

Mississippi Advisory Commission on Marine Resources

April 16, 2021



Employment, Contracts and Procurement Updates April 20, 2021

Employment Updates

- Megan Fleming Biological Program Coordinator Finfish Bureau 03.16.21
- Matt Murphy Permitter IV Coastal Wetlands and Mitigation Compliance Bureau 03.16.21
- Todd Curry Master Sergeant Marine Patrol 04.01.21
- Wyatt Webb Corporal Marine Patrol 04.01.21
- Rachel Kistler Permitter II Coastal Wetlands and Mitigation Compliance Bureau 04.05.21
- Yvette Timmons Dispatcher I Marine Patrol 04.16.21



Actions Update April 20, 2021

Discussed at the March 2021 meeting:

MDEQ'S request for Permit Modification to modify an existing permit to construct subtidal reef habitat in Point Aux Chenes Bay in Jackson County, MS with the following additional condition:

• Marking of the reefs and the plan for maintaining the markings must be approved by MDMR prior to project completion.

- Commission recommended approval of the request.
- Director approved the request.

Request for Permit by: MS Department of Environmental Quality File: DMR-200009

 Location: Near Big Island in the Back Bay of Biloxi, Harrison County

• Use District: (G) General Use District

 Agent: Alane Young, Covington Civil and Environmental, LLC

ENHANCE ★ **PROTECT** ★ **CONSERVE**

Project Description

- Structure:
 - Breakwater
 - 8,000 linear feet total
- Purpose/Need:
 - NRDA Early Restoration Project intended to accelerate restoration of injured natural resources and their services
 - Reduce erosion
 - By diminishing energy of waves before they impact the shoreline
 - Support secondary productivity
 - By serving as high-profile reefs that can be colonized by bivalve mollusks, annelid worms, shrimp, crabs, and other benthic organisms

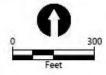


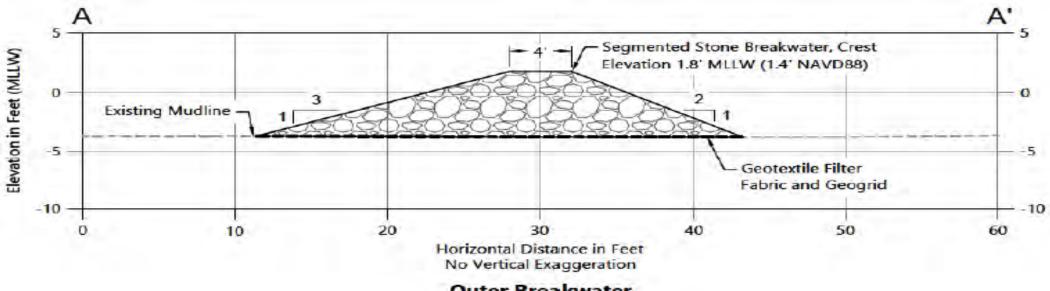
- Aerial image courtesy of USGS Earthstar Geographics SIO © 2016 Microsoft Corporation.
- Survey provided by DIMCO, Inc. dated July 26 to August 10, 2016.
- Navigation channel from drawings provided by U.S. Army Engineer District, Corps of Engineers, Mobile, Alabama dated February 5, 2016.
 HORIZONTAL DATUM: Mississippi State Plane East, NAD83, U.S. Survey Feet.
 VERTICAL DATUM: Mean Lower Low Water (MLLW).

30+00 Segmented Breakwater Alignment

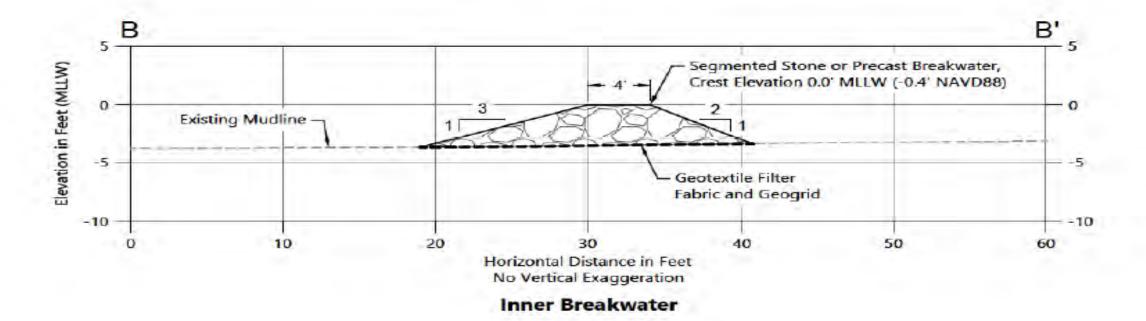
- · - 75' Offset from Navigation Channel

Cross Section Location (See Figure 4)



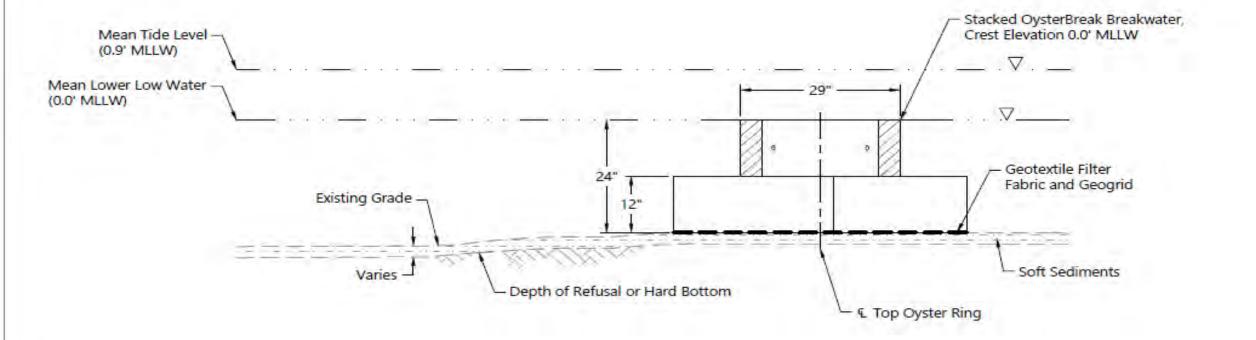




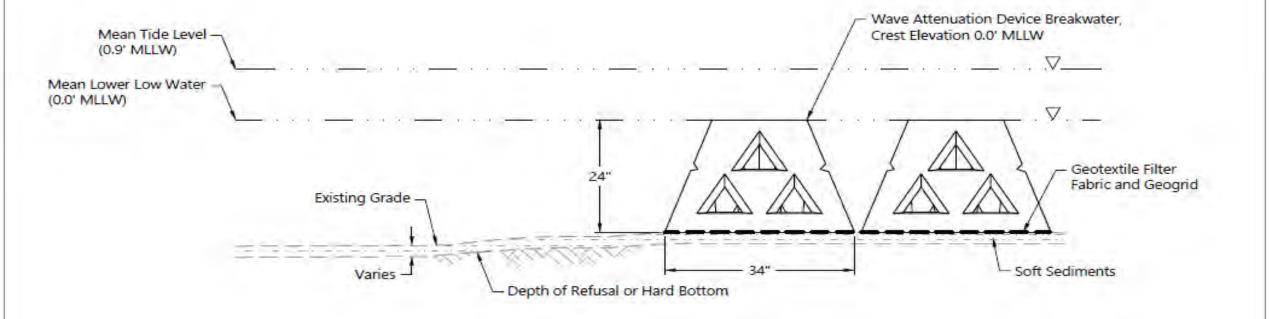


NOTES:

- Inner breakwater to be constructed at bed elevations between -1.5 and -2.5 feet MLLW.
 - Outer breakwater to be constructed at bed elevations between -2.5 and -3.5 feet MLLW.



Not to Scale



Project Description

continued

- The applicant has requested a change to the Coastal Wetlands Use Plan in the footprint of the proposed project.
- This change request was justified under Miss. Admin. Code Title 22, Part 23 (MS Coastal Program), Chapter 7, Section 105.06.02
 - There is a significant public benefit in the activity
 - Impacts to public access and adverse environmental impacts have been minimized
 - The general public as well as governmental entities were notified of the project
 - A public hearing was held on October 17, 2019

Project Description

continued

- The applicant has requested variances:
 - Miss. Admin. Code Title 22, Part 23 (MS Coastal Program), Chapter 8, Section 114.01
 - Permanent filling of Coastal Wetlands below the mean high tide line because of potential adverse and cumulative environmental impacts is not authorized.
- These variance requests were justified under Miss. Admin. Code Title 22, Part 23, Chapter 8, Section 118.01
 - The impacts on Coastal Wetlands would be no worse than if the guidelines were followed because the project meets several goals of the MCP

Public and Agency Notification

- Notification of this project appeared in *The Sun Herald* on August 11, August 18, August 25, September 22, September 29, and October 6, 2019.
 - Several public comments were received and a public hearing was held on October 17, 2019. Comments concerned:
 - Aesthetics
 - That alternatives have not been evaluated adequately
 - Maintenance and long-term survivability
 - Public involvement
 - The stated purpose and need
 - Secondary and cumulative impacts
 - That approval of the project would set a precedent
 - Impacts to nearby habitat and hydrology
 - Safety
- MDEQ: Issued 401 Water Quality Certification on February 25, 2020
- MDAH: Requested a cultural resources survey. After reviewing the survey, no objections
- MS SOS: The project will require a rent exempt lease
- MDWFP: No comments
- MDMR: No comments

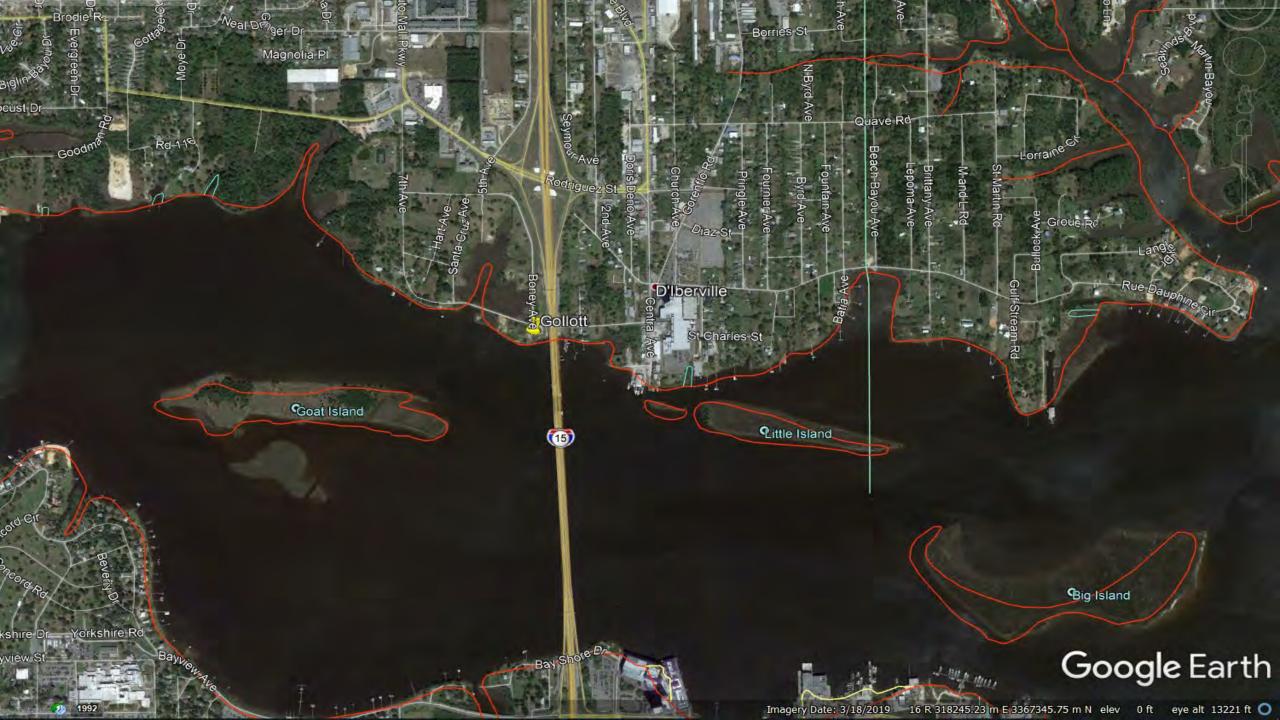
Recommendation

- Based upon departmental review and evaluation based on the decision factors the MCP, it has been determined that the project will have a significant public benefit. Therefore, staff recommends the variance request and Use Plan change be approved and the requested permit be issued with the following conditions:
 - The project area should be re-checked for the presence of SAV during the growing season prior to implementation of the project.
 - The survey report should be submitted to MDMR Wetlands
 Permitting staff at least 30 days prior to project commencement
 - If SAV is found in the project area, a final review and approval by MDMR staff should be required prior to project commencement

Violation/After-the-Fact General Permit: Shawn Gollott File: DMR-190221

Location: Back Bay of Biloxi, 3393 and 3387 Bay
 Shore Drive in D'Iberville, Harrison County, MS

Use District: (G) General Use



Project Description

- Unauthorized riprap: 200'
- Proposed piers: 200' x 10'

Piers Bousdwell ! · RIP Rap Bay Share 3393 2 Bay Shore

- March 1, 2019: Incomplete General Permit application for construction of a bulkhead received
- March 12, 2019; April 2, 2019; April 10, 2019; April 26, 2019: Attempts to request commercial application fee
- May 8, 2019: 10- day response letter issued
- June 3, 2019: Application was denied without prejudice due to lack of information

- January 21, 2020: Violation discovered
 - Placement of riprap without permit
 - Asphalt and rebar present in riprap
- January 22, 2020: Informed Mr. Gollott of Violation. Met on site and asked for the exposed rebar and asphalt to be removed, and an application for after-the-fact authorization to be submitted
- January 28, 2020: Notice of Violation issued
- February 21, 2020: Application for ATF authorization and fee received
- March 2020: Placed on Commission agenda, but meeting was cancelled, and it was decided that presentation should be delayed until Mr. Gollott could appear in person

Potential Penalty Range

- Violation discovered: January 22, 2020
- Violation duration: 47 days as of March 17, 2020
- Maximum potential fine for commercial: \$470,000.00 (\$10,000.00/day)
- Recommended Fine:
 - **•** \$5,000.00
- Decision Factors:
 - Multiple attempts to complete original application
 - Riprap containing rebar and asphalt placed without a permit and after a letter of denial was issued.
 - As of March 17, 2020, the asphalt and rebar had not been removed as requested.

Recommendation

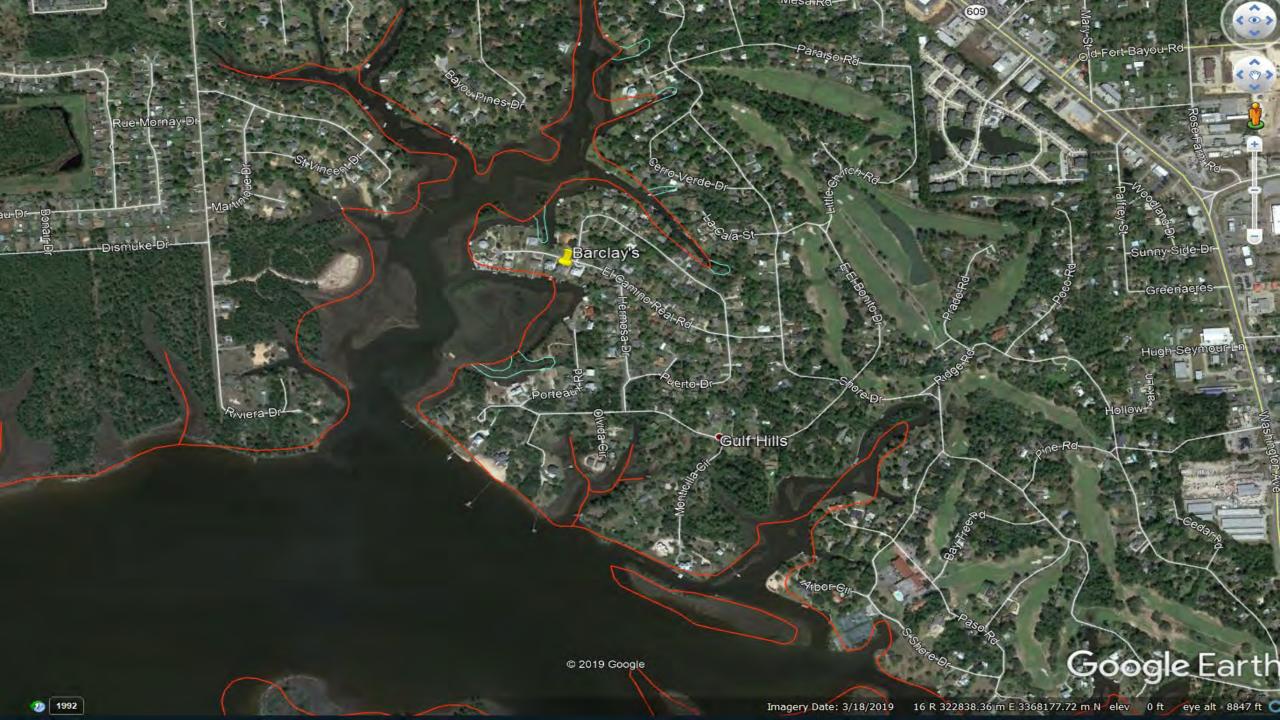
- The staff of the Department of Marine Resources has conducted an evaluation of the existing riprap. Because the placement of riprap was done without a permit and after the application had been denied, staff recommends:
 - A fine of \$5,000.00 in accordance with MS Code § 49-27-51
 - Should be paid within 45 days in accordance with MS Code § 49-15-415, or the matter should be forwarded to the Attorney General's office for further enforcement action (At the request of Mr. Gollott, a payment plan can be agreed upon to allow more time for payment)
 - Approval of the existing riprap
 - Approval of the proposed piers

Violation/After-the-Fact Certificate of Waiver: Vivek Barclay File: DMR-040792

 Location: Bayou Porteaux, 14113 El Camino Real Road in Ocean Springs, Jackson County, MS

- Use District: (G) General Use
- Agents: Cleo Benward (Original General Permit) / Mike Arguelles (Current application)

ENHANCE ★ **PROTECT** ★ **CONSERVE**



Project Description

 The applicant is requesting after-the-fact approval for existing boathouse, and approval for construction of a new boathouse.

- May 24, 2016: General Permit application received without a diagram
- <u>June 10, 2016:</u> Diagram received, no dimensions listed on diagram. Agent notified; Revised diagram with dimensions received for a 32' x 20' boathouse
- June 16, 2016: Site visit revealed the proposed construction would exceed the allowed 25% into the waterway; Agent notified
- July 14, 2016: Received revised diagram of a 25' x 25' boathouse that fits within 25% of the width of waterway

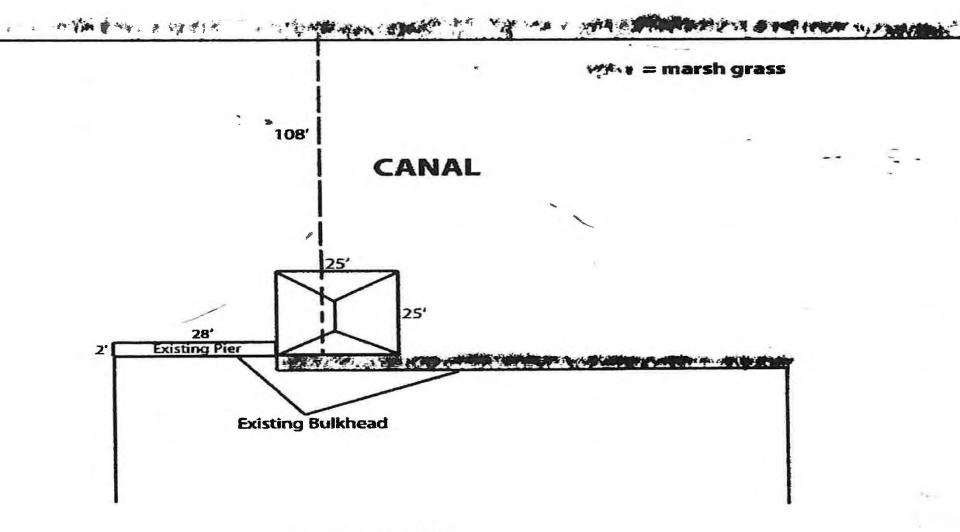
- July 22, 2016: General Permit issued for construction of a 25' x 25' boathouse
- August 8, 2016: Agent submitted a request to modify the dimensions of the boathouse from 25' x 25', to 35' x 25'
- August 9, 2016: General Permit Modification issued
- October 1, 2019: Received new application for construction of a new boathouse

ENHANCE ★ **PROTECT** ★ **CONSERVE**

- October 24, 2019: Site visit conducted for new application
- October 24 November 1, 2019: Researched existing structures and original permit; Existing structures found out-of-compliance with original permit
- November 1, 2019: Informed the acting agent and applicant of non-compliance issues:
 - Unauthorized access piers
 - Structure not constructed to permitted dimensions
 - Structure exceeds 25% of width of waterway

- January 16, 2020: Second site visit conducted to confirm measurements; Unauthorized access piers had been brought into compliance
- January 29, 2020: Application for after-the-fact authorization and final diagram received
- March 2020: Placed on Commission agenda, but meeting was cancelled, and it was decided that presentation should be delayed until the concerned parties could appear in person



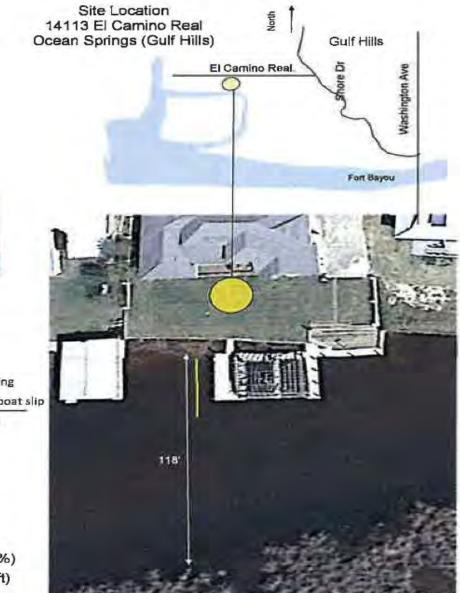


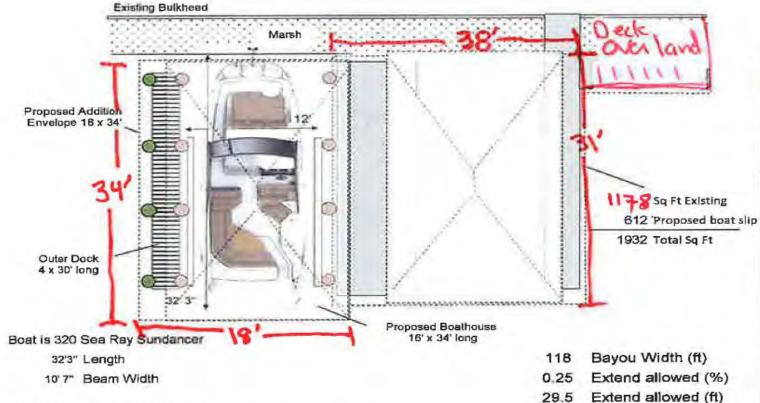
DMR-040792 Vivek Barclay 14113 El Camino Real 1 人 中国的专行企业的专用 一个人的 with a marsh grass 3 108' CANAL 10' 25' 28' **Existing Pier Existing Bulkhead**

DMR-040792 Vivek Barclay 14113 El Camino Real Directions to site: From I-10 Exit 50 South on Washington, West on Shore Dr into Gulf Hills (south entrance). Take a left on El Camino Real. Site is at 14113 El Camino Real the residence of Susan and Vick Barclay 282-2878 email Susan barclay@mindspring.com

Contractor - Mike Arguelles

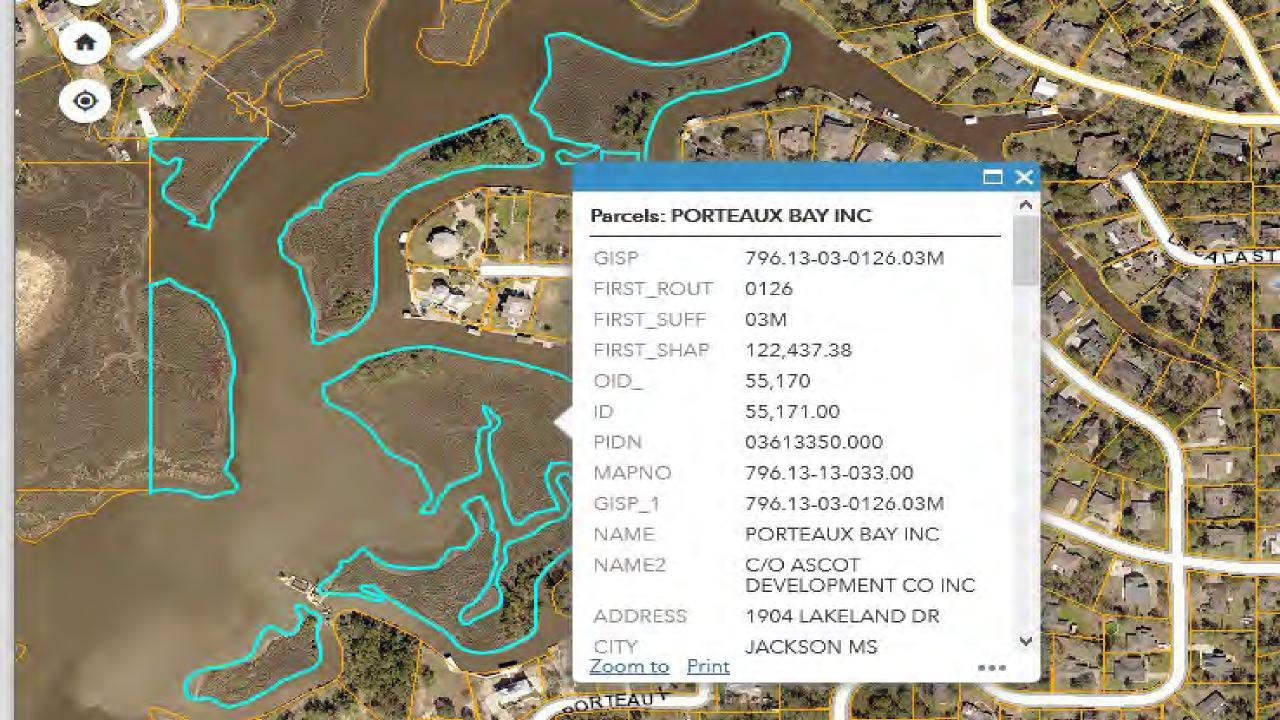
cell 424-8143.





Description of Work

Build boathouse on 8 tall pilings using a track hoe on a barge Build an "island dock" along west side for boat maintenance Install a 20k boatlift in the boathouse





Potential Penalty Range

- Violation discovered: November 1, 2019
- Violation duration: 1 day
- Maximum potential fine for residential: \$500.00
- Recommended Fine:
 - No fine recommended for property owner due to lack of knowledge
 - \$500.00 fine recommended for original General Permit agent
- Decision Factors:
 - Very familiar with the permitting process
 - Previous compliance issues

Recommendation

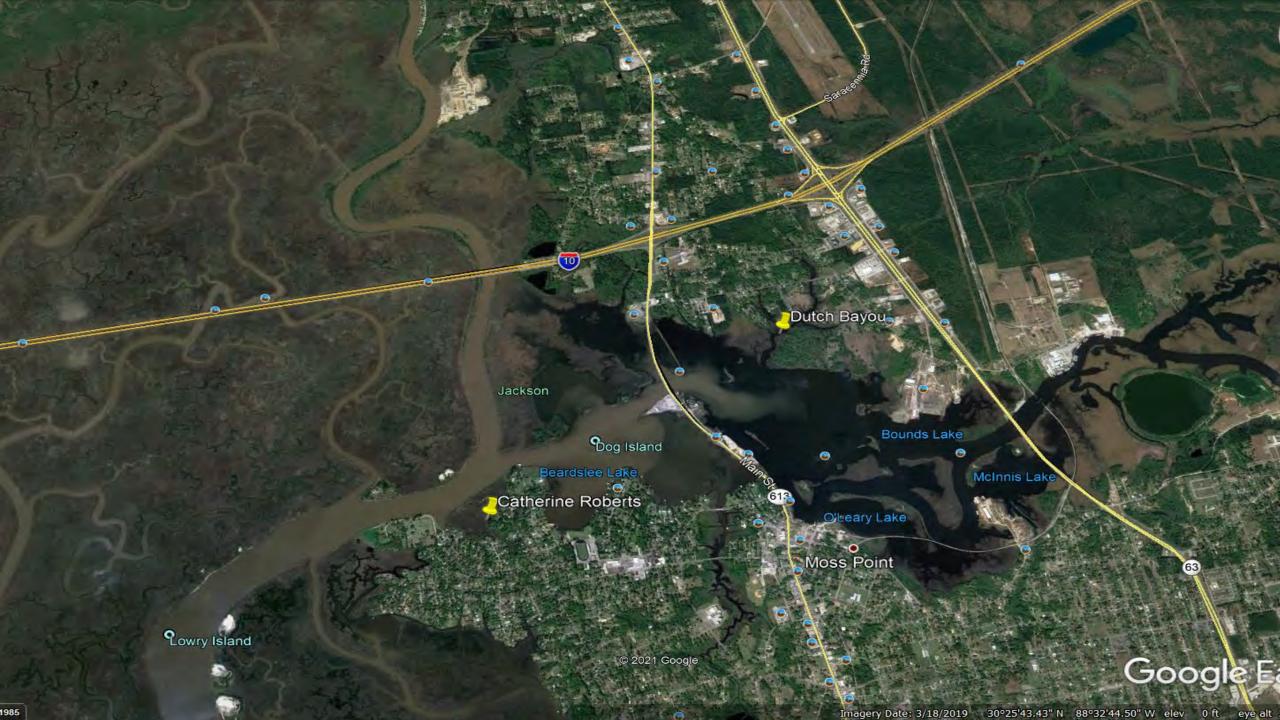
- The staff of the Department of Marine Resources has conducted an evaluation of the existing and proposed structures. Because the project would have been eligible for a Certificate of Waiver, staff recommends:
 - Approval for the boathouse as constructed
 - Approval for the newly proposed boathouse
 - No fine be issued to Mr. Barclay
 - A fine be issued to the original agent, Mr. Benward
 - Should be paid within 45 days in accordance with MS Code §
 49-15-415, or the matter should be forwarded to the Attorney
 General's office for further enforcement action (At the request
 of Mr. Benward, a payment plan can be agreed upon to allow
 more time for payment)

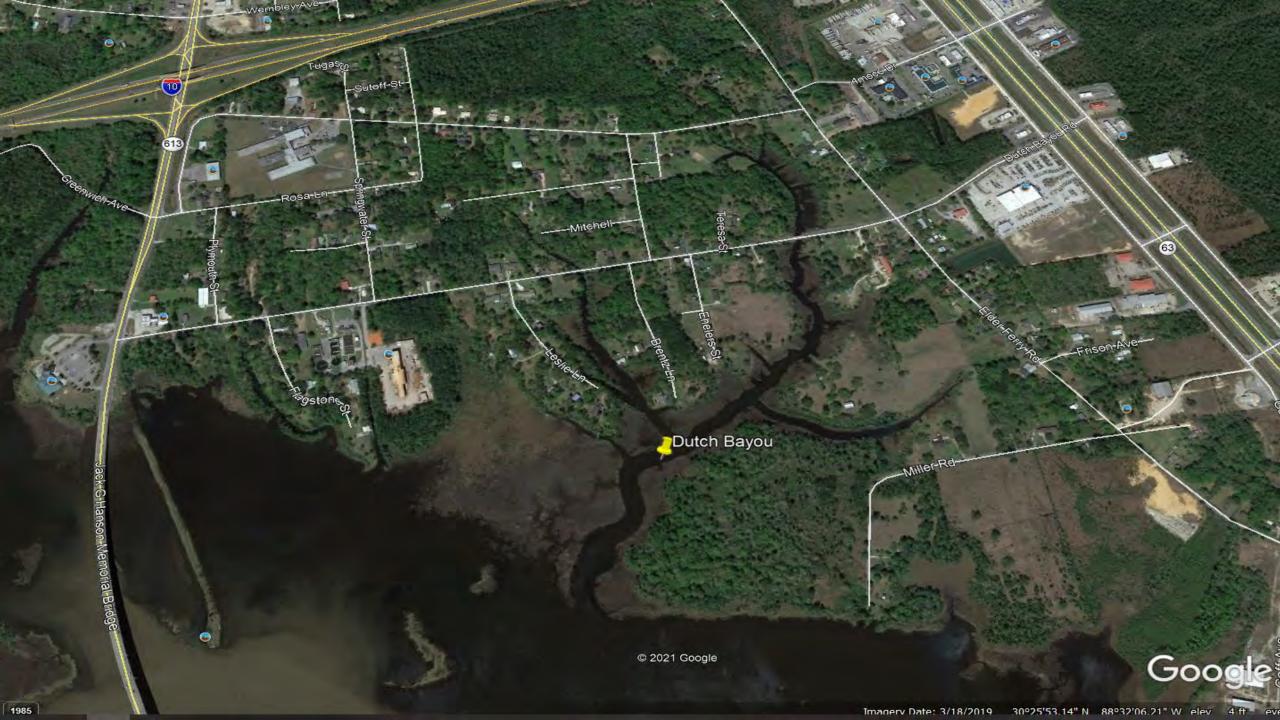
Request for Permits by: Jackson County Board of Supervisors File: DMR170270-1and DMR170271-1

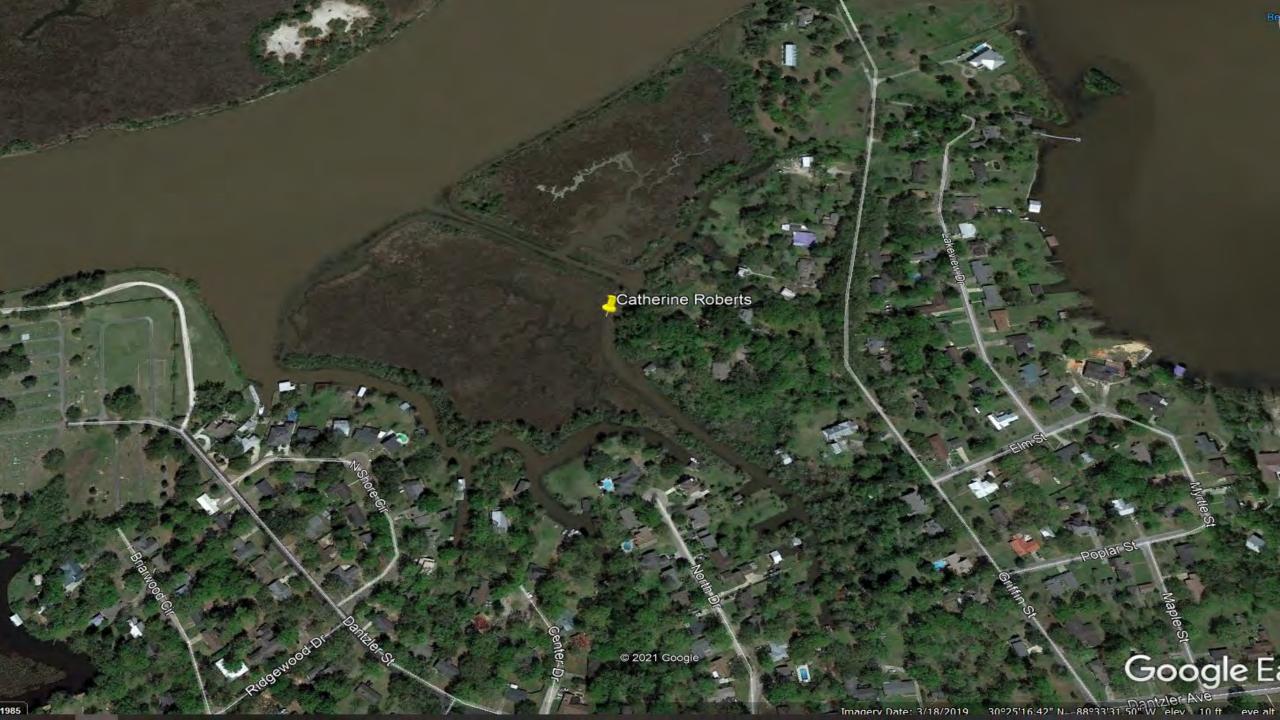
- Location: Catherine Roberts Bayou
 - Near North Drive in Moss Point, Jackson County Mississippi
 - **Dutch Bayou**
 - Near Dutch Bayou Road in Moss Point, Jackson County Mississippi
- Use District: (G) General Use District
- Agent: Michael Baker International, Inc.

Project Description

- Maintenance Dredging
 - Catherine Roberts Bayou:
 - 3,180 feet in length, ranging in width from 5-30 feet to a depth of 6 feet MLW
 - 3,925 cubic yards of material
 - 0.52 acre of SAV
 - Dutch Bayou:
 - 7,555 in length, ranging in width from 5-30 feet to a depth of 6 feet MLW
 - 19,000 cubic yards of material
 - 1.38 acres of SAV
 - Disposal: Sediment samples from the sites have been tested and reviewed by MDEQ. It was determined the dredged material is not suited for BU.
 - The County is proposing to obligate funds to mitigate for the 1.90 acres of SAV impacts.











GRAPHIC BAR SCALE

0 100' 200'

One Inch = One Hundred Feet



JACKSON COUNTY BOARD OF SUPERVISORS PASCAGOULA, MISSISSIPRI

Michael Baker

INTERNATIONAL
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Technician:	
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DUTCH BAYOU DREDGING PROJECT

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GRAPHIC BAR SCALE



One Inch - One Hundred Feet



JACKSON COUNTY BOARD OF SUPERVISORS PASCAGOULA MISSISSIPR

Michael Baker

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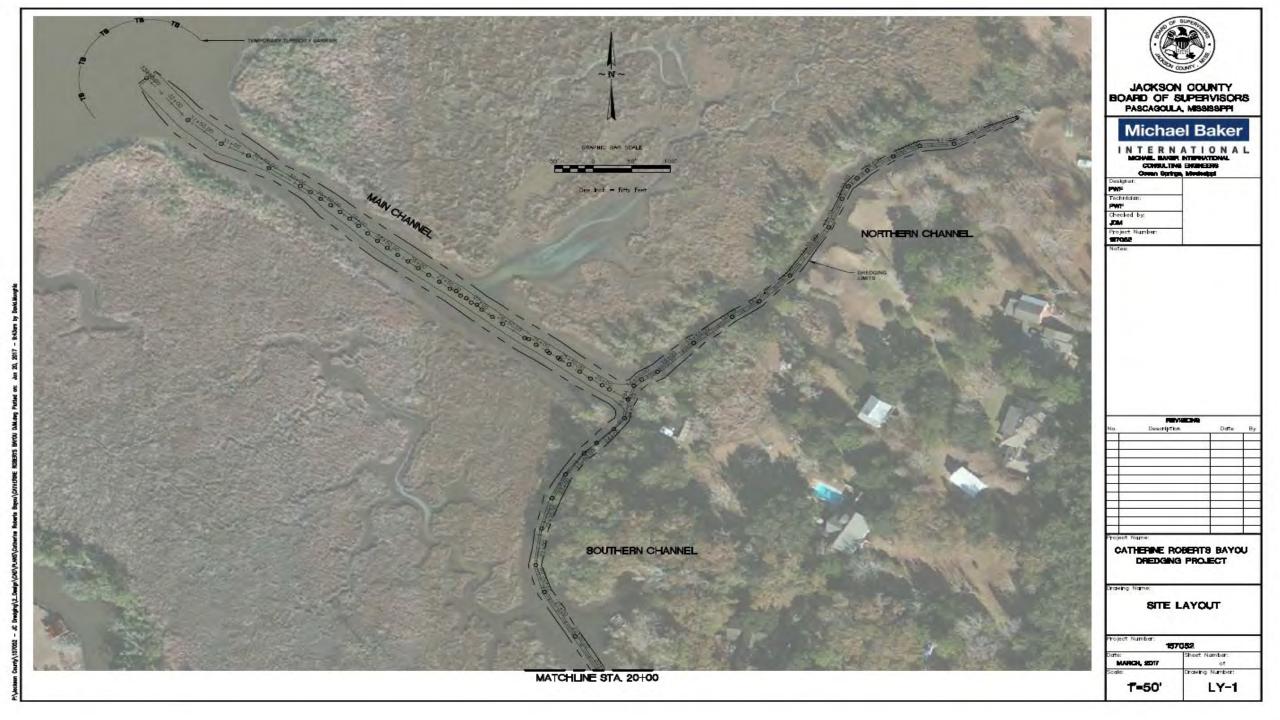
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SITE LAYOUT NORTHERN LIMITS

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JACKSON COUNTY BOARD OF SUPERVISORS PASCAGOULA, MISSISSPPI

Michael Baker

INTERNATIONAL
MICHAEL BAGGE NEGRECONAL
CONSULTING ENGINEERS
COMM. Springs, Montrolps

CATHERINE ROBERTS BAYOU DREDGING PROJECT

SITE LAYOUT

157052 MARCH, SD17 Drawing Number: LY-1

Applicable Decision Factors

continued

• c) Variance to the MS Coastal Program...

- Miss. Admin. Code, Title 22 Part 23, Ch. 08, Part 106.03
 - "Alignments must avoid shellfish beds, areas of submerged and emergent vegetation, and archeological and historical sites."
- Miss. Admin. Code, Title 22 Part 23, Ch. 08, Part 117.01
 - "Dredging or excavation of sensitive coastal wetlands is not authorized."
- Miss. Admin. Code, Title 22 Part 23, Ch. 08, Part 117.03
 - "A minimum ten-foot (10-foot) buffer must be maintained between dredging/excavation and any wetlands."
- Justified under Miss. Admin. Code, Title 22 Part 23, Chapter 8, Parts 118.03 and 118.04
 - "No feasible, alternative sites or construction techniques are available; there is a significant public benefit in the activity; a public hearing has been held; and the activity requires a waterfront location."

Applicable Decision Factors continued

- d) Precedent setting effects...
 - Allowing dredging of significant amounts of submerged aquatic vegetation (SAV). The amounts of SAV impacted by these two projects have not been permitted before.
 - JCBOS is a public entity
 - Avoidance and minimization to impacts has been done to the maximum extent practicable
 - SAV impacts are unavoidable to restore safe navigational depths
 - Both bayous are historically navigable channels
 - Storms and construction have caused the build-up of sediment
 - Jackson County did not previously have the money to maintain the channels

Applicable Decision Factors continued

- e) The extent to which the proposed activity affects biological integrity of coastal wetlands...
 - Will not adversely affect the natural supply of sediments or nutrients, temperature or salinity regimes, water flow, or circulation
 - Will result in the destruction of 1.90 acres of SAV, which is essential fish habitat.
 - Sediments in these bayous are contaminated with dioxins and support few, if any aquatic species.
 - Booms should be placed around the active dredging sites until the disturbed sediments have settled.

Applicable Decision Factors continued

• e) The extent to which the proposed activity affects biological integrity of coastal wetlands continued...

Mitigation

- Ratio 9:1
- Funding for management and removal of invasive aquatic species in Jackson County waterways
- At least 17.10 acres of SAV habitat
- 5 years
- \$30,450.00 to MDMR's Coastal Preserves Bureau
- Specifically planned for giant Salvinia management and removal
- If current conditions of giant Salvinia change, funds can be used for other aquatic invasive species within the same waterways

Applicable Decision Factors

continued

- I) Comments...
 - Public Notice
 - Notification of the projects appeared in the Sun Herald on May 3, 10, and 17, 2019 and March 21, 2021
 - Public Hearing was held March 30, 2021
 - No public comments were received
 - MS DEQ: No comments
 - MS DAH: No objections
 - MS SOS: No objections
 - MS DWFP: Best Management Practices must be followed

Recommendation

- Based upon departmental review and evaluation, staff recommends approval of the applicant's requests
 - Dredging 22,925 cubic yards of material
 - Impacts to 1.90 acres of SAV
 - Mitigation at a 9:1 ratio which when calculated for a 5-year period equals \$30,450.00 to be used by MDMR's Coastal Preserves Bureau for the management and removal of giant Salvinia or other aquatic invasive species.
 - Three (3) variance requests
 - With the condition booms should be placed around the active dredging sites until the disturbed sediments have settled.



Mississippi Department of Marine Resources

Agency Financial Results as of March 31, 2021

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Income Statement - Fiscal Year 2021 As of March 31, 2021

Federal:

GOMESA PHII: Operating

•Agency Revenue of \$15.2M

•State Revenue of \$4.2M

Key Metrics:

- •State Net Income of (\$424K)
- Agency Net Income of (\$2M)

		GOMESA PHII:	Operating		
	State	NFWF:	Subtotal	Tidelands	Total DMR
Revenue:					
Transfer in from Other Governments	-	-	-	-	-
Off-road Fuel Tax	3,050,000	-	3,050,000	-	3,050,000
Federal/NonFederal Grants	-	2,516,505	2,516,505	-	2,516,505
Sales Revenue	724,167	-	724,167	-	724,167
Indirect Cost Recovery	358,142	-	358,142	-	358,142
Other Revenue	75.781	1,003,815	1,079,596	7,502,862	8,582,459
Current Budget Year Revenue:	4,208,090	3,520,319	7,728,409	7,502,862	15,231,272
Expenditures:					
Salaries, Wages, Fringe	3,881,860	2,170,581	6,052,441	700,697	6,753,138
Travel	6,767	-	6,767	-	6,767
Contractual Services	477,437	1,261,710	1,739,147	385,607	2,124,754
Commodities	241,778	175,050	416,828	21,378	438,206
Other than Equipment	-	-	-	-	-
Equipment	23,550	188,916	212,466	-	212,466
Vehicles	-	34,734	34,734	-	34,734
Wireless Devices	485	-	485	-	485
Subsidies, Loans, and Grants	1,098	4,153,330	4,154,428	3,538,260	7,692,688
STATEXP					
Current Budget Year Expenditures:	4,632,975	7,984,322	12,617,296	4,645,941	17,263,238
Current Budget Year Net Income/(Loss):	\$ (424,884)	\$ (4,464,002)	\$ (4,888,887)	\$ 2,856,921	\$ (2,031,966)

Financial Budget Comparison

• After nine months of Fiscal Year 2021:

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES 2021 Budget Comparison As of March 31, 2021

Expenditures:
Salaries, Wages, Fringe
Travel
Contractual Services
Commodities
Other than Equipment
Equipment
Vehicles
Wireless Devices
Subsidies, Loans, and Grant
Total Expenditures:

Actual Year to Date Expenditures				
Operat	perating Tidelands		Total	
1,739	,767 ,147	385,607	\$ 6,753,138 6,767 2,124,754	
212	,828 - ,466	21,378	438,206 - 212,466	
34, 4,154	,734 485 ,428	- - 3,538,260	34,734 485 7,692,688	
\$ 12,617		4,645,941	\$ 17,263,238	

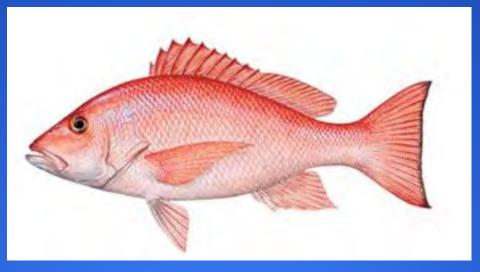
Budget Year Totals				
Operating	Operating Tidelands			
\$11,141,304	\$ 1,259,291	\$ 12,400,595		
182,516	25,000	207,516		
7,409,477	1,251,000	8,660,477		
2,995,684	360,000	3,355,684		
-	40,000	40,000		
537,669	35,000	572,669		
155,000	-	155,000		
3,750	-	3,750		
30,108,057	6,378,986	36,487,043		
\$ 52,533,457	\$ 9,349,277	\$61,882,734		

Pe	Percent Remainin				
Operating	Tidelands	Total			
45.7%	44.4%	45.5%			
96.3%	100.0%	96.7%			
76.5%	69.2%	75.5%			
86.1%	94.1%	86.9%			
0.0%	100.0%	100.0%			
60.5%	100.0%	62.9%			
77.6%	0.0%	0.0%			
87.1%	0.0%	87.1%			
86.2%	44.5%	78.9%			
76.0%	50.3%	72.1%			
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- Operating Funds have 76% of Budget remaining
- Tidelands Trust Fund has 50.3% of Budget remaining



Mississippi's 2021 Recreational Red Snapper Season Update



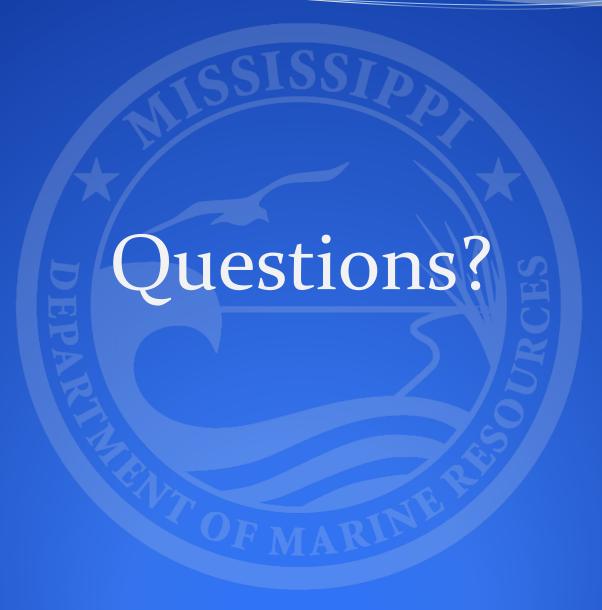
Matt Hill April 20, 2021

Background

- 2021 will represent the second year of state management under Reef Fish Amendment 50
- Reef Fish Amendment 50 State Management of Recreational Red Snapper
 - Gives authority to each gulf state to manage the Red Snapper fishery out to 200 nautical miles
 - Each state receives allotment of the overall Recreational Red Snapper quota
 - Mississippi's current allocation is 3.55%

2021 Red Snapper Season

- Currently, Mississippi's 2021 ACL will be approximately 120,000-150,000 lbs.
- The 2021 recreational season will begin the Friday of Memorial Day Weekend (May 28th) and close Monday, July 5 at midnight. The season will close before this date if the ACT is met.
- MDMR staff will analyze landings throughout the season to develop recommendations providing anglers the most opportunity and greatest flexibility for Red Snapper harvest.



ENHANCE ★ **PROTECT** ★ **CONSERVE**