ADVISORY COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, November 17, 2020
9:00 a.m.
Zoom Webinar

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Commission Members:

Ronnie Daniels, Chairman
Natalie Guess, Vice Chairman
Steve Bosarge

Also Present:

Joe Spraggins, Executive Director DMR
Sandy Chesnut, Esq., Assistant Attorney General
COMMISSIONER DANIELS: At this time, I would like to call the November 17th, Advisory Commission on Marine Resources to order.

I will start off by asking Commissioner Bosarge to lead us in The Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

COMMISSIONER DANIELS: If y'all don’t mind, we will just take a moment of silence here to gather our thoughts and say our prayers.

(Moment of silence observed.)

COMMISSIONER DANIELS: We need to approve the minutes from the October 20th meeting.

Do we have any discussion on that?

(No response.)

COMMISSIONER BOSARGE: No, sir, Mr. Chairman. I’ll make a motion that we approve the minutes for the October 20th, 2020, meeting.

COMMISSIONER DANIELS: Commissioner Bosarge makes a motion.

Do we have a second?

COMMISSIONER GUESS: I'll second it.

COMMISSIONER DANIELS: Commissioner Guess seconds.

All those in favor?

Commissioner Bosarge?
COMMISSIONER BOSARGE: Aye.

COMMISSIONER DANIELS: Commissioner Guess?

COMMISSIONER GUESS: Aye.

COMMISSIONER DANIELS: Commissioner Daniels, aye.

Approval of the agenda for today’s meeting.

Do we have a motion to approve that?

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER DANIELS: Commissioner Bosarge makes the motion. I will second it.

All those in favor?

Commissioner Guess?

COMMISSIONER GUESS: Aye.

COMMISSIONER DANIELS: Commissioner Bosarge?

COMMISSIONER BOSARGE: Aye.

COMMISSIONER DANIELS: Commissioner Daniels, aye.

COMMISSIONER DANIELS: Mr. Joe, what have you got for us today?

JOE SPRAGGINS: Just real quick, if anyone has public comment that is out there, you can send it to Crystal and we will get it on the list.

Right now, Crystal, you have none at this time?

CRYSTAL MATTA: None.

JOE SPRAGGINS: We will look at that and make
For employment, can we see the screen, please?

Jared Harris has been appointed as the Deputy Director of Coastal Resources Management. So Jared moved up in the position there.

Andrew Barrett has moved from Marine Fisheries over to be a Marine Administrator I, and he is over in Heritage, now, working in that group and the resilience.

Patrick Levine is our new Assistant Chief of Marine Patrol. He has moved up into that position.

Michelle Williams has moved over to CZM to take over Grants Administrator that Robin had left to take the Grant Administrator job for the whole agency.

Looks like we've got four great moves there in the agency and it is always wonderful to be able to move people within.

Next slide.

That’s not next, but anyway we have no procurements.

Were there any procurements?

SANDY CHESNUT: It’s the next slide, Brady.

JOE SPRAGGINS: How did that get in there?

SANDY CHESNUT: I don’t know.

JOE SPRAGGINS: That is all the way to number five.

JOE SPRAGGINS: Never mind. Just hold off. There must not be any procurements. I don't see anything.

SANDY CHESNUT: No. There is not. I'm sorry.

JOE SPRAGGINS: Agency Update. We are working every day trying to get some stuff done. COVID has obviously taken its toll on everybody, but, so far, we are holding pretty good.

Paul, what is it, twelve?

PAUL MICKLE: Thirteen.

JOE SPRAGGINS: Thirteen people in the agency have had it. That is pretty good out of a hundred and seventy-five, but we are holding and hoping that we can keep it down to that number.

Looking at our reports as far as anything happening in the community, obviously, the oyster season is not looking very well to have much of an oyster season this year, if we have any at all probably, because of the fact that the Bonnet Carre 2019 basically devastated the reefs, but there are some coming back.

Hopefully, we will be able to get something happening in the near future with that, but, as you know, it takes about two years to grow an oyster and we are trying to make this work as quickly as possible.
As far as any other things that are happening in the agency, we had the hurricane. The hurricane came through, Zeta, and we didn't have hardly any damage. We did have a little bit to some of the buildings in some of the areas, but most of the boats and everything else, I don't think we had any damage to any of our boats. So that was good, and we got things working. We are back operational a hundred percent.

We had a little bit of damage to a couple of vehicles. A couple of trees fell on some. Little issues there, but nothing major and we can work through it.

Hurricane Zeta is over with and hopefully we have seen our last one for this year, but I don't know. There is another one still brewing out there. You never know.

As far as the CARES Act, Traci sent me an update to it.

Right now, commercial, we have a total of fifty-three people that have applied. Forty-six were eligible, five ineligible, and two of them are still pending right now, being processed.

As far as charter boat, we had sixteen that applied. Thirteen that are eligible, two that are ineligible, one under appeal, and one still being processed.
Dealers/Processors, we have seven eligible, one ineligible, and one still under process.

Hopefully, that will be something that we can get out. I think the 8th, or 9th, of December is when you have your last chance to be able to apply for that. If anybody online is trying to find out, you can go on the DMR website and it has a site there to be able to send you to where you apply.

If you do not have the capability of downloading it and do not have the capability of going on the website for DMR, you can always call the agency at 228-374-5000 and ask for someone in Fisheries, either Joe Jewell, Traci, or Rick. Either one of those can help you out and they can get you to an application of how you can get something, if you need to come pick one up.

We want everybody who can to be qualified for this and, hopefully, we will be able to get something done. By the 9th, if we get it closed out, we ought to be able to start doing something before Christmas, if possible. If not, as soon as possible after that.

That is the one point five million dollar process that we are working on.

Any questions on that, Commissioners?

COMMISSIONER BOSARGE: No, sir.

JOE SPRAGGINS: The 2019 Bonnet Carre Update.
We have sent that to NOAA. We are waiting on it and, hopefully, it will come out. As normal, we have to wait to get what we can, as far as their comments back, and, then, try to make things work.

It is going to be a process. It will definitely be after the first of the year before we will be able to get money to be able to do anything with. Hopefully, that process will work out pretty quick.

Do any Commissioners have any comments, or any questions, on it?

COMMISSIONER DANIELS: No, sir.

JOE SPRAGGINS: The other thing we are working on is the actions update from prior meetings. I think that is the next slide.

I am going to turn it over to Sandy.

SANDY CHESNUT: At the October meeting, the following actions were recommended by the Commission:

There was a variance request/permit by Mr. Trapolin in Pass Christian for a fifty-six foot jetty, and that was contingent upon water quality certification from MDEQ.

The Commission recommended approval, and the Director has approved that request.

There was a recommendation to approve the Finfish Record. It is a Youth Record that also qualifies
for an All Tackle and Conventional Tackle Record for the
Atlantic Needlefish by Rodie Armes, and the Director has
approved that, as well.

There is one item still pending from the
September meeting, and that is the Simmons Bayou No Wake
Zone Proposal.

As you know, this was recommended that we table
this and the Director approved that it be tabled. I
imagine that will be coming up in the next meeting, or so.

JOE SPRAGGINS: Patrick, are you on by any
chance?

PATRICK LEVINE: Good morning, Director. Good
morning, Commission.

I have met with the Jackson County Board of
Supervisors and, also, the homeowners about the no wake
zone on Simmons Bayou.

We have gathered some information. We have gone
out and flown the area with drones working with IT, and we
will be ready to represent that no wake zone at next
month's Commission meeting.

JOE SPRAGGINS: Thank you, Patrick.

Any questions, Commissioners?

COMMISSIONER DANIELS: No, sir.

JOE SPRAGGINS: If not, that is my report for
today, and I wish each and every one of you a Happy
Thanksgiving. I probably won't see you before then, or talk to you, but hope y'all have a great one.

Sir, that is my report.

COMMISSIONER DANIELS: Thank you, Director.

Do any of our Commissioners that are on have anything to report today?

COMMISSIONER BOSARGE: I don't.

COMMISSIONER DANIELS: Office of Marine Patrol, Chief Kyle Wilkerson.

Are you on here today?

PATRICK LEVINE: Good morning, Commission. This is Patrick Levine again. Chief Wilkerson is on vacation this week and unavailable.

So this morning Captain Gex is going to be presenting the Office of Marine Patrol.

BRYCE GEX: Good morning Commissioners, Director, Ms. Chesnut.

The Office of Marine Patrol has been busy this past month with storm response and moving assets back into the respective areas along the Coast.

There have been a few enforcement actions of note. A couple of oyster infractions, several no recreational crab license infractions this month, and one outlier case that I am going to go ahead and address at this time.
There was an illegal harvest of a white-tailed deer. That happened in the Grand Bay NERR area and one of our officers was contacted by the NERR officials to assist, and that white-tailed deer was under size for antler restrictions. It was seized and U.S. Fish and Wildlife Service took possession of the deer for evidence for later.

The last thing I would like to mention in the report is this is the first time that I know of that the Marine Patrol Dive Team is fully certified across all divers as Public Service Divers. They accomplished that in the month of October as well.

Are there any questions?

COMMISSIONER BOSARGE: No, sir.

COMMISSIONER DANIELS: No, sir.

Congratulations on all of the certifications.

That is a good thing.

BRYCE GEX: Thank you, sir.

COMMISSIONER DANIELS: Coastal Resources Management.

Is Jennifer Wittmann on?

JENNIFER WITTMANN: I am. Willa Brantley has two presentations for our office today.

COMMISSIONER DANIELS: All right. Thank you.

WILLA BRANTLEY: Good morning.
Can you hear me?

COMMISSIONER DANIELS: Yes.

WILLA BRANTLEY: You couldn't at first. Sorry.

First up, I just wanted to update you. I hope that all of you saw our news release about waiving permit fees for rebuilding and repairing storm damaged structures.

We wanted to make sure you knew about this, in case you get any questions, and let you have an opportunity to ask any questions.

What needs to happen is that the structure should have been previously permitted. It should stay within the existing footprint of the structure.

If it is rebuilding that structure in that same footprint, we are not charging an application fee.

If they want to change the structure, take this opportunity to rebuild something different, it would go through the normal permitting process and would be charged an application fee.

One thing to remember is if they are only replacing decking boards, roofs and any structures that are completely above the waterline so they don't have to pull out any pilings, put any new pilings in, DMR does not require authorization for that before they start work.

COMMISSIONER BOSARGE: That is good to know,
Willa, because I have had some people ask me.

   Explain to me one more time so we all know exactly what they are allowed to do without having to come to you for a permit.

   WILLA BRANTLEY: Without having to coming to us, they can replace their decking boards and any stringers that those are attached to and they can replace their roof, anything that is not touching the water.

   If they need to touch the water, or work below the water surface, they do need to get authorization, but, as long as they stay in the footprint, the fee would be waived.

   COMMISSIONER BOSARGE: Good. Thank you.

   WILLA BRANTLEY: Another thing. We are working on expediting removals of derelict vessels that were caused by Hurricane Zeta. We are issuing those as what we call “emergency orders”. Basically, that lets us issue a certificate of waiver without going through the thirty-day notice to the other agencies so we can get those certified within just a couple of days, instead of taking thirty days to wait on that certification.

   COMMISSIONER BOSARGE: That’s good.

   COMMISSIONER DANIELS: There are a lot of them scattered around out there.

   WILLA BRANTLEY: There are. We have gotten lots
of calls, and I expect you will get some calls, too. Just feel free to direct them to us and we will take care of that.

COMMISSIONER BOSARGE: Thank you.

WILLA BRANTLEY: Next up is a request for a permit extension by the Mississippi Department of Environmental Quality. This is for the NRDA Early Restoration Project over in Hancock County.

The networking title they use for it is The Hancock County Marsh Living Shoreline. It is in the Mississippi Sound south of Hancock County marshes. It is from the mouth of the Pearl River over to past Heron Bay and they are creating some marsh and oyster habitat within Heron Bay.

The Use District started as a General Use District and a Preservation District, and the agent is Covington Civil and Environmental, LLC.

This is the footprint of the Use Plan Change that was authorized. We changed it from that General Use and Preservation District to Special Use for Restoration District that covers the footprint of the project (indicating slide).

This is a diagram of the project. The blue lines that you see south of the marsh is the actual breakwater/high profile reef. The slash lines kind of in
the center of the screen are where they are creating the
subtidal reef. To the southeast of that just north of
Lighthouse Bayou, right at that point, that is where they
are creating their intertidal marsh habitat, and that is
the part that they have not finished yet, so that is why
they need an extension (indicating slide).

They have had some delays due to storms and
other events. That is the part that they still need to
finish up.

Again, it is forty-six acres of marsh creation,
forty-six acres of submerged reef creation and right at
six miles of breakwater.

November 17th of 2015, is when the project was
originally presented to the Commission and was approved as
recommended.

On October 16th of this year, MDEQ's authorized
agent requested the permit extension which will be for two
years.

Based upon our review and evaluation, we
recommend that the applicant's request for the two-year
extension be approved.

COMMISSIONER BOSARGE: Willa, how did the
breakwater -- did it seem to help with all these storms?

Has there been anybody out looking at it?

WILLA BRANTLEY: I haven't heard anything
specifically related to Hurricane Zeta yet.

    I know that since they created it, it has done
very well in stopping the erosion.

    What they hoped that it would do and designed it
to do was to slow down the erosion. They actually didn't
even expect it to stop the erosion. They didn't expect it
to accrete any shoreline.

    The reports I have had are that it not only
stops the erosion, but has had some accretion in some
points. They have started their monitoring for it.

COMMISSIONER DANIELS: I can tell you first
hand. We spend quite a bit of time over there. I grew up
fishing that Heron Bay area and we spend a lot of time
south of Bayou Caddy on those rocks and just in the few
years that it has been here, some of that behind those
rocks has begun to fill in. It is getting shallower back
there. That marsh seems to be working its way out towards
the rocks. It has been a huge benefit to fishermen over
there, adding structure for them to target.

    We have been very pleased on this end of the
state with that project. It looks like it is doing
everything it should be and providing a lot of value.

COMMISSIONER BOSARGE: It was a big project. I
remember when it was presented and we approved it.

    I think we've got a couple more that were going
in Back Bay of Biloxi.

Whatever happened to that one, Willa, really not too far from the main office there in the Back Bay?

WILLA BRANTLEY: We have the one proposed for south of Big Island and that is on hold to be presented to the Commission until we have in-person meetings.

We do have some members of the community who are opposed to that and want to speak to the Commission, and, as of right now, we are trying to wait on that until we have in-person meetings so that they can speak to the Commission face-to-face.

COMMISSIONER BOSARGE: These projects are safe. They really make a difference, at least the ones I have been involved in.

I'll make a motion that we recommend staff's approval of this project.

COMMISSIONER GUESS: I'll second it.

COMMISSIONER DANIELS: We've got a motion by Commissioner Bosarge and a second by Commissioner Guess.

All those in favor?

Commissioner Guess?

COMMISSIONER GUESS: Aye.

COMMISSIONER DANIELS: Commissioner Bosarge?

COMMISSIONER BOSARGE: Aye.

COMMISSIONER DANIELS: Commissioner Daniels,
aye.

WILLA BRANTLEY: Thank you very much.

COMMISSIONER DANIELS: Looks like we are on to Finance and Administration.

Ms. Brewer, are you on here?

LESLIE BREWER: I am.

Good morning Director, Commissioners, legal.

My name is Leslie Brewer, CFO. I will be presenting the agency's financials for the month of October 31st, 2020.

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

Our State Net Income was one point six million, and our Total Agency Net Income was a negative two million.

Next slide, please.

LESLIE BREWER: After four months of fiscal year 2021, we have ninety point one percent of the Operating Budget remaining, while the Tidelands Budget has seventy-seven point six percent remaining.

We are still waiting for our Tidelands transfer for our funds. That is why we are in the negative. That will be hopefully soon.

Any questions?
COMMISSIONER DANIELS: I don't have any. Does anybody else?

COMMISSIONER BOSARGE: No.

COMMISSIONER GUESS: No.

JOE SPRAGGINS: Commissioners, just real quick. When we say in the negative, we are not in the negative. We have Tidelands Funds in the bank. We just do it year-by-year. That is what she is talking in reference to.

LESLIE BREWER: Yes. I explained that negative. That’s where I was going with that.

COMMISSIONER DANIELS: Ms. Charmaine.

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

The Mississippi Department of Marine Resources was mentioned eighteen times in local, state and national media since the October CMR meeting.

Popular news items included Director Spraggins being reappointed as MDMR Executive Director by Governor Reeves, MDMR waiving permit fees for repairing and rebuilding structures following Hurricane Zeta, and the CARES Act applications becoming available on November 9th.

Dr. Paul Mickle gave a presentation on oysters yesterday to the Jackson County Board of Supervisors.

Marine Patrol also continues to assist with marine events throughout the Gulf Coast.
That's it for me.

COMMISSIONER DANIELS: Sorry. I was on mute.

Thank you for that. I was talking away. Nobody was listening.

Moving on through these things this month.

Does anyone have any other business?

JOE SPRAGGINS: Commissioner, only one thing. Round Island, the one that we were rebuilding, did have some damage after Hurricane Zeta.

I was talking with DEQ and also with Covington the other day. They are in the process of repairing it, now. It just mainly shifted some of the berms that they had there. It shifted them more onto the land, but I think that they will all be corrected very soon.

COMMISSIONER DANIELS: Okay. Thank you.

Any of our Commissioners have any other business?

COMMISSIONER BOSARGE: No, sir.

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

JOE SPRAGGINS: No, sir, none at this time.

COMMISSIONER DANIELS: Anybody want to make a motion to adjourn?

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER GUESS: I'll second it.
COMMISSIONER DANIELS: Motion to adjourn by Commissioner Bosarge. Second by Commissioner Guess.

All those in favor?

Commissioner Guess?

COMMISSIONER GUESS: Aye.

COMMISSIONER DANIELS: Commissioner Bosarge?

COMMISSIONER BOSARGE: Aye.

COMMISSIONER DANIELS: Commissioner Daniels, aye.

Everyone enjoy the rest of your day. Thank you.
CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above twenty-one pages, including this page, is a true and correct transcription of the zoom webinar of the November 17, 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
COURT REPORTER