safety of children, or humans in general.

18 I'm kind of mixed here. I just don't want to  
19 open up this opportunity for everybody to start applying  
20 for a no wake zone because you ask anybody that has a pier  
21 along our three coastal counties, do you want a no wake  
22 zone in front of your house, and they are going to say  
23 yes, I want one in front of my house. I can justify that  
24 there should be one in front of my house.

25 COMMISSIONER DANIELS: I agree with Mark and

1 Richard on what y'all are saying.

2 Me personally as a boater looking at this thing  
3 and him telling me that it is no wider than it is, that is  
4 two pretty good curves there and you even take the houses  
5 out of account, or the piers out of account, that is a  
6 pretty tight channel to navigate for boats running  
7 nowadays fifty to sixty miles an hour.

8 COMMISSIONER HAVARD: I understand.

9 COMMISSIONER GUESS: I think that if you have  
10 more people that are going to apply for no wake zones, it  
11 should be done on a case-by-case basis.

12 In this case, it seems like it is too narrow and  
13 it is a short enough area that under five minutes at an  
14 idle speed seems justifiable.

15 I'm in agreement with the staff's recommendation  
16 personally on this case.

17 If we get ten more no wake zone requests, that  
18 is what we can look at on a case-by-case basis.

19 COMMISSIONER DANIELS: If this was a  
20 straightaway, I would be against it a hundred percent, but  
21 that curve right there is what gets me and the width of  
22 the bayou.

23 COMMISSIONER GOLLOTT: What about a no wake zone  
24 in that curve and that would be the only time, not the  
25 whole bayou?

1           COMMISSIONER DANIELS: You are talking about  
2 shortening the no wake zone, Richard?

3           COMMISSIONER GOLLOTT: Yes, make it for safety  
4 in that curve, if that is the only bad area there.

5           COMMISSIONER DANIELS: Patrick, would that be a  
6 possibility?

7           Could we move that left red line up to about  
8 where that little cove is on the top side of the bayou on  
9 that picture and let it shorten this thing up a little  
10 bit?

11          PATRICK LEVINE: Now, if we did that, it would  
12 be out of compliance and have a different no wake zone  
13 than the Jackson County Board of Supervisors has already  
14 proposed in their Order. So that would leave some  
15 discrepancies in the enforcement of the no wake zone  
16 between Jackson County Sheriff's Office and the Office of  
17 Marine Patrol.

18          That is something that we could entertain. I do  
19 not have the coordinates and/or the ability this moment to  
20 pull that up for us to vote on that as a potential option.

21          We would have to table it, redraw it up, look at  
22 coordinates and repropose at a later meeting.

23          COMMISSIONER DANIELS: Let me rephrase my  
24 question.

25          Could we inquire with Jackson County about the



1 possibility of shortening this thing up a little bit?

2 PATRICK LEVINE: We can.

3 COMMISSIONER HAVARD: Also, Patrick, I would  
4 like to see an aerial that has a broader view because I'm  
5 not familiar with Simmons Bayou, but, by the looks of the  
6 population around the surrounding areas, not far down the  
7 bayou you are going to have a very similar situation  
8 potentially because that bayou is not large enough.

9 COMMISSIONER DANIELS: I agree with Mark. I  
10 would like to see a wider view of it.

11 COMMISSIONER BOSARGE: Patrick, if I understand  
12 correctly, the Jackson County Board of Supervisors has  
13 already put this no wake zone in effect?

14 In other words, they passed the ordinance?

15 PATRICK LEVINE: They did, a unanimous vote from  
16 Jackson County Board of Supervisors.

17 COMMISSIONER GOLLOTT: Do they have the  
18 authority to do that?

19 PATRICK LEVINE: They do. They do have the  
20 authority to do that for Jackson County, put it as an  
21 ordinance for the county. So it is enforceable by them  
22 and what they are doing is asking us to support it by the  
23 Commission.

24 For the establishment of that no wake zone for  
25 the State of Mississippi, it goes to the Board of

1 Supervisors first for their approval, and, then, it goes  
2 to the Commission on Marine Resources.

3 COMMISSIONER BOSARGE: I'm just curious.

4 If we didn't approve it, it still stands.

5 would it be still enforceable by you guys and  
6 the Jackson County Sheriff's Department, or just Jackson  
7 County Sheriff's Department alone?

8 PATRICK LEVINE: Just Jackson County Sheriff's  
9 Department alone.

10 COMMISSIONER BOSARGE: Okay.

11 PATRICK LEVINE: I think at best they have one  
12 unit most of the time working Jackson County. I know they  
13 would appreciate any help we could give them.

14 COMMISSIONER HAVARD: I would like to see this  
15 thing tabled until next meeting and get a broader view of  
16 what the surrounding waters look like, in my opinion.

17 PATRICK LEVINE: Would that be the Commission's  
18 recommendation to the Director that we wait and get more  
19 information on this potential no wake zone?

20 COMMISSIONER DANIELS: Mark, if you are okay  
21 with it, I would like to possibly add to that talking to  
22 Jackson County and seeing if we can shorten this thing up.  
23 Taking it all the way out to the point all the way to the  
24 left seems like a little bit of overkill to me. I think  
25 you could certainly shorten it there. Even on the back

1 side, you could bring it all the way up to where those  
2 pine trees are and it would be sufficient, if we did  
3 approve it.

4 COMMISSIONER HAVARD: I agree.

5 COMMISSIONER DANIELS: I'm looking at it on a  
6 satellite imagery right now. That bayou goes on up in  
7 there a little ways there, but it doesn't look like there  
8 is a whole lot -- is there a marina in there, or some  
9 condos, or something?

10 PATRICK LEVINE: No. It is residential  
11 properties.

12 COMMISSIONER DANIELS: Whenever you get up there  
13 where it goes under the bridge, Patrick, is that all no  
14 wake zone right there where those houses are and it looks  
15 like maybe condos, or apartments, or something, up in  
16 there?

17 PATRICK LEVINE: No. It opens back up. Where  
18 the houses and the condos are, it is a lot wider body of  
19 water.

20 COMMISSIONER DANIELS: Yes, I see that.

21 COMMISSIONER HAVARD: So this is in Gulf Park  
22 Estates, Patrick?

23 PATRICK LEVINE: This is in that direction, yes,  
24 sir.

25 COMMISSIONER HAVARD: I know exactly where this

1 is. Typically, people slow down there anyway. If you are  
2 running a high rate of speed through there, it's not a  
3 good thing.

4 PATRICK LEVINE: I don't know if you remember  
5 not too long ago going back further west we put in a no  
6 wake zone for the University of Southern Mississippi and I  
7 wish I could tell you people obey that no wake zone, but  
8 they don't and, unfortunately, the university is calling  
9 us pretty consistently asking if we can send somebody out  
10 there to slow folks down.

11 You would think people would be courteous and  
12 slow down a little bit. Unfortunately, they don't.

13 COMMISSIONER HAVARD: I can tell you this.  
14 There are a lot of houses up and down that bayou, and they  
15 are all going to have a good point when they all come up  
16 and make the whole bayou a no wake zone because really in  
17 reality that bayou is not wide enough to be running wide  
18 open; maybe up on a plane until you get to certain spots.

19 I think we need to postpone this, table it to  
20 the next meeting and I will personally go talk to some of  
21 the supervisors and get their opinions on it and I will  
22 personally go ride down the bayou again and make sure we  
23 make a good decision.

24 That is what I would like to do. I would like  
25 to make a motion that we table this to the next meeting.

1 COMMISSIONER GOLLOTT: Commissioner Gollott will  
2 second it.

3 COMMISSIONER DANIELS: Commissioner Havard made  
4 a motion to table this issue. Commissioner Gollott has  
5 seconded that.

6 All those in favor say aye.

7 Commissioner Guess?

8 COMMISSIONER GUESS: Aye.

9 COMMISSIONER DANIELS: Commissioner Bosarge?

10 COMMISSIONER BOSARGE: Aye.

11 COMMISSIONER DANIELS: Commissioner Havard?

12 COMMISSIONER HAVARD: Aye.

13 COMMISSIONER DANIELS: Commissioner Gollott?

14 COMMISSIONER GOLLOTT: Aye.

15 COMMISSIONER DANIELS: Commissioner Daniels,  
16 aye.

17 Patrick, thank you for the presentation.

18 We are going to move on to Coastal Resources  
19 Management and it looks like willa has the first  
20 presentation.

21 WILLA BRANTLEY: Yes. Good morning.

22 Can you hear me?

23 COMMISSIONER DANIELS: Yes, ma'am.

24 WILLA BRANTLEY: To give a little bit of  
25 background on this, this presentation will be a little bit

1 different than what you normally see from us.

2 Normally you see a presentation about a very  
3 specific project asking for specific impacts and specific  
4 approval.

5 This one, we are asking for what we are terming  
6 a blanket variance to a regulation that we have.

7 Typically, when a project needs a variance like that,  
8 we would bring the project to you and explain all the  
9 specifics of the project and the justification for that  
10 variance.

11 This one, we have seen a need. As you see here,  
12 the problem that we see is that permitting living  
13 shorelines and these alternative bulkhead designs that we  
14 are trying to encourage and promote, it is harder to  
15 permit those than it is to permit a new bulkhead, or a  
16 replacement bulkhead.

17 what we would like to see is to bring those down  
18 to the same level. We don't want this to be a regulatory  
19 tool where we would use it to require people to put in  
20 living shorelines, or these alternative bulkhead designs,  
21 over bulkheads, but we would make it just as easy to  
22 permit those as it is to permit bulkheads because  
23 sometimes, actually quite frequently people choose to  
24 permit a bulkhead as opposed to a living shoreline simply  
25 because the permitting is easier.

1           The solution that we are asking for today we are  
2 calling it a waiver for living shorelines, and it would be  
3 a blanket approval of a variance to Chapter 8, Section 8,  
4 114.01 of the Mississippi Coastal Program and to  
5 Mississippi Admin Code Title 22, Part 23, Chapter 8,  
6 Section 114.01.

7           Those both say the same thing. They are just  
8 different documents. One is our state level document.  
9 One is our federal level coastal programs document.

10          The regulation that we would be asking for the  
11 variance from states that permanent filling of coastal  
12 wetlands below the mean high tide line because of  
13 potential adverse and cumulative environmental impacts is  
14 not authorized.

15          Again, the goal of this is to streamline  
16 permitting for the alternative bulkhead designs and living  
17 shorelines.

18          For the applicants, they would get a quicker  
19 response to their applications for these projects. It is  
20 just an easier application process overall, and  
21 potentially a lower cost because a lot of times to get  
22 through that more complicated permitting process they hire  
23 an environmental consultant.

24          This would make the permitting process easier  
25 and something that a lot of the marine contractors are

1 used to dealing with. They are not used to dealing with  
2 that more complicated process. So they don't encourage.  
3 They encourage bulkheads rather than living shorelines  
4 because they know how to get the permits for those. So  
5 this would make it easier for them and hopefully lower  
6 costs to the applicants overall.

7 It would give a better use of time to our  
8 permittees. They wouldn't spend so much time prepping  
9 writeups and PowerPoints and things like that to bring to  
10 the Commission and the Director and for the Commission and  
11 the Director, we would see fewer minor beneficial-type  
12 projects presented at meetings.

13 Again, it would make those permitting  
14 requirements more equal. It would not give an advantage  
15 to living shorelines.

16 Next.

17 The location that this covers. It would be all  
18 the waters of the state located within the Coastal Zone,  
19 and the Coastal Zone is defined as the three coastal  
20 counties of Mississippi.

21 The project parameters. You received a copy of  
22 the full draft of the waiver with all of the details in  
23 it, but the main project parameters are that the project  
24 would have to be equal to, or less than, five hundred  
25 linear feet in length, equal to, or less than, fifty feet



1 from the mean high water line, or equal to, or less than,  
2 twenty-five percent of the width of waterway whichever is  
3 less.

4 If the waterway was fifty feet total, they  
5 couldn't go out fifty feet. They could only go out twelve  
6 point five feet.

7 The projects would have to use native plants  
8 only. They would have to monitor for and remove invasive  
9 species, if they move them to the project area.

10 They would have to place proper signage in  
11 accordance with Coast Guard regulations.

12 They would have to sign a boundary agreement  
13 with the Secretary of State that would state that any  
14 shoreline accretion that resulted from these projects  
15 would not result in a change in property boundaries.

16 Natural accretion accrues to the property owner.  
17 It becomes their private property, just like erosion  
18 becomes property of the state.

19 There would have to be a mean high tide survey  
20 and they would sign that boundary agreement prior to  
21 issuance of the permit.

22 Next.

23 Notification of the proposal appeared in The Sun  
24 Herald in June of 2019. No public comments were received.

25 We actually did present this to the Commission

1 back then.

2 I had planned to present it hopefully in April  
3 of this year for final approval, but that got delayed  
4 thanks to COVID, but we have a few projects that would fit  
5 under this waiver, if it were approved. So we decided to  
6 go ahead and bring it, even though we are not able to do  
7 in-person meetings yet.

8 City and county governments in the three coastal  
9 counties were also notified and none submitted comments.

10 All of the MDMR offices, including Coastal  
11 Preserves, were notified of this and none of those  
12 submitted comments.

13 DEQ submitted no comments.

14 Archives and History did request a fifteen-day  
15 comment period for any of the proposed projects and that  
16 is fine. We, actually, for all of our waivers, have a  
17 thirty-day comment period. So that would fall well within  
18 that.

19 Again, Secretary of State requested that any  
20 authorization issued by MDMR should inform the upland  
21 property owners and applicants of the requirements to  
22 enter that boundary agreement.

23 what we would do is have them sign that  
24 agreement prior to issuing the waiver so that they would  
25 know that no property accretion would become their private

1 property. It would remain Public Trust Tidelands.

2 Our recommendation is that we recommend the  
3 Commission advise the Director to issue the approved  
4 variance for the projects that meet those parameters and  
5 limitations of that MDMR waiver that was written up.

6 The waiver parameters were based off of a  
7 nationwide permit that the Corps passed, I think it was  
8 two years ago now. They have a nationwide permit that  
9 streamlines processing of applications for living  
10 shorelines, and we wanted to create kind of the same thing  
11 for our permittees to have as a tool.

12 I have some pictures following this, I believe.  
13 This would be examples of the types of projects.

14 Typically, you would have some shorelines  
15 shaping along. A lot of times you will go out and when  
16 there has been erosion, you will have a scarp there that  
17 goes straight down. So they would shape that shoreline  
18 right there at the edge just a little bit to get a slope,  
19 do some plantings and potentially put a discontinuous  
20 breakwater structure out further (indicating photograph).

21 Next.

22 Again, this is just kind of a typical project  
23 that would fall under this waiver (indicating photograph).

24 These are beneficial projects. They provide  
25 much needed habitat that we are losing at a high rate that

1 provides lots of nursery habitat for our fishery species.

2 On this one, you can see the breakwater that is  
3 set out. That just knocks down the waves when a boat goes  
4 by and you have a boat wake thrown off, or we have a  
5 storm. Whether it is a tropical event, or just a thunder  
6 storm with some high winds that kicks up waves, the  
7 breakwater breaks that wave power down before it hits the  
8 vegetation and gives that vegetation a chance to get  
9 established (indicating photograph).

10 I think I may have one more picture. This is a  
11 typical picture of while the construction is being done  
12 where they go in and work from the shoreline and float  
13 that shoreline down for planting, and, then, that is the  
14 breakwater that you can see sticking out of the water just  
15 a little bit. They are typically not far from shoreline.  
16 They don't extend out into navigation channels. They  
17 typically go right along the shoreline (indicating  
18 photograph).

19 If you have any questions, I will be happy to  
20 answer them.

21 COMMISSIONER DANIELS: I like the idea of these  
22 living shorelines a whole lot better than just having  
23 anything bulkheaded. The idea that people were about to  
24 pass that option because the permitting is a little  
25 tougher doesn't make a lot of sense to me.

1           COMMISSIONER BOSARGE:  If I understand you  
2 correctly, willa, what you are doing here is to make it to  
3 where -- you are trying to get it to where a lot of these  
4 projects don't have to come before the Commission, that  
5 you could actually have a set of guidelines set out to  
6 where you can approve these permits, but they still go  
7 through the same permitting process in that it is put out  
8 -- anyhow.  I'm not quite following what you are trying to  
9 accomplish.

10           WILLA BRANTLEY:  Right now, the only way we can  
11 grant a variance to any of our requirements for regulated  
12 activities is to have that approved by the -- well, it  
13 states the Commission.  So, now, it would be the Executive  
14 Director, and we have to go through a process of putting  
15 those out on public notice, potentially having a public  
16 hearing, things like that.

17           what we are asking for, because these are  
18 typically minor projects that would fit within these minor  
19 guidelines, they are positive beneficial projects, is that  
20 we give a blanket variance to that guideline that we would  
21 be bringing to the Commission for approval on an  
22 individual basis.

23           That way, like you said, we can approve each of  
24 these projects as they come to us without having to go  
25 through quite so many steps for something that we see as

1 minor and most importantly beneficial.

2 I don't think, when the Coastal Program was  
3 initially written with this regulation, these projects  
4 were even thought of, or imagined.

5 Things have kind of evolved over the years.  
6 Those were written, I think, in the early eighties and  
7 haven't changed significantly since then.

8 Since we have come up with these projects and  
9 want to encourage these projects, this is the route that  
10 we have seen as being the easiest to get there.

11 COMMISSIONER BOSARGE: I follow what you are  
12 saying and, yes, I could see where some of these minor  
13 projects, sure, anything to streamline it because these  
14 are beneficial projects.

15 I just worry about a blanket waiver. Could that  
16 lead to where there is -- there are some bigger serious  
17 projects that may need -- in other words, at least over  
18 here in Jackson County, anytime you want a variance you  
19 have to go before the Board of Supervisors for the most  
20 part and there is a process.

21 I just don't want to see it get quite out of  
22 hand to where on some of these larger projects, if there  
23 is a public concern, that we don't give the public a  
24 chance to weigh in on it.

25 WILLA BRANTLEY: Right, and that is why we put

1 those limitations on the length, the extent out from the  
2 shoreline, the kinds of plants you can use, those kinds of  
3 things.

4 Anything that falls outside those parameters  
5 that are listed in that waiver would still have to go  
6 through the full permitting process.

7 For example, we had a project out at Camp Wilkes  
8 a few years ago that was a living shorelines project. We  
9 have one in Ocean Springs, I think, that Greg presented  
10 last year. Those projects would have fallen outside these  
11 parameters and been larger projects that did have to come  
12 before the Commission on an individual basis and justify  
13 that variance on that individual project and on that  
14 individual basis.

15 This would just cover minor projects.

16 Some city projects that we have had that would  
17 fall within these, minor projects around their harbors and  
18 things, and this would mainly cover residential projects  
19 where you have a shorter shoreline.

20 COMMISSIONER BOSARGE: Well, that's good.  
21 That's a good thing because, yes, we need to promote these  
22 projects as best we can.

23 COMMISSIONER HAVARD: What are the parameters as  
24 far as how far north do you guys regulate this type of  
25 shoreline?

1 WILLA BRANTLEY: This would cover any waterways  
2 in the three coastal counties.

3 COMMISSIONER HAVARD: Okay.

4 JOE SPRAGGINS: Commissioners, I think this  
5 basically falls in line with the same thing we are doing  
6 now with bulkheads. Every bulkhead doesn't have to come  
7 for approval. There are certain parameters in there that  
8 we can do, and I don't think they want to do anything  
9 different than that with living shorelines.

10 Is that correct, Willa?

11 WILLA BRANTLEY: That is correct, sir.

12 Like I said, we don't want to use this as a  
13 regulatory tool that forces people to choose living  
14 shorelines over bulkheads, but we want to make it on an  
15 equal footing and as easy to permit as the bulkhead is so  
16 that permitting is not the reason that they choose to go  
17 with a bulkhead instead of a living shoreline.

18 COMMISSIONER BOSARGE: Very good.

19 COMMISSIONER HAVARD: I think you guys have done  
20 a great job so far making sure that, I guess, the  
21 residents choose the right type of material in shorelines  
22 and all of that good stuff.

23 Do we need to make a motion for this?

24 COMMISSIONER DANIELS: Are you making a motion,  
25 Mark?



1 COMMISSIONER HAVARD: That's what I was asking.

2 Is that what they are asking for is a motion?

3 WILLA BRANTLEY: Yes.

4 COMMISSIONER HAVARD: At this time, I would like  
5 to make a motion that we move forward with the  
6 department's recommendations.

7 COMMISSIONER GUESS: And I will second it.

8 COMMISSIONER DANIELS: Commissioner Havard made  
9 the motion. Commissioner Guess seconded.

10 All in favor say aye.

11 Commissioner Guess?

12 COMMISSIONER GUESS: Aye.

13 COMMISSIONER DANIELS: Commissioner Bosarge?

14 COMMISSIONER BOSARGE: Aye.

15 COMMISSIONER DANIELS: Commissioner Gollott?

16 COMMISSIONER GOLLOTT: Aye.

17 COMMISSIONER DANIELS: Commissioner Daniels is  
18 an aye.

19 Commissioner Havard?

20 COMMISSIONER HAVARD: Aye.

21 COMMISSIONER DANIELS: Motion passes.

22 WILLA BRANTLEY: Thank you very much.

23 COMMISSIONER DANIELS: Thank you, willa.

24 Ms. Leslie Brewer, Finance and Administration.

25 LESLIE BREWER: Good morning Director,

1 Commissioners, legal.

2 My name is Leslie Brewer, CFO. I will be  
3 presenting the agency's financials for the month ending  
4 August 31<sup>st</sup>, 2020.

5 At the end of August, our State Revenue was  
6 three point two million. Our Total Agency Revenue was  
7 three point three million.

8 Our State Net Income was two point five million,  
9 and our Total Agency Net Income was two million.

10 Next slide, Brady.

11 After two months of fiscal year 2021, we have  
12 ninety-seven point eight percent of the Operating Budget  
13 remaining, while the Tidelands Budget has ninety-seven  
14 point nine percent.

15 As you guys know, we have been watching our  
16 expenses just like in July. So it is lean, but now that  
17 we have our budget, September should get to looking a  
18 little more normal.

19 Does anybody have any questions?

20 COMMISSIONER DANIELS: This has been a hectic  
21 month, or month and a half for you.

22 LESLIE BREWER: It has. It has.

23 COMMISSIONER DANIELS: Thank you for everything  
24 that you do.

25 LESLIE BREWER: Thank you.

1 COMMISSIONER DANIELS: Does anybody else have  
2 any questions?

3 (No response.)

4 COMMISSIONER DANIELS: Public Affairs, Ms.  
5 Charmaine.

6 CHARMAINE SCHMERMUND: Good morning  
7 Commissioners, Director Spraggins, Ms. Chesnut.

8 The Mississippi Department of Marine Resources  
9 was mentioned fifty-nine times in local, state and  
10 national media since the August CMR meeting.

11 Popular news items included our agency's budget  
12 resolution, Red Snapper season reopening and a cultch  
13 plant project led by our Shellfish Bureau.

14 We launched our annual photo contest where the  
15 winning photos will be used in the agency's 2021 calendar.

16 We ask that submitted photos depict an aspect of  
17 the marine resources available on the Mississippi Gulf  
18 Coast, including recreational and commercial fishing,  
19 Coastal Preserves marine plant and animal life, marsh  
20 areas, boating and Mississippi seafood.

21 The deadline to submit these entries is Friday,  
22 October 23<sup>rd</sup>, and they can be emailed to Public Affairs at  
23 dmr.ms.gov.

24 That is all I have.

25 COMMISSIONER DANIELS: Thank you, Charmaine.

1 CHARMAINE SCHMERMUND: Thank you.

2 COMMISSIONER DANIELS: Marine Fisheries. Matt  
3 has the first presentation.

4 Have we got you, Matt?

5 MATT HILL: Yes, I'm here. I'm getting  
6 situated.

7 Just a quick update on the 2020 Mississippi Red  
8 Snapper Season.

9 We currently have a preliminary harvest total of  
10 one hundred and forty-two thousand two hundred and twenty-  
11 nine pounds.

12 This represents ninety-three point eight percent  
13 of our current ACL of one hundred and fifty-one thousand  
14 five hundred and eighty-four pounds.

15 We do set our annual catch target with a ten  
16 percent buffer which is one hundred and thirty-six  
17 thousand four hundred and twenty-six pounds.

18 As you can see, we had a large Saturday on that  
19 Labor Day weekend. We landed currently right in the  
20 middle of the target and the limit (indicating slide).

21 We do currently have nine thousand three hundred  
22 and fifty-five pounds remaining.

23 However, as you can see with the large catch  
24 right there, if we would have kept it open for another  
25 day, we would have more than likely gone over the limit

1 (indicating slide).

2 So that decision was made to close the season  
3 after one day opening.

4 That's it.

5 COMMISSIONER DANIELS: I think y'all made the  
6 right decision there. We certainly don't want to lose  
7 anything off of next year.

8 COMMISSIONER BOSARGE: Yes.

9 Matt, I had a couple of questions.

10 MATT HILL: Yes, sir.

11 COMMISSIONER BOSARGE: Where you said, after we  
12 see where that one-day catch, I don't see it.

13 where is it at?

14 MATT HILL: The one-day catch is at the very  
15 last line on there. Each line, or dot, represents a day  
16 on the chart over here (indicating slide).

17 See how elongated that line is. We started that  
18 Saturday below the target. We started with approximately  
19 a hundred and thirty-six thousand pounds.

20 COMMISSIONER BOSARGE: Are you still there,  
21 Matt?

22 MATT HILL: Yes, sir.

23 COMMISSIONER BOSARGE: I didn't know if you had  
24 quit talking, or what. You were kind of fading in and  
25 out.

1 I don't know. I guess everybody is the same  
2 way, but we are not getting the updates anymore. I  
3 thought we had kind of been through this and we were going  
4 to get some updates.

5 I don't have anything, other than what you  
6 showed us here.

7 You have got most of that information in front  
8 of you?

9 MATT HILL: I have a pretty good bit of  
10 information in front of me.

11 COMMISSIONER BOSARGE: What was the average  
12 weight of the fish this year?

13 MATT HILL: Six point four five pounds is the  
14 average weight.

15 COMMISSIONER BOSARGE: The average number of  
16 anglers?

17 MATT HILL: We had four point two anglers per  
18 vessel per trip.

19 COMMISSIONER BOSARGE: And average number of  
20 fish per angler?

21 In other words, this is all stuff that you used  
22 to give us, but I'm not seeing it anymore.

23 MATT HILL: Yes, sir. We did do the updates and  
24 it was sent out on a weekly, or biweekly, basis, but this  
25 year we did not do that.

1 I can provide Director Spraggins with all the  
2 details and he can pass it along, but I think I do have  
3 most of the information for you that you are asking for.

4 COMMISSIONER BOSARGE: It is just hard to have a  
5 conversation, if you have only got just a little bit of  
6 information.

7 It all looks good and I'm proud of what is  
8 happening, but I have questions and things I want to ask,  
9 but it is hard to ask when you don't get much information.

10 what did you say the average number of fish per  
11 angler was?

12 MATT HILL: Right now it's about one point two  
13 eight. We are still looking at a couple of things, but it  
14 is going to be between -- it may fluctuate a tenth, or  
15 something right there, but it is not going to be very  
16 much. Basically, one point three which is on par with  
17 what we saw last year, a tad bit lower.

18 COMMISSIONER BOSARGE: Yes, I see that, and it  
19 looks like the fish are a little bigger because, I think,  
20 we were about five point five four last year.

21 MATT HILL: Yes, sir. Overall they were a  
22 little bit bigger. We did see a slight drop on that one-  
23 day opening on Labor Day. We really can't explain that,  
24 but we did see a slight drop in fish that we did measure,  
25 but overall for the entire season the average weight was

1 up.

2 COMMISSIONER BOSARGE: What was the number of  
3 trips?

4 MATT HILL: Four thousand six hundred and  
5 seventy-six completed trips for the year.

6 COMMISSIONER BOSARGE: I've got you.  
7 Have you got any information on discards?

8 MATT HILL: We do have. We do collect that.  
9 That is one piece of information I don't have on hand  
10 right now.

11 COMMISSIONER BOSARGE: Number of fish caught?

12 MATT HILL: We are actually turning it on right  
13 now. We can get that for you, also.

14 COMMISSIONER BOSARGE: It is no longer interim  
15 director, but Chief Kyle. I asked him the number of  
16 intercepts.

17 Do you know that, the number?

18 MATT HILL: For Kyle, for Marine Patrol, or our  
19 number of Tails n' Scales intercepts at the dockside?

20 COMMISSIONER BOSARGE: Well, what is the  
21 difference?

22 MATT HILL: Well, Marine Patrol, that is  
23 enforcement. That is on the water.

24 We do validation surveys at the dockside to get  
25 the mean weight of the fish, get all the biological



1 parameters.

2 COMMISSIONER BOSARGE: Is that like the MRIP?

3 MATT HILL: It is off the MRIP survey, but it is  
4 specialized for the Tails n' Scales system.

5 COMMISSIONER BOSARGE: I would like to know. I  
6 was just curious as to how many. I asked Chief Kyle about  
7 the number of intercepts at the boat launches versus at  
8 sea intercepts. To me, that would be an interesting  
9 number to see.

10 Another question.

11 Canceled trips, how is that going?

12 MATT HILL: We had eight hundred and sixty  
13 abandoned trips this year which represents about eighteen  
14 point four percent of the overall trips, and that is  
15 comparable to last year. We saw roughly percentage wise  
16 twenty percent of the trips last year were abandoned. So  
17 it is right on par about one out of every five trips does  
18 get abandoned.

19 COMMISSIONER BOSARGE: One out of every five  
20 trips gets canceled?

21 MATT HILL: Yes, sir.

22 COMMISSIONER BOSARGE: That is a pretty steep  
23 number, in my opinion.

24 Are you seeing any -- we worried about folks  
25 that would go out and make their trip, and, then, come in

1 and cancel.

2 Are you seeing any indication of that?

3 COMMISSIONER HAVARD: I think mostly what you  
4 were seeing this year was the weather was good until you  
5 got south of the islands and it turned pretty sporty after  
6 that and people just turned around.

7 MATT HILL: All we can go by, Steve, is what we  
8 saw in the system and we compared it to the previous year.  
9 Overall we did have some periods of time where we did see  
10 a jump maybe for the weather, or for other reasons, but  
11 overall for the year the abandoned trips, historically it  
12 has been pretty much one out of five trips does get  
13 abandoned for some reason.

14 COMMISSIONER BOSARGE: Have you had any where  
15 there was an intercept, and, then, an abandoned trip?

16 MATT HILL: Yes, we have.

17 COMMISSIONER BOSARGE: Are we working towards  
18 maybe looking a little closer at that?

19 MATT HILL: Yes, we are. We are working on some  
20 things and combing through the database and working  
21 closely with Marine Patrol. We have had some discussions  
22 and are trying to come up with the best path forward to  
23 handle that.

24 COMMISSIONER BOSARGE: All right.

25 One other thing. I was trying to get online

1 here on this meeting and reading some of the Red Snapper  
2 regulation information not so much for me, but for the  
3 public, where it says on the website:

4 "Federal law requires non-stainless steel  
5 circle hooks when using natural baits  
6 while fishing for all reef fish species."

7 Can you clarify that just a little bit?

8 In other words, if I was just the average person  
9 reading that, I would read that to say that anytime you  
10 are using any natural bait you can only use a non-  
11 stainless circle hook.

12 MATT HILL: That is correct.

13 COMMISSIONER BOSARGE: Have we had any  
14 intercepts where that was looked at?

15 MATT HILL: That is an enforcement question. We  
16 don't look at the hooks on our intercepts at the dock. To  
17 my knowledge, I have not heard of that.

18 In the past years, I know we had several cases  
19 when it first came along of people being cited for it,  
20 but, speaking for this year, I don't have that answer.

21 COMMISSIONER BOSARGE: All right. Well, maybe  
22 one day, we will get that information given to us on a  
23 weekly basis.

24 Matt, thank you, sir.

25 MATT HILL: Yes, sir.

1                   COMMISSIONER DANIELS: Thank you for the  
2 presentation, Matt.

3                   Are you going to be doing the State records?

4                   Let's see here. Jonathan Barr will be handling  
5 the State records.

6                   JONATHAN BARR: Good morning.

7                   We have four potential Saltwater State Records  
8 for your consideration today.

9                   The first two are all tackle. They are both  
10 spear. The first being an Ocean Triggerfish, *Canthidermis*  
11 *sufflamen*. The old record was five pounds nine point nine  
12 six ounces. The new record is six pounds fifteen point  
13 eight four ounces. The angler is Mr. Chad Patti.

14                   That is the Ocean Triggerfish and there is Mr.  
15 Patti with his prize (indicating photographs).

16                   The next one is also spear, all tackle record.  
17 It's a Red Lionfish, *Pterois volitans*. The old record was  
18 one pound thirteen point forty-four ounces. The new  
19 record is one pound fifteen point zero four ounces. The  
20 angler is Mr. Heath Powell.

21                   There is the fish. There is Mr. Powell with his  
22 fish (indicating photographs).

23                   The next one is a conventional Saltwater Fishing  
24 Record. It is a Silver Perch, *Bairdiella chrysoura*. The  
25 old record was four ounces. The new record is five point

1 one two ounces. The angler is Mr. Donald L. Bosarge, II.

2 There is the Silver Perch. There is Mr. Donnie  
3 with his prize fish (indicating photographs).

4 The last one is a Youth Saltwater Fishing  
5 Record. This is the first submission of a Tripletail in  
6 our Youth category. This is a new record.

7 As I mentioned, it is a Tripletail, Lobotes  
8 surinamensis. It is nineteen pounds eight ounces. The  
9 angler is Mr. Charlie Russell.

10 There is the Tripletail and there is the young  
11 lad with his fish (indicating photographs).

12 That concludes the presentation.

13 COMMISSIONER DANIELS: What a great fish.  
14 Congratulations to all these guys.

15 Do we have a motion to approve these records?

16 COMMISSIONER HAVARD: Yes. I would like to make  
17 a motion that we approve all the new records. It is good  
18 to see people out there enjoying themselves.

19 COMMISSIONER DANIELS: I'll second the motion.

20 We have a motion by Commissioner Havard.

21 Seconded by Commissioner Daniels.

22 All those in favor say aye.

23 Commissioner Guess?

24 COMMISSIONER GUESS: Aye.

25 COMMISSIONER DANIELS: Commissioner Bosarge?

1 COMMISSIONER BOSARGE: Aye.

2 COMMISSIONER DANIELS: Commissioner Gollott?

3 COMMISSIONER GOLLOTT: Aye.

4 COMMISSIONER DANIELS: Commissioner Havard?

5 COMMISSIONER HAVARD: Aye.

6 COMMISSIONER DANIELS: Commissioner Daniels is  
7 an aye.

8 Do we have any other business?

9 (No response.)

10 COMMISSIONER DANIELS: Director, do we have any  
11 public comments today?

12 JOE SPRAGGINS: We have none at this time,  
13 Commissioner.

14 COMMISSIONER DANIELS: Well, thank you everyone.  
15 If we could get a motion to adjourn?

16 COMMISSIONER GUESS: I'll make the motion.

17 COMMISSIONER BOSARGE: I'll second.

18 COMMISSIONER DANIELS: We have a motion by  
19 Commissioner Guess. Second by Commissioner Bosarge.

20 All those in favor say aye.

21 Commissioner Guess?

22 COMMISSIONER GUESS: Aye.

23 COMMISSIONER DANIELS: Commissioner Bosarge?

24 COMMISSIONER BOSARGE: Aye.

25 COMMISSIONER DANIELS: Commissioner Gollott?

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COMMISSIONER GOLLOTT: Aye.

COMMISSIONER DANIELS: Commissioner Havard?

COMMISSIONER HAVARD: Aye.

COMMISSIONER DANIELS: Commissioner Daniels is  
an aye.

Everybody enjoy your day. Thank you.

COMMISSIONER GUESS: Y'all have a good day.  
Thank you.

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above sixty-three pages, including this page, is a true and correct transcription of the Zoom Webinar of the September 22, 2020, meeting of the Commission on Marine Resources, 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.

s/ \_\_\_\_\_

LUCILLE MORGAN, CSR 1251

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