

ADVISORY COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, October 20, 2020
9:00 a.m.
Zoom webinar

Commission Members:

Natalie Guess, Vice Chairman

Richard Gollott

Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

1 COMMISSIONER GUESS: We will go ahead and call
2 the meeting to order. I have 9:05 a.m.

3 Good morning everyone. We will go ahead and
4 start off with The Pledge of Allegiance.

5 I will ask General Spraggins to go ahead and
6 start us off this morning.

7 (Pledge of Allegiance was recited.)

8 COMMISSIONER GUESS: Thank you.

9 We will go ahead and take a moment of silence.

10 (Moment of silence observed.)

11 COMMISSIONER GUESS: We go to B, approval of the
12 minutes.

13 I need a motion for approval of the minutes for
14 the September 15th, 2020, meeting.

15 COMMISSIONER HAVARD: I'll make a motion that we
16 approve the minutes.

17 COMMISSIONER GUESS: Commissioner Havard made
18 the motion.

19 COMMISSIONER GOLLOTT: Gollott will second it.

20 COMMISSIONER GUESS: Perfect.

21 All those in favor say aye.

22 COMMISSIONER HAVARD: Aye, Commissioner Havard.

23 COMMISSIONER GOLLOTT: Aye, Commissioner
24 Gollott.

25 COMMISSIONER GUESS: Aye.

1 Sounds like we are all in favor.

2 Item C, approval of the agenda.

3 JOE SPRAGGINS: We would like to have a
4 modification on the agenda, if we could, Commissioner
5 Guess.

6 COMMISSIONER GUESS: Yes. We have a
7 modification for B.2. It is the April 2020 Commission
8 minutes.

9 We need to make a modification to those.

10 JOE SPRAGGINS: That is the only modification I
11 have.

12 COMMISSIONER GUESS: Okay.

13 Can I get a motion?

14 COMMISSIONER GOLLOTT: Motion to modify the
15 agenda.

16 COMMISSIONER GUESS: Thank you, Commissioner
17 Gollott.

18 COMMISSIONER HAVARD: I'll second that, Havard.

19 COMMISSIONER GUESS: All those in favor aye.

20 COMMISSIONER GOLLOTT: Aye.

21 COMMISSIONER HAVARD: Aye.

22 COMMISSIONER GUESS: Aye.

23 Item B is the Executive Director's report.

24 JOE SPRAGGINS: Commissioner, if we could, go
25 back to B.2 first and let's do that modification with

1 Sandy.

2 COMMISSIONER GUESS: Okay.

3 SANDY CHESNUT: The April 2020 meeting minutes
4 on page 54, line 19, it indicated some question marks.

5 The first set of question marks following "been"
6 should be changed to read "Committee".

7 Then, the second set of question marks before
8 meeting should be changed to read "Gulf States".

9 We will have those corrections made to the
10 minutes, if it is approved. I just need a motion to
11 approve those modifications.

12 COMMISSIONER HAVARD: I'll make a motion we
13 approve the modifications to the minutes.

14 COMMISSIONER GOLLOTT: I'll second it.

15 COMMISSIONER GUESS: We have a motion and a
16 second.

17 All those in favor say aye.

18 COMMISSIONER HAVARD: Aye.

19 COMMISSIONER GOLLOTT: Aye.

20 COMMISSIONER GUESS: Aye.

21 That is approved.

22 Now, I think we can go on to B and have the
23 Executive Director's report.

24 JOE SPRAGGINS: Thank you very much,
25 Commissioner Guess.

1 If we can, pull up Item D.1 and on D.1, the next
2 slide, please.

3 Employment Updates.

4 What we have is Robin Zantow. Robin is now our
5 new Grants Bureau Director. She came out of CZM. She was
6 doing grants for CZM and she is now over the Grants Bureau
7 with us. A good promotion inside with that.

8 Jason Rider who was doing our off-bottom and had
9 run that program for several years is now our Biological
10 Program Coordinator for the Shellfish Bureau. Obviously,
11 another good one to move up. That was Charlie's place, I
12 think. So we moved him into there.

13 Adam Terrell who was in CZM. I think he was in
14 permitting. Adam is now our new GIS/Database Analyst. He
15 has a degree in that. We were able to move him up forward
16 into it, and that is a good deal, too.

17 Jeremy Timbs is our new Biological Program
18 Coordinator for Finfish Bureau. Another move up.

19 I am very proud to tell you that everybody has
20 moved up inside the agency. It is always wonderful to see
21 people that have worked hard to be able to move forward
22 and get a promotion.

23 If you get a chance, thank each and every one of
24 them.

25 Any questions on that, Commissioners?

1 (No response.)

2 JOE SPRAGGINS: Next slide.

3 Procurement.

4 Obviously, we are not doing a whole lot of
5 stuff, but the Pelican Key Beneficial Use Site, we had
6 that under GOMESA, but, since everything that happened
7 with that, we decided to move forward and Jennifer
8 Wittmann was able to take it and say that we can use some
9 funds that we have now for it. So we are using Beneficial
10 Use Funds, seventy-eight percent of it and twenty-two
11 percent from NOAA to go ahead and do a study on Pelican
12 Key Beneficial Use.

13 That is an area over to the west side. We have
14 got to look at it and make sure that it is something that
15 could be used and how much of it could be used.

16 In the past, there has been a lot of habitat
17 with crabs that were coming in there in the wintertime
18 spawning. We need to look at that and make sure what we
19 are doing, but this is a good way to do a test and look at
20 it and do a study on it.

21 Any questions on that?

22 (No response.)

23 JOE SPRAGGINS: That is all with the updates on
24 that.

25 Agency update itself.

1 Even though we have had about thirteen positive
2 COVID cases, we have been very, very lucky and we have
3 been extremely lucky with what has happened with those
4 where the people have been able to recover and luckily
5 most of them are pretty young. So they have been able to
6 recover with little of any type of sickness.

7 we are still doing our standards. We are
8 working hard. We are wearing masks when we are not inside
9 our work areas, our workplace itself. We are asking
10 everyone to wear masks when they are working somewhere
11 else, or out in the public, and we are asking them to
12 protect yourself because even though the Governor did
13 relieve some of the things there, he still emphasized
14 extremely hard that it would be best for all of us to wear
15 masks, if we could.

16 we have worked on a couple of new things. The
17 Council met last week, or week before last, and we had
18 some good discussions on that.

19 One of the discussions on it, I will just go
20 ahead and bring it up, what is called the Red Snapper
21 Update, and what happened there they talked about the
22 calibrations and what happened and, obviously, everyone
23 knows that we have this issue about whether or not we will
24 lose Red Snapper count next year, as far as our quota.

25 we have used our Tails n' Scales to the best of

1 our ability, and I still say today that we are one of the
2 best in the nation.

3 Even at that, they still were looking at it, but
4 one of the things we were able to do was kind of push back
5 with them and that was for the Greater Red Snapper count.

6 The Greater Red Snapper count is out. It has
7 been briefed with the Commissioner on Commerce. They have
8 not put it out public, but my intel that I have been able
9 to get says that what NOAA said in 2018, I think it was,
10 was about thirty-six million snapper. It is somewhere in
11 the total of a hundred and fifteen to a hundred and twenty
12 million.

13 That is a huge, huge thing. That is just a
14 little intel that I have been given, but it is not words
15 that are in concrete. It is not a given thing. Please
16 don't use that as a quote as to what it actually is, but I
17 think we are going to see a huge increase in Red Snapper
18 in the Gulf of Mexico as far as the count.

19 Because of that, I believe it will work in our
20 favor when it comes time for the new results to happen,
21 and we will see what happens there.

22 I saw where Oliver who is over the Fisheries for
23 NOAA wanted to have that added into the 2021 count, as far
24 as anything that we did with allocations. So that will be
25 good.

1 Does anybody have any questions on it?
2 I don't want to belabor on it too much.
3 We've got another Council meeting next week.
4 Right, Paul?

5 PAUL MICKLE: Yes.

6 JOE SPRAGGINS: We will probably get an update
7 at that point.

8 Anything on that from anyone?

9 (No response.)

10 JOE SPRAGGINS: CARES Act has been approved. We
11 are working it very diligently, the CARES Act, and Traci
12 has worked hard on that. It has been approved.

13 As soon as we get our legal to go ahead and tell
14 us that it is okay for us to sign it, then, we will sign
15 the subagreement with it, and, then, we will send it out
16 to people.

17 So that CARES Act will be out and we will be
18 able to start maybe helping get some people some funds
19 that were impacted during the first half of this year,
20 with all the CARES problems that we had.

21 Any questions on that?

22 (No response.)

23 JOE SPRAGGINS: 2019 Bonnet Carre has been
24 approved by the Governor, the spend plan, and we have sent
25 that forward to NOAA. Rick Burris is working hard on it.

1 Rick, do you have any update at all on it?

2 (No response.)

3 JOE SPRAGGINS: I know he sent it out and we are
4 waiting on NOAA. It will take a little time because NOAA
5 will come back and ask us some questions and we will have
6 to change some things back and forth just like we did with
7 the other, and we will be able to get that done.

8 Are there any questions on the Bonnet Carre
9 update?

10 (No response.)

11 JOE SPRAGGINS: One other thing I'm going to let
12 Sandy go over. Since the change in July, when the
13 Commission makes a recommendation to me about something
14 that they would like to have approved, then, we are going
15 to now start reading this every month on the record, what
16 we did with those actions.

17 I will let Sandy go ahead. I think you've got
18 one for September.

19 SANDY CHESNUT: Yes.

20 The following actions were recommended by the
21 Commission at the September meeting:

22 The first was the Simmons Bayou No Wake Zone
23 Proposal presented by Marine Patrol. The Commission
24 recommended tabling this item pending further discussions
25 with Jackson County Board of Supervisors, and the Director

1 approved this item to be on a future meeting agenda.

2 The next one was that the Commission recommended
3 approval of the Pre-approved Variance for the Living
4 Shoreline waiver, and Director approved this variance
5 based upon the Commission's recommendation.

6 The last item was the three State Saltwater
7 Finfish Records; one for All Tackle, one for Conventional
8 Tackle, and one for Youth Tackle. As you see, they are
9 listed as was discussed at the last meeting. Director
10 approved all of those state records.

11 JOE SPRAGGINS: Any questions from any of the
12 Commissioners?

13 (No response.)

14 JOE SPRAGGINS: If not, that is all I have,
15 Commissioner Guess, and thank you very much.

16 COMMISSIONER GUESS: Thank you so much.

17 Item E.

18 Do any of the Commissioners have anything to
19 report?

20 (No response.)

21 COMMISSIONER GUESS: Item F, Office of Marine
22 Patrol, Chief Kyle Wilkerson.

23 KYLE WILKERSON: Good morning Commissioners,
24 Director, counsel.

25 Looking at the citations, it is pretty straight

1 forward.

2 The year has been kind of dynamic with this
3 COVID situation. The last two, or three, months have been
4 kind of slow, but I am looking at an uptick in stops and
5 it looks like we are progressing to somewhat normal
6 nowadays.

7 I will field any questions, if you guys have
8 any.

9 COMMISSIONER GUESS: If no one has questions, we
10 will go ahead and move on to G, Office of Coastal
11 Resources Management, Jennifer Wittmann.

12 MATT MURPHY: Good morning.

13 Can everyone hear me?

14 COMMISSIONER GUESS: Yes.

15 MATT MURPHY: My name is Matt Murphy, and I have
16 a request for a permit by Peter Trapolin to construct a
17 fifty-six foot long jetty on his property at 419 1st
18 Avenue. That is in Pass Christian off of St. Louis Bay.

19 The purpose for this jetty is to maintain his
20 currently existing sand beach.

21 We can go to the next slide.

22 Here is an aerial view of the project location.
23 It will be on the north side of his property and will
24 mostly run parallel to his currently existing pier.

25 You can see on both the north and the south

1 sides there are properties that have jetties.

2 If we can go to the next slide, it will just be
3 a general diagram of the structure of the jetty. Fifty-
4 six foot long jetty running out parallel to the pier with
5 vinyl sheeting in the middle.

6 On the next slide, this is just a property site
7 picture. You can see the currently existing pier on the
8 left side of the picture, as well as pilings of what used
9 to be a jetty that was already on this property that has
10 since pretty much been destroyed over time.

11 The applicant has requested a variance from
12 Title 22, Part 23, and they justified this variance by
13 stating that the impacts to Coastal wetlands would be no
14 worse than if the requirements were followed.

15 Their justification is based off of the fact
16 that they talked to an expert on sediment transport
17 processes and they believe that by constructing it a
18 little bit shorter than what the original jetty was, since
19 they are only going out fifty-six feet into the waterway,
20 they don't believe that they will accrete any additional
21 sand beach, but instead only maintain what they currently
22 have.

23 They are not looking to gain any more beach
24 habitat; just looking to not lose any more.

25 Next slide.

1 Notification of this project went out as
2 required.

3 DEQ had no comments.

4 Archives and History had no objection.

5 Secretary of State has stated that it does not
6 present any public trust tidelands issues.

7 wildlife, Fisheries and Parks has no comments.

8 Based upon departmental review and evaluation of
9 the Mississippi Coastal Program, it has been determined
10 that the project should not negatively impact any Coastal
11 wetlands and, therefore, we recommend approval of the
12 variance request and issuance of a permit, of course,
13 contingent on water quality certification from MDEQ.

14 Does anyone have any questions?

15 (No response.)

16 COMMISSIONER GUESS: It doesn't sound like there
17 are any questions.

18 Can we get a motion for approval of the variance
19 for a permit?

20 COMMISSIONER HAVARD: Commissioner Havard would
21 like to make a recommendation that we move forward with
22 the Department's recommendation.

23 COMMISSIONER GUESS: Perfect.

24 I'll second it.

25 All those in favor say aye.

1 COMMISSIONER HAVARD: Commissioner Havard, aye.

2 COMMISSIONER GUESS: Commissioner Guess, aye.

3 Commissioner Gollott, do we have you?

4 JOE SPRAGGINS: He is still on there. He is
5 probably trying to say it.

6 COMMISSIONER GUESS: He is on mute?

7 JOE SPRAGGINS: Yes. He is trying to get it.

8 COMMISSIONER HAVARD: Brady, can you manually
9 unmute him?

10 JOE SPRAGGINS: You might ask him again,
11 Commissioner Gollott, is he approves.

12 COMMISSIONER GOLLOTT: I approve.

13 Did you hear me?

14 COMMISSIONER GUESS: Yes, we can hear you.

15 COMMISSIONER GOLLOTT: Okay.

16 COMMISSIONER GUESS: We approve of the
17 recommendation from the Department for the permit.

18 MATT MURPHY: Thank you.

19 COMMISSIONER GUESS: Thank you.

20 It looks like we don't have anything from the
21 Office of Coastal Restoration and Resiliency.

22 Next is I, Office of Finance and Administration,
23 Ms. Leslie Brewer.

24 LESLIE BREWER: Good morning Director,
25 Commissioners, legal.

1 My name is Leslie Brewer, CFO. I will be
2 presenting the agency's financials for the month ending
3 September 30th, 2020.

4 Next slide, please.

5 At the end of September our State Revenue was
6 three point four million dollars. Our Total Agency
7 Revenue was four million.

8 Our State Net Income was two million, and our
9 Total Agency Net Income was a hundred and thirty-two
10 thousand.

11 Next slide, please.

12 After three months of fiscal year 2021, we have
13 ninety-three point seven percent of the Operating Budget
14 remaining, while the Tidelands Budget has ninety-one point
15 seven percent.

16 Anyone have any questions?

17 (No response.)

18 COMMISSIONER GUESS: That was good. Thank you.

19 LESLIE BREWER: Thank you.

20 COMMISSIONER GUESS: Next we have Public
21 Affairs, Ms. Charmaine.

22 CHARMAINE SCHMERMUND: Good morning
23 Commissioners, Director Spraggins, Ms. Chesnut.

24 The Mississippi Department of Marine Resources
25 was mentioned thirteen times in local, state and national

1 media, since the September CMR meeting.

2 Popular news items included new fishing records,
3 oyster restoration and the extension of Katrina Key.

4 Marine Patrol took part in Paddle the Bay this
5 past weekend in Bay St. Louis.

6 Lastly, I'm just giving a reminder that the
7 deadline to submit photos for our agency's 2021 calendar
8 is this Friday, October the 23rd, and we ask that submitted
9 photos depict an aspect of the marine resources available
10 on the Mississippi Gulf Coast. This includes recreational
11 and commercial fishing, coastal preserves, marine and
12 animal life, marsh areas, boating and Mississippi seafood.

13 The photos can be emailed to Public Affairs at
14 dmr.ms.gov, or submitted through a portal on our website
15 at dmr.ms.gov.

16 That's it for me.

17 COMMISSIONER GUESS: Thank you, Charmaine.

18 Next we have Office of Marine Fisheries, Mr. Joe
19 Jewell.

20 JOE JEWELL: Good morning.

21 Matt Hill is going to give the presentation for
22 the State Finfish Record.

23 MATT HILL: We have one record this month. It
24 is a Youth record. It will be a new record for Atlantic
25 Needlefish, two point five six ounces. The angler is Mr.

1 Rodie Armes.

2 Here is a picture of the Needlefish, and here is
3 a picture of Mr. Rodie holding the Needlefish.

4 That is the only record that we have to present
5 this month.

6 COMMISSIONER GUESS: Can we get a motion to
7 approve the new record?

8 I'll make the motion.

9 We need a second.

10 COMMISSIONER HAVARD: I'll second the motion.

11 COMMISSIONER GUESS: All those in favor say aye.

12 COMMISSIONER HAVARD: Aye, Commissioner Havard.

13 COMMISSIONER GUESS: Aye, Commissioner Guess.

14 Commissioner Gollott?

15 COMMISSIONER GOLLOTT: Aye.

16 COMMISSIONER GUESS: Perfect.

17 Next is Other Business.

18 Do we have any other business to discuss?

19 COMMISSIONER HAVARD: Commissioner Guess, I have
20 something that I would like to direct to Dr. Paul Mickle.

21 I am seeing a lot of stuff in the headline news
22 all up the east coast in regards to the Menhaden industry
23 and how it is such an important food source for our game
24 fish and our whole resource out in the Gulf and up the
25 east coast.

1 I know, Paul. I know you stay on top of a lot
2 of these topics, but I would like for you to make sure
3 that you thoroughly understand what they are doing, why
4 they are doing it and is it something that we need to look
5 into in our Gulf waters.

6 I don't know. All I do is read the articles and
7 most of the time in articles they tell you what they want
8 you to know and that it is.

9 I would like to know a little bit more about it
10 and why they are making these decisions.

11 Are they right for us?

12 Are they right for them and not right for us?

13 I don't know. I would like to know a little
14 more about it and that we are making good conservative
15 decisions about our resource.

16 PAUL MICKLE: Commissioner, when you say "they"
17 and "decisions", are you talking about Atlantic States, or
18 are you talking about the NOAA Federal Management
19 structure?

20 What are you referring to?

21 COMMISSIONER HAVARD: It was more than Atlantic
22 states. I have just seen several news articles and I
23 can't say whether it is Atlantic states, or NOAA, but
24 there are a lot of changes being made up the east coast in
25 regards to the Menhaden industry.

1 I'm sure you are familiar with all the stuff
2 that is going on, but I just would like to make sure that
3 we are not turning a blind eye to something that maybe we
4 need to act on, or maybe we don't need to act on it. I
5 don't know.

6 I would just like to know a little bit more
7 about it and let the Department know where we can make
8 good sound decisions about our resource.

9 PAUL MICKLE: The most recent changes may have
10 occurred in the last couple of months. I don't know. I
11 will have to look, but to get the most detailed and
12 accurate information to your request, it will be worth
13 circling back on at a future meeting and allowing me to
14 bring exactly the current status of all the regulations on
15 the eastern seaboard, as well as the current status.

16 I think November of last year we discussed
17 Menhaden here at our Commission and had Gulf States
18 actually give a presentation, if y'all remember, but it is
19 worth circling back on and at least giving present
20 designations to your request as to the new regulatory
21 changes that are currently occurring on the east coast.

22 COMMISSIONER HAVARD: I'm not saying that there
23 needs to be a change made by any stretch. I'm just saying
24 that they are making changes on the east coast, and I'm
25 sure it is not a political decision. I'm sure it's got

1 good sound science behind whatever they are doing, and I
2 would just like to make sure that we are staying abreast
3 of what their good science is that they are listening to,
4 and does it roll over to the Gulf states. That's all.

5 PAUL MICKLE: The one thing I will provide now,
6 before we get into any potential additional information,
7 it is really important for the managers and I want y'all
8 to understand that the east coast rivers are very
9 different. They don't have the nutrient loads that the
10 Gulf of Mexico enjoys. Their growth rates are slower. It
11 is colder up there, the water temperatures. The life
12 histories of this same species -- we are still talking
13 about Menhaden, but the life histories, the growth rates,
14 the reproductive strategies, even the oil content of the
15 fish in one body of water is quite different from another,
16 and the Gulf of Mexico is truly a unique region for
17 Menhaden from a biological production standpoint.

18 I want to make it real clear that just because
19 the Atlantic is maybe going through some changes and
20 things, it is specific for all of those fishery matrix,
21 the growth, reproduction, and we need to really dial in on
22 what is best for the Gulf.

23 This happens sometimes at the Council level with
24 certain species in the Atlantic and the Gulf, and, when
25 they start looking at another body of water and saying,

1 well, we do this, sometimes the biological responses of
2 species fad to the back.

3 I want to make sure and I will keep saying it.
4 It is really important that we understand what our fish do
5 in the Gulf of Mexico and it is a unique area of high
6 production and that is why we like living here.

7 I want to keep that on the table just to make
8 sure that we are all understanding that fisheries
9 production is always unique to the body of water in which
10 they live.

11 COMMISSIONER HAVARD: Yes. That's why I am
12 thankful to have you onboard because I do not understand
13 any of that, nor does the general public.

14 There are biologists out there, two or three,
15 that understand that, but the common folks like myself and
16 a lot of other folks, we don't.

17 Education is half the battle anyway, and I want
18 to make sure that everybody understands that even though
19 it is the same type of fish, it is still a different
20 fishery and they make decisions that are totally different
21 than what we make in the Gulf.

22 That's fine. I just wanted to bring that to
23 your attention.

24 PAUL MICKLE: Thank you.

25 COMMISSIONER HAVARD: That's all I have,

1 Commissioner Guess.

2 COMMISSIONER GUESS: I don't believe we have any
3 public comments, unless a few came in recently.

4 Do we have any new public comments?

5 JOE SPRAGGINS: No public comments,
6 Commissioner.

7 COMMISSIONER GUESS: well, if that is all, we
8 need to make a motion to end the Commission meeting.

9 COMMISSIONER HAVARD: Commission Havard would
10 like to make a motion that adjourn.

11 COMMISSIONER GUESS: I'll second it.
12 All those in favor say aye.

13 COMMISSIONER HAVARD: Aye.

14 COMMISSIONER GUESS: Aye.

15 Commissioner Gollott?

16 COMMISSIONER GOLLOTT: Aye.

17 COMMISSIONER GUESS: Thank you guys. Y'all have
18 a great day.

19 JOE SPRAGGINS: Thank y'all.

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above twenty-three pages, including this page, is a true and correct transcription of the zoom webinar of the October 20, 2020, meeting of the Advisory 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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