

MISSISSIPPI ADVISORY COMMISSION ON MARINE RESOURCES
COMMISSION MEETING

Tuesday, July 20, 2021
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi

Commission Members:

Ronnie Daniels, Chairman
Natalie Guess, Vice Chairman
Cammack (Cam) Roberds

Also Present:

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

1 COMMISSIONER DANIELS: Good morning ladies and
2 gentlemen. We are going to get the Tuesday, July 20th,
3 2021, Commission meeting underway.

4 We are going to start off with the Pledge of
5 Allegiance. I would like to ask Rick BURRIS to lead us in
6 the pledge today.

7 (Pledge of Allegiance was recited.)

8 COMMISSIONER DANIELS: Thank you, Rick.

9 COMMISSIONER DANIELS: Next up, we will have our
10 moment of silence and a little prayer for guidance.

11 Dear Lord, we come to you humbly today and ask
12 for your guidance in making sound judgements and sound
13 decisions pertaining to the natural resources that you
14 have provided for us. Please keep our officers safe on
15 the water, especially with the weather we have been
16 having. In Jesus name I pray. Amen.

17 Election of officers. It is that time again.
18 Do we have any nominations for Chairman?

19 COMMISSIONER GUESS: I nominate Ronnie Daniels as
20 Chairman.

21 COMMISSIONER DANIELS: Do we have a second?

22 COMMISSIONER ROBERDS: I'll second it.

23 COMMISSIONER DANIELS: I would like to nominate
24 Commissioner Guess as Co-Chairman.

25 Do we have a second?

1 COMMISSIONER ROBERDS: I will second that.

2 SANDY CHESNUT: You need to vote on Chairman
3 first.

4 COMMISSIONER DANIELS: We have to vote on
5 chairman first.

6 All in favor?

7 COMMISSIONER GUESS: Aye.

8 COMMISSIONER ROBERDS: Aye.

9 COMMISSIONER DANIELS: Aye.

10 All in favor of Commissioner Guess as Co-
11 Chairman?

12 COMMISSIONER ROBERDS: Aye.

13 COMMISSIONER DANIELS: Aye.

14 COMMISSIONER GUESS: Aye.

15 COMMISSIONER DANIELS: Next up, we are going to
16 have approval of minutes from the June 15th meeting.

17 Do we have any discussion on the minutes from
18 the June 15th meeting?

19 (No response.)

20 COMMISSIONER DANIELS: Do I have a motion to
21 approve the minutes?

22 COMMISSIONER GUESS: I'll make a motion.

23 COMMISSIONER DANIELS: I'll second it.

24 All those in favor?

25 COMMISSIONER GUESS: Aye.

1 COMMISSIONER ROBERDS: Aye.
2 COMMISSIONER DANIELS: Aye.
3 Approval of the agenda for today.
4 I will make a motion to approve today's agenda.
5 COMMISSIONER GUESS: I'll second it.
6 COMMISSIONER DANIELS: All those in favor?
7 COMMISSIONER GUESS: Aye.
8 COMMISSIONER ROBERDS: Aye.
9 COMMISSIONER DANIELS: Aye.
10 Mr. Joe, it is all yours.
11 JOE SPRAGGINS: For some reason, or another, our
12 technical difficulty is happening every now and then.
13 First couple of things, we've got employment
14 contracts. If we can, we will bring them up.
15 You see on there we have Joanna Miller who is
16 our new Professional Accountant. She is taking Brandi's
17 place. Brandi has moved up into Shavay's place who
18 retired.
19 We've got Janie Bellew who is promoted to the
20 Lead Contract Analyst. She came to work with us about
21 seven, or eight, months ago as a contract analyst and,
22 now, she is the lead with that.
23 Will Freeman is promoted to Marine Patrol
24 Manager, Captain. Will has stepped up. It is good to
25 have more promotions inside.

1 Patrick Carron is promoted to Lieutenant as a
2 Marine Patrol supervisor.

3 Alyssa Stoner is an intern and she is with
4 Coastal Preserves.

5 Ocean Gerhmann is also an intern with Coastal
6 Preserves.

7 I got to talk with them this morning, as a
8 matter of fact, and they are doing a great job.

9 Our interns are coming to an end probably the
10 end of this month. Some of them might get to stay the
11 first week, or so, next month.

12 I tell you that is one of the greatest things
13 that we get to do because we are allowed to have these
14 young men and women come here that are in college studying
15 some form of biology, or Coastal, or whatever, and they
16 get to look at it firsthand and they work with us and a
17 lot of times we get a lot of good ones that come back with
18 us.

19 Next slide.

20 We've got a reverse auction for Marine Patrol.
21 We bought some new floating docks. So that is in place,
22 now.

23 Then, Coastal Zone has a Bells Ferry Boardwalk
24 Removal and Replacement that we have awarded.

25 Agency update. I will just give you an update

1 on a couple of things that are going on.

2 We met with Gulf Council a couple of weeks ago
3 and Gulf Council is looking at a lot of different things.
4 One of the things that we are trying to push hard, now, is
5 the nine miles for everybody.

6 The nine miles for everybody, if you know what
7 is going on there, Florida and Texas have had this forever
8 and they have been grandfathered in, but Louisiana and
9 Mississippi and Alabama have never been able to have
10 control of the nine miles. The only thing we have been
11 given that far is reef fish.

12 Now, what we are pushing for is to have nine
13 miles for everything, and I think it is a great idea.
14 Florida, Louisiana, Mississippi, Alabama and Texas are all
15 onboard. All the states are onboard with us. Everybody
16 thinks it is a good thing.

17 NOAA is kind of like we are not pressuring it
18 one way, or the other, but what we are going to do is we
19 are going to sit down and Congressman Graves is working it
20 out of Louisiana and we are working with Congressman
21 Palazzo and some other congressmen from across the Coast
22 and we are going to see if we can get it introduced into a
23 bill.

24 This would be a great deal, if we could get it
25 done, nine miles for everybody to be able to have this

1 where we can control the fisheries nine miles in the State
2 of Mississippi. Hopefully, we can get that pushed.

3 If you see your congressman, tell them it is a
4 good deal. I'm sure we won't have any opposition with him
5 by any means.

6 Also, the CARES Act I, when it came out, we did
7 all of the distribution of the funds and after everything
8 was said and done, we had a little over twenty thousand
9 dollars left.

10 what we did is we went back to NOAA and asked
11 NOAA and Gulf States and they allowed us to split that
12 money equally among the recipients that got the first part
13 of it. So we will be doing that shortly. Traci is
14 working, now, with Gulf States to get the names to
15 everybody so we can get a check out to them.

16 we are not talking about a whole lot of money,
17 folks, but it is a little bit. It will help.

18 while we are at it, we will just go ahead and
19 talk about CARES Act II. We have sent it to Gulf States.
20 Gulf States has sent it to NOAA. NOAA has looked at it.
21 Everybody is fine.

22 I talked with Dave Donaldson yesterday and Dave
23 said that all they are waiting on is NOAA to approve their
24 budget. As soon as NOAA approves their budget, we can
25 start distributing those funds.

1 It will be pretty much similar to what we had
2 the last time.

3 Right, Traci?

4 TRACI FLOYD: That's correct.

5 JOE SPRAGGINS: The only thing is we've got
6 double money this time. Maybe we can give some pretty
7 good checks out, as soon as we can get it done.

8 We are just waiting on NOAA. I know they are
9 saturated. When you have to look at all types of grants
10 and everything, I am sure they are saturated with not just
11 us. They have the whole United States of America.

12 Hopefully, we will get this through shortly. We
13 are pushing hard to do it.

14 Traci, anything else on the CARES Act?

15 TRACI FLOYD: We are good.

16 JOE SPRAGGINS: Bonnet Carre update.

17 Rick, do you have anything that you can give us?

18 I know we sent it to NOAA and it is, now, at the
19 Office of Management and Budget.

20 RICK BURRIS: Yes, sir. It is similar to last
21 month. We have gone through the process. This agency has
22 done everything we could do. It has been submitted to
23 NOAA, and it is now with the Office of Management and
24 Budget where we are waiting on their approval.

25 Once they approve it, then, we will be allocated

1 the funds, or awarded the funds, and, then, we can proceed
2 with all the various projects that we have.

3 JOE SPRAGGINS: I want the fishermen and the
4 processors and the charter boats and all to understand we
5 are doing everything that we can. This it takes a long
6 process.

7 NOAA works pretty quick with it, but when it
8 gets to the Office of Management and Budget, they have
9 everything across the whole United States. They work
10 straight for the president. They don't work for NOAA. So
11 NOAA can't put any pressure on them. It has to go through
12 them. As soon as it goes through them, then, they will
13 come back and give it to us.

14 Normally, it takes about a year to get through
15 that. We are trying to push them to get it quicker.

16 Just to give you an idea, we are about four
17 years ahead of what we were in 2011 when this happened.
18 At least, we are that much farther along with our Bonnet
19 Carre.

20 Hopefully, we will get some money there shortly,
21 too, to be able to distribute that and move forward.

22 We've got Actions Update, Sandy.

23 SANDY CHESNUT: At the June meeting, we had
24 proposed changes to two regulations: Part 22, the
25 Commission Handbook, and Part 1, the Oyster Regulations.

1 The Commission recommended to the Executive
2 Director that both of those be sent to the Secretary of
3 State's Office for Notice of Intent, and the Director
4 approved that recommendation.

5 We also had a motion to recommend several
6 saltwater finfish records, and those are listed on the
7 next page. The Director approved those, as well.

8 We still have a couple pending items from the
9 April meeting.

10 The Commission recommended a five thousand
11 dollar violation fine to Shawn Gollott for the
12 unauthorized placement of rip-rap.

13 The Executive Director approved a thousand
14 dollar fine be issued. Mr. Gollott was notified that he
15 could be at the meeting today to address the Commission
16 and the Executive Director and that he would have fourteen
17 days from the meeting date to file a petition for
18 reconsideration.

19 We would just like to ask is Shawn Gollott here
20 to address the Commission?

21 (No response.)

22 JOE SPRAGGINS: Sandy, if I could, the reason
23 that I lowered the fine is because he did go and clean up
24 the area. He did take the asphalt out and he did take the
25 rebar and stuff out of it. He did do the work, but he

1 also did violate what he should have known as to what
2 should have been done. This is on top of a five hundred
3 dollar fee that he had to pay anyway.

4 I just want everybody to know that it was
5 something that was looked at very hard and I wasn't trying
6 to do anything to undercut the Commission, but it was just
7 after the fact, the things that we found.

8 SANDY CHESNUT: The other pending item is the
9 matter between Cleo Benward and Vivek Barclay, the owner
10 of the property in Bayou Porteaux in Ocean Springs.

11 It has been kind of hard to get the parties
12 together, but a meeting will take place with all parties
13 present before a final decision will be made on that one.

14 That's it.

15 JOE SPRAGGINS: We don't need any motion on this?

16 SANDY CHESNUT: No. We don't need a motion on
17 that. You have that final authority.

18 JOE SPRAGGINS: Any questions on that?

19 (No response.)

20 JOE SPRAGGINS: If not, we will move forward to
21 the Advisory Commission Handbook.

22 SANDY CHESNUT: We have Title 22, Part 22 up for
23 final adoption.

24 On June 15th, the Commission made a
25 recommendation to the Executive Director to accept the

1 proposed changes to Title 22, Part 22 and send it to the
2 Secretary of State's office for Notice of Intent.

3 The Executive Director approved that
4 recommendation and the proposed regulation was filed with
5 the Secretary of State's office on June 17th.

6 Notice of the proposed regulation was published
7 in The Sun Herald on June the 23rd and it was also posted
8 on the MDMR website on June 18th, and the next page of
9 proof of those.

10 Public comments on the proposed changes were due
11 to the department by July 13th. No public comments were
12 received.

13 We need a motion to recommend to the Executive
14 Director that the proposed changes to Title 22, Part 22 be
15 forwarded to the Secretary of State's office for final
16 adoption.

17 COMMISSIONER GUESS: I'll make a motion.

18 COMMISSIONER DANIELS: I'll second the motion.

19 All those in favor?

20 COMMISSIONER GUESS: Aye.

21 COMMISSIONER ROBERDS: Aye.

22 COMMISSIONER DANIELS: Aye.

23 Motion passes.

24 JOE SPRAGGINS: Anything else on that, Sandy?

25 SANDY CHESNUT: No. That's it. Thank you.

1 JOE SPRAGGINS: One other thing I would like to
2 ask is the October meeting, if y'all would entertain
3 changing that meeting to October 12th at 9:00 a.m., instead
4 of the week after. I think it was scheduled for the 19th,
5 but if we could change it to the 12th, and the reason for
6 that is I need to be out with Gulf States and Gulf Council
7 the week of the 19th and the week after.

8 I would appreciate if y'all would entertain
9 changing the meeting.

10 COMMISSIONER DANIELS: I personally do not have a
11 problem with that.

12 Do any of our other Commissioners have a problem
13 with that?

14 COMMISSIONER ROBERDS: No issues.

15 COMMISSIONER GUESS: No issues.

16 COMMISSIONER DANIELS: Do we need to vote on
17 that?

18 JOE SPRAGGINS: I think it would have to be a
19 vote.

20 Right?

21 SANDY CHESNUT: Yes, you need a motion.

22 COMMISSIONER DANIELS: I'll make the motion to
23 change the October meeting from the 19th to October 12th.

24 Do we have a second?

25 COMMISSIONER ROBERDS: I'll second that.

1 COMMISSIONER DANIELS: All those in favor say
2 aye.

3 COMMISSIONER ROBERDS: Aye.

4 COMMISSIONER GUESS: Aye.

5 COMMISSIONER DANIELS: Aye.

6 JOE SPRAGGINS: Thank you very much for helping
7 us with that. Obviously, we need to be at Gulf Council
8 and Gulf States so we can make sure we are represented.

9 The only other thing is I got out with Marine
10 Patrol over the 4th of July and there was one thing about
11 it. There was not a lack of boats on the water.

12 Kyle, what was it, four or five hundred at Horn
13 Island on the afternoon of the 4th?

14 KYLE WILKERSON: At least.

15 JOE SPRAGGINS: Quite a few at Ship Island and
16 quite a few at other places, too, all the way through
17 there.

18 From all indications, we had a safe weekend,
19 too, didn't we?

20 KYLE WILKERSON: Yes, sir, we did.

21 JOE SPRAGGINS: Just thank the Lord for that.
22 Sir, that is my report.

23 COMMISSIONER DANIELS: Thank you, Joe.

24 Commissioners report.

25 Do any of our Commissioners have anything today?

1 (No response.)

2 COMMISSIONER DANIELS: I've got one little piece
3 that Joe and I have spoken about a little bit, but I would
4 like to get this on record.

5 The state of Louisiana has increased out-of-
6 state charter boat licenses for captains, once again. It
7 is now up to two thousand dollars a year.

8 My understanding is that is part of a way to
9 decrease the number of out-of-state captains coming into
10 Louisiana.

11 I really wish we could get some help from our
12 legislature, or somebody, to figure out something on this.

13 Just like the Texas guys over on the Sabine
14 River, we've got a lot of Mississippi charter boats on the
15 west end of the state. There should be some way that we
16 could grandfather those in. They are not going to
17 Louisiana taking anything away from them, but we are water
18 locked. Seven miles out we cross over in Louisiana
19 waters. We are fishing areas that are very rarely
20 patrolled by Louisiana. It is just almost forgotten by
21 Louisiana, yet they keep increasing these rates and going
22 up on us and, at some point, it is getting out of control.

23 whatever we can do to look into that and try to
24 come up with a solution.

25 JOE SPRAGGINS: we will definitely look into it,

1 sir, but, once again, I have talked to the head of
2 Fisheries for Louisiana, Patrick Banks, about it and their
3 idea is, well, you can go up here to 2002. We don't have
4 a problem with that and we obviously know why because
5 there are not as many of them coming over here and we go
6 over there, but I am trying to work something out.

7 I am going to talk with Jack Montoucet,
8 Commissioner there over natural resources and see if I can
9 get him to look at it with me some way.

10 It will probably not be something that we can do
11 until next year when they go to legislative session, but
12 we can try to ask. We will definitely ask for it and see
13 what we can do.

14 COMMISSIONER DANIELS: I appreciate that, Joe.
15 Thank you for everything.

16 Chief, are you ready?

17 KYLE WILKERSON: It is always a pleasure to see
18 you guys every month.

19 Captain Strickland has requested to do the
20 citation report, due to the fact that he has a
21 presentation afterwards, and I always aim to please.

22 Without further ado, Captain Strickland.

23 MICHAEL STRICKLAND: Good morning.

24 The Department of Marine Resources Marine Patrol
25 report was uploaded. I am sure y'all have had a chance to

1 Look it over and any questions that may arise out of that.

2 The things we would like to highlight, in the
3 month of June, the Office of Marine Patrol had one
4 thousand four hundred and ninety-eight contacts with the
5 public out on the waterways.

6 You will notice that our total citations for the
7 year are down a little bit from last year and we would
8 like to think that is because of our presence on the water
9 and the general public and the education that we are
10 providing to them. Compliance is our ultimate goal and,
11 obviously, those factors are starting to come into play.

12 Are there any questions y'all have on the report
13 itself?

14 COMMISSIONER DANIELS: It looks good. Y'all keep
15 up the good work. Every time I see y'all interacting with
16 somebody, it always is a pretty good interaction.
17 Everybody is professional and taking care of business.

18 MICHAEL STRICKLAND: Thank you, sir.

19 The next part is the changes to Title 22, Part
20 10, our Marine Litter Act.

21 The changes that are noticeable to Title 10, we
22 have removed wording that was already covered in
23 Mississippi Code by State Statute.

24 we have also referenced the applicable
25 statutory, or regulatory, authorities to grant those

1 permissions and updated the chapter structure and the
2 format to the Rules and the Sources, and that is to
3 conform with the format that is prescribed to us by the
4 Secretary of State's office.

5 No substantive changes in chapters 1, 2, 3, 5
6 and 8. Those are going to be left as is.

7 The substantive changes come in chapter 4
8 pertaining to unlawful discharge. We added the citations
9 for unlawful discharge into marine waters of the State of
10 Mississippi will be pursuant to Mississippi Code Annotated
11 State Statutes 51-2-1, 51-2-5, 51-2-3 and 51-2-7.

12 We also updated the chapter structure and format
13 for that, as well.

14 Substantive changes in chapter 6 pertain to
15 emergency and accidental release of substances. We
16 removed wording "all hazardous substance shall be kept in
17 closed containers". That was deleted because these
18 requirements are already stated in Mississippi Code
19 Annotated 51-2-3.

20 We also added exceptions for emergency
21 situations such as accidents, or release, due to acts of
22 nature. We have also referenced the applicable statutory
23 and regulatory authorities for that and updated the
24 chapter structure and format, as well.

25 The substantive changes for Chapter 7 on

1 penalties, all violations of this part will be charged in
2 accordance with Mississippi Code Annotated State Statute
3 51-2-1 and 51-2-3, and we have, of course, referenced the
4 applicable statutory and regulatory authorities that grant
5 that and updated the chapter structure and format, as
6 well.

7 Notice of Intent here is a recommendation to the
8 Executive Director that the new format and changes to
9 Title 22, Part 10 be sent to the Secretary of State's
10 office for Notice of Intent.

11 COMMISSIONER DANIELS: Do we have a motion to
12 approve the changes?

13 COMMISSIONER GUESS: I'll make a motion.

14 COMMISSIONER ROBERDS: I'll second that motion.

15 COMMISSIONER DANIELS: All those in favor?

16 COMMISSIONER GUESS: Aye.

17 COMMISSIONER ROBERDS: Aye.

18 COMMISSIONER DANIELS: Aye.

19 Motion passes.

20 MICHAEL STRICKLAND: The next one is going to be
21 the changes to Title 22, Part 11, pertaining to equipment
22 and/or nets seized by the Mississippi Department of Marine
23 Resources.

24 Changes to Part 11 are going to be remove
25 wording that is already covered in Mississippi Code.

1 We have also added reference to applicable
2 statutory and regulatory authorities for that.

3 We updated chapter structure and format to Rules
4 and Sources to conform with the format prescribed by the
5 Secretary of State's office.

6 No substantive changes in Chapter 1, the
7 introduction.

8 Chapter 2 substantive changes regarding sale and
9 disposition of seized equipment and/or nets.

10 We added Rule 2.1, Forfeiture Proceedings for
11 property seized will be accordance with Mississippi Code
12 Annotated State Statute 49-15-205, or 49-15-207.

13 Also, the addition of Rule 2.2, all property
14 subject to forfeiture shall be sold at public auction in
15 accordance with Mississippi Code Annotated State Statute
16 49-15-205 Subsection 4, or destroyed upon approval of the
17 Mississippi Department of Marine Resources Executive
18 Director.

19 Chapter 3, there were no substantive changes.

20 Our Notice of Intent is a recommendation to the
21 Executive Director that the new format and changes to
22 Title 22, Part 11, be sent to the Secretary of State's
23 office for Notice of Intent.

24 COMMISSIONER DANIELS: Do we have a motion to
25 approve those changes?

1 COMMISSIONER ROBERDS: I'll make a motion to
2 approve the changes.

3 COMMISSIONER DANIELS: I'll second that.
4 All those in favor?

5 COMMISSIONER GUESS: Aye.

6 COMMISSIONER ROBERDS: Aye.

7 COMMISSIONER DANIELS: Aye.

8 Motion passes.

9 MICHAEL STRICKLAND: Thank you for your time.

10 COMMISSIONER DANIELS: Thank you.

11 Office of Coastal Resources. Looks like we've
12 got Ms. Willa up first.

13 WILLA BRANTLEY: Good morning.

14 I have a short presentation on our numbers for
15 the first half of 2021, just numbers of our actions.

16 You can see where we have completed four hundred
17 and seventy-two actions total, during this six months.
18 Four hundred and thirty-six of those were either regulated
19 activities that required a permit from the State, or
20 activities that required a Coastal Zone Consistency
21 determination. A lot of those overlap. Some don't.

22 We also had thirty reviews, or pre-application
23 meetings. Those are where people either send information
24 to us, or come meet with us, to see if their project needs
25 a permit, or to get help with what to turn in on their

1 application.

2 We had six violations that were brought to a
3 resolution either by not being a violation in the first
4 place, once we made it out to site, or by the property
5 owner bringing it into compliance voluntarily.

6 Just to give a little bit of a comparison over
7 the years, I wanted to be sure you understood that we
8 didn't drop down a significant amount in 2020. We did
9 drop down a bit on the number of total actions possibly
10 due to COVID in 2020. We had seven hundred and thirty-
11 five in 2019. That is for the whole year, and six hundred
12 and seventy-two in the whole year of 2020.

13 In the first half of 2020, we had two hundred
14 and seventy-six which is significantly lower than what we
15 have had the first half of this year, but in 2019 before
16 COVID, we had a total of three hundred and ninety-six in
17 that first six months.

18 We have come up significantly this six months.
19 We think it is due to people repairing storm damage from
20 last year, but we also were down two in our permitting
21 staff for a little over two months of that six months. So
22 they have really been getting actions out the door and
23 permits issued quickly.

24 I did some numbers on how quickly they were
25 getting things issued on average. For all of those four

1 hundred and thirty-six actions, they were issued within
2 twenty-eight days of receipt of a complete application,
3 and some of those were given six months to issue. So that
4 is a pretty quick turnaround.

5 For general permits that we try to get out
6 within thirty days of receipt of the complete application,
7 we got fifty-four percent of those out within fifteen days
8 and over eighty percent out within the thirty days. I
9 think that was a pretty quick turnaround on most of those.

10 If you have any questions about what we do with
11 any of these files, or any of the numbers, I will be happy
12 to answer those.

13 COMMISSIONER DANIELS: Looks like y'all have got
14 a lot of paperwork to deal with.

15 WILLA BRANTLEY: Actually, thanks to our
16 electronic system which some of the permitters who have
17 been here a longer amount of time are not completely happy
18 with yet, but we have a lot less paperwork actually, and I
19 think that is one of the reasons they are able to get
20 things turned around is the system doing so much of that
21 paperwork for them.

22 COMMISSIONER DANIELS: Thank you, willa.

23 WILLA BRANTLEY: Thank you.

24 COMMISSIONER DANIELS: Next up is Chris
25 Pickering.

1 CHRIS PICKERING: Good morning Commissioners,
2 Director, Ms. Chesnut.

3 This is going to be a modification request by
4 the Hancock County Port and Harbor Commission to a Coastal
5 Zone Consistency.

6 This original project was presented back in
7 January of 2020 to the Commission and they are just
8 requesting a modification to their mitigation proposal.

9 It is located at Port Bienville on the
10 Industrial Canal in Pearlington. It is in the Industrial
11 Use District, and the agent is Compton Engineering.

12 The previous Consistency authorized zero point
13 one four acre of submerged aquatic vegetation impacts.
14 These impacts were to be mitigated by transplanting the
15 SAV to another location that was directly adjacent and
16 constructing a wood wave attenuation device to help
17 protect the transplanted area.

18 Inspection of the area by the applicant and
19 agent prior to construction activities revealed that the
20 SAV was no longer within the project footprint. A new SAV
21 Survey was conducted on June 11th of this year and revealed
22 no SAV within the project area. Therefore, the applicant
23 is requesting that the mitigation for the zero point one
24 four acre of SAV impacts be removed from their Coastal
25 Zone Consistency Determination and the Mitigation

1 Proposal.

2 It is common for SAV to be present sporadically,
3 since it is sensitive to turbidity, temperature and
4 salinity. The loss of SAV within the project area could
5 be caused by these parameters.

6 This is an aerial just south of Highway 90 and
7 the Industrial Canal. Right along the shoreline here is
8 where they are dredging and that is where the SAV was
9 originally (indicating slide).

10 This is the entire mitigation proposal plan, but
11 right here is where the SAV was going to be transplanted
12 and the wave attenuation device right in front of that.
13 That was a plan profile of the SAV transplant area
14 (indicating slide).

15 This is the new proposal for the mitigation area
16 and, as you can see, they have taken out the SAV
17 transplant area (indicating slide).

18 The staff did conduct a site visit and concurs
19 with the recently submitted SAV Survey which indicates
20 that there is no longer SAV within the project area.

21 Based on the results, it has been determined
22 that the project no longer has SAV impacts. Therefore,
23 staff recommends approval of the requested Modification to
24 the Coastal Zone Consistency Determination and to the
25 Mitigation Proposal.

1 what that, do y'all have any questions?

2 COMMISSIONER DANIELS: Seems like it is pretty
3 straight forward.

4 Do y'all have any questions?

5 (No response.)

6 COMMISSIONER ROBERDS: If the staff visited the
7 site and determined there wasn't any SAV, then, I will go
8 ahead and make a motion to move forward.

9 CHRIS PICKERING: I did look at some old aerial
10 imagery. We have some daily imagery we can look at. I
11 looked all the way back until we issued the permit, and I
12 couldn't see where mechanically they had gone in and
13 impacted it in any way.

14 COMMISSIONER DANIELS: I will second the motion.
15 All those in favor?

16 COMMISSIONER GUESS: Aye.

17 COMMISSIONER ROBERDS: Aye.

18 COMMISSIONER DANIELS: Aye.

19 Motion passes.

20 CHRIS PICKERING: Thank you.

21 COMMISSIONER DANIELS: Thank you.

22 I'm just going with Greg. I feel like I'm going
23 to butcher that last name every time.

24 GREG CHRISTODOULOU: No problem.

25 Today for the last presentation for Coastal, I

1 will be presenting a modification, also.

2 This is a modification to a project that was
3 authorized by the Commission at the same time Chris' was
4 in January of 2020.

5 The project location is just east of the Highway
6 63 bridge in Moss Point, Jackson County. General Use
7 District. Compton Engineering is the agent.

8 The purpose and need for the project is for the
9 more efficient rail transport of goods and abandonment of
10 existing railroad crossings in Pascagoula and Moss Point.

11 When we come before you with modifications, a
12 lot of times it is usually because they are wanting to add
13 something to the project and maybe increase the impacts.

14 This is a little bit different. This is
15 something that we really don't get to see too often. This
16 is actually a significant reduction in what was previously
17 authorized by the Commission last year.

18 The previously authorized project consisted of
19 almost five acres of fill total of wetlands, almost four
20 acres of tidal and tidally-influenced wetlands, and, then,
21 a little over an acre of forested wetlands.

22 The mitigation for those impacts were the
23 creation of almost four acres of tidal and tidally-
24 influenced wetlands, and, then, purchasing mitigation
25 credits for the non-tidal wetlands impacts.

1 The new currently proposed modification of the
2 project has reduced the total amount of fill to just under
3 an acre of wetland impacts, and the mitigation will be the
4 creation of approximately an acre of tidal and tidally-
5 influenced marsh and it will be right adjacent to the
6 project area. It is not off somewhere else away from
7 where the impacts are taking place.

8 The variance requests are the same as previous.
9 They are just in a much minor amount. They have reduced
10 the impacts pretty greatly, but they still have to justify
11 the variance for both the Coastal Program and Title 22,
12 Part 23.

13 wetland fill areas. If you look on your
14 monitor, the red areas are where they are currently
15 proposing the wetland fill (indicating slide).

16 They have tried to limit these areas mainly to
17 where the abutments of the bridge are and the elevated
18 sections of tracks. It will be the transitional areas for
19 the most part.

20 On your monitor and on the screen, you can see
21 the previously authorized route versus the currently
22 proposed route. The previously authorized in blue and the
23 current in yellow (indicating slide).

24 what they were able to do is they were able to
25 move everything to the south to some upland areas. They

1 are privately owned. They will have to purchase them, but
2 in the long run the cost differential was much less to do
3 it this way, to go with this less environmentally
4 impactful situation.

5 The mitigation area is roughly the same area,
6 except it is a little bit reduced in size. It will be
7 adjacent to this tidal, tidally-influenced creek ditch
8 right here (indicating slide).

9 what they are going to do is they are going to
10 grade down the upland area until it is the same elevation
11 as the adjacent marsh area. They will plant the
12 appropriate species and over time it should transition to
13 a very similar habitat to what is being impacted.

14 The red dots are the abandoned rail crossings
15 that will be removed, once the project is complete in the
16 cities of Moss Point and Pascagoula (indicating slide).

17 what you have is you have these crossings that
18 will be removed that will reduce and amount of traffic
19 and, also, reduced the amount of possible vehicular-train
20 interactions.

21 The project was put on public notice again, the
22 reduced project impacts in both The Sun Herald and
23 Mississippi Press.

24 we received no public comments.

25 we, also, had to have a public hearing for the

1 justification of the variances, and we had no comments at
2 the public hearing.

3 DEQ is reviewing the project.

4 Archives has no objections to the project.

5 Secretary of State has stated that a rent exempt
6 lease would be required.

7 Our recommendation is that since the impacts
8 have been significantly reduced from the previously
9 authorized project, we recommend approval of the variance
10 request and the modification request, contingent on DEQ's
11 Water Quality Certification.

12 Any questions?

13 COMMISSIONER DANIELS: Have y'all got anything?

14 (No response.)

15 COMMISSIONER DANIELS: Anytime we can reduce the
16 impacts of a project, I think that is a good thing.

17 I will make the motion for the recommendation.

18 Do we have a second?

19 COMMISSIONER ROBERDS: I'll second that motion.

20 COMMISSIONER DANIELS: All those in favor?

21 COMMISSIONER GUESS: Aye.

22 COMMISSIONER ROBERDS: Aye.

23 COMMISSIONER DANIELS: Aye.

24 Thank you.

25 GREG CHRISTODOULOU: Thank y'all.

1 COMMISSIONER DANIELS: Next up is Office of
2 Finance and Administration. We are going to have Brandi
3 Busby today.

4 BRANDI BUSBY: Good morning Director,
5 Commissioners and legal counsel.

6 My name is Brandi Busby. I'm Director of
7 Finance and Accounting filling in for Leslie Brewer today.
8 I will be presenting the Agency's financials for the month
9 ending June 30th, 2021.

10 At the end of June, our State Revenue was five
11 point one million. Total Agency Revenue was forty-seven
12 million.

13 Our State Net Income was negative one point two
14 million, and our Total Agency Net Income was twenty-three
15 point five million.

16 JOE SPRAGGINS: Once again, that one point two
17 million is just waiting on the State to give us our
18 allocation.

19 BRANDI BUSBY: Yes, sir. They still owe us one
20 million forty-one thousand six zero nine in
21 appropriations.

22 After twelve months of Fiscal Year 2021, the
23 Agency has sixty-eight point one percent of the Operating
24 Budget remaining, while the Tidelands Budget has twenty-
25 seven point seven percent remaining.

1 COMMISSIONER DANIELS: Looks like we are on
2 track.

3 BRANDI BUSBY: Yes, sir.

4 COMMISSIONER DANIELS: Thank you, Brandi.

5 BRANDI BUSBY: Thank you.

6 Ms. Charmaine.

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

9 The Mississippi Department of Marine Resources
10 was mentioned fifteen times in local, state and national
11 media since the June MACMR meeting.

12 News items included the dates for the reopening
13 of snapper season, 4th of July boating safety and the
14 appointment of our Chief Operating Officer and Chief
15 Scientific Officer.

16 Marine Patrol held a Boat and Water Safety class
17 June 19th at the Bolton Building. They also participated
18 in Career Days held at the Gruich Center in Biloxi and the
19 Biloxi Police Department, as well as a Water Safety
20 presentation for Care-a-lot School in Biloxi.

21 National Heritage Area, as well as Marine Patrol
22 took part in Paddle the Bay at Henderson Point in Pass
23 Christian on July 10th.

24 The MDMR IT team hosted the Mississippi
25 Association for Spacial Technologies in June for their bi-

1 monthly meeting.

2 The Mississippi Deep Sea Fishing Rodeo was held
3 July 1st through the 4th. The Agency was on hand each day
4 at the fishing rodeo distributing our rules and
5 regulations publication, fish ruler stickers, fish posters
6 and other informational pieces to the public.

7 The Gulf States Marine Fisheries Commission
8 recognized two Mississippi MRIP statistic superstars for
9 near perfect submissions in their recreational fishing
10 surveys to measure how many fish anglers catch and how
11 many trips they take. The data collected helps scientists
12 and managers assess and maintain sustainable fish stocks.

13 MDMR Finfish Bureau's Chris Graham and Josh
14 Waters are on the top ten list for the lowest edit rate
15 which means they submit assignments with little to no
16 mistakes. Josh Waters made number seven and Chris Graham
17 made number two out of all the active interviewers in the
18 Gulf States who had at least fifty interviews completed.

19 COMMISSIONER DANIELS: Thank you, Charmaine.

20 CHARMAINE SCHMERMUND: Thank you.

21 JOE SPRAGGINS: If I could real quick, they did a
22 fantastic job, Charmaine and her group and several other
23 people from the Agency during the 4th of July rodeo, and
24 they were there every day working hard for us, and we
25 appreciate that.

1 COMMISSIONER DANIELS: That's a big deal. It has
2 been going on for a long time.

3 Office of Marine Fisheries. We are going to
4 have Erik Broussard up first.

5 ERIK BROUSSARD: Good morning Commissioners,
6 Director Spraggins, Ms. Chesnut.

7 This morning we have up for final adoption Parts
8 1, 13 and 17.

9 Just a quick recap. Part 1 deals with harvest
10 and handling. Part 13 is marine aquaculture. Part 17 is
11 shellfish landing.

12 with this final adoption, what we will
13 accomplish is combining all of these parts into one, so
14 all of your oyster regulations will be found in one spot
15 to make it more user friendly.

16 There is also some updated language to provide
17 clarity and it is all put into the new format for the
18 Secretary of State.

19 On June 15th, the Commission recommended to the
20 Executive Director that the new format and changes to
21 Title 22, Part 1, 13 and 17 be sent to the Secretary of
22 State's Office for Notice of Intent.

23 The Executive Director approved the
24 recommendation and it was filed with the Secretary of
25 State's Office June 16th.

1 The notice of the proposed regulation was
2 published in The Sun Herald on June 23rd, and the proposed
3 regulation was also posted on the MDMR website on June
4 18th.

5 Then, we have verification of the Secretary of
6 State's Notice of Intent, the posting to the MDMR website
7 and the notice at The Sun Herald (indicating slide).

8 Public comments were due to the MDMR by July
9 13th. No public comments were received.

10 Finally, what will be needed is a motion to
11 recommend to the Executive Director that the proposed
12 changes to Title 22, Part 1, 13 and 17 be forwarded to the
13 Secretary of State's office for final adoption.

14 COMMISSIONER DANIELS: Do we have any questions?
15 (No response.)

16 COMMISSIONER DANIELS: Do we have a motion for
17 the recommendation?

18 COMMISSIONER GUESS: I'll make a motion.

19 COMMISSIONER DANIELS: Do I have a second?

20 COMMISSIONER ROBERDS: I'll second that motion.

21 COMMISSIONER DANIELS: All those in favor?

22 COMMISSIONER GUESS: Aye.

23 COMMISSIONER ROBERDS: Aye.

24 COMMISSIONER DANIELS: Aye.

25 Motion passes.

1 Thank you, Erik. We appreciate it.

2 ERIK BROUSSARD: Thank you.

3 COMMISSIONER DANIELS: State records, Josh
4 Waters.

5 JOSH WATERS: Good morning General Spraggins,
6 Commissioners, Ms. Chesnut.

7 My name is Josh Waters. I'm filling in for
8 Jonathan Barr today.

9 First off, for conventional state record we have
10 the Keeltail Pomfret, *Taractes rubescens*. The old record
11 was fourteen pounds three point eight two ounces and the
12 new record is sixteen pounds eight point zero ounces. The
13 angler was Jimmy Boleware.

14 Here is a picture of the fish and here is Mr.
15 Jimmy holding the fish (indicating photographs).

16 Our second conventional state record this past
17 month was Bull Shark, *Carcharhinus leucas*. The old record
18 was three hundred fifty-four pounds and four ounces. The
19 new record was three hundred seventy-seven pounds and four
20 ounces. The angler was Mr. David Rogers.

21 Here is a picture of the fish and here is Mr.
22 Rogers beside the fish (indicating photographs).

23 We have two Fly State records as well. The
24 first one is Shark Sucker, *Echeneis naucrates*. The old
25 record was one pound four point six four ounces. The new

1 record is three pounds four point eight ounces. The
2 angler is Mr. Doug Borries.

3 Here is a picture of the fish and here is Mr.
4 Doug holding the fish (indicating photographs).

5 Mr. Borries also got the Little Tunny record,
6 Euthynnus alletteratus. The old record was twelve pounds
7 fifteen point zero four ounces. The new record is
8 fourteen pounds two point four ounces.

9 Here is a picture of the fish. Here is Mr. Doug
10 holding the fish (indicating photographs).

11 Our final State Record is the Youth Conventional
12 State Record for Red Snapper, Lutjanus campechanus. We
13 didn't have a record. The new record now is nineteen
14 pounds one ounce. The angler was Mason Watts.

15 Here is a picture of the fish and here he is
16 holding the fish (indicating photographs).

17 COMMISSIONER DANIELS: That is great. I love
18 seeing these kids holding the fish and getting records,
19 all the new records.

20 Do we have a motion to approve them?

21 COMMISSIONER GUESS: I'll make a motion.

22 COMMISSIONER DANIELS: I'll second it.

23 All those in favor?

24 COMMISSIONER GUESS: Aye.

25 COMMISSIONER ROBERDS: Aye.

1 COMMISSIONER DANIELS: Aye.

2 Motion passes.

3 Thank you, Josh.

4 JOSH WATERS: Thank you.

5 COMMISSIONER DANIELS: Matt, they get those fish
6 back.

7 Correct?

8 MATT HILL: Which fish?

9 Commissioner DANIELS: The State records.

10 COMMISSIONER GUESS: The ones they catch, the
11 State records.

12 Do they keep the fish, or DMR gets them??

13 MATT HILL: We keep them sometimes, some of the
14 ones that we want to pickle and put in jars.

15 The ones at the tournament, obviously, the
16 tournament kept those fish. The Bull Shark and the Red
17 Snapper, they were weighed at their 4th of July tournament.
18 So the tournament had those fish.

19 COMMISSIONER DANIELS: Good deal.

20 Do we have any other business today?

21 JOE SPRAGGINS: I do, sir, real quick, a couple
22 of things.

23 Matt, would you give us a real quick update on
24 the Red Snapper season?

25 MATT HILL: I thought you were going to let me

1 get out of it today.

2 Just a real quick update. We did shut the
3 season down Monday, July 5th. That was predetermined with
4 the Agency through several meetings before the season even
5 started.

6 We tracked it. Our estimated current harvest
7 right now is approximately eighty-four thousand pounds.
8 We have made the decision to reopen the season August the
9 13th with our projections.

10 what we have done is taken the last five years
11 and when we have had some closures and basically try to
12 put together the catch rate based upon what we call the
13 supplementary, or second, season and it should, or we
14 believe it should get us through the Labor Day weekend
15 fishing seven days a week. That is our goal.

16 If we do get past that, then, we will reevaluate
17 and possibly continue, or maybe restructure just a little
18 bit, but that is why that date was chosen.

19 Are there any questions on that?

20 JOE SPRAGGINS: Matt, also, this will allow us to
21 be able to fish other seasons at the same time.

22 Right?

23 MATT HILL: That is correct. We try to take into
24 account openings. We have Amber Jack opening up the first
25 of August. We do try to take into account opening these

1 seasons up and giving our anglers the opportunity to catch
2 other species other than Red Snapper.

3 All the seasons are for everyone, but, in this
4 second season, we do try to pair it with other species and
5 give people the opportunity.

6 COMMISSIONER ROBERDS: We appreciate that because
7 that sixty mile run for one, or two, fish is tough. So
8 thank you.

9 MATT HILL: Yes, sir.

10 COMMISSIONER DANIELS: Thank you, Matt.

11 JOE SPRAGGINS: One other thing real quick, too.
12 Traci, could you give us an update on the TEDs?

13 TRACI FLOYD: Yes, sir.

14 We have received a total of forty-four
15 applications for the TED Reimbursement Program and we have
16 completed thirty-six of those. Those fishermen have been
17 paid, and we have eight that are in process.

18 We have requested from our funding source -- it
19 is a NFWF Program -- that we extend another month and
20 probably through the life of the grant which will be 2022.
21 Everybody will have an opportunity to be a part of that
22 program.

23 JOE SPRAGGINS: That is for the forty and under?

24 TRACI FLOYD: Right now the program, it is
25 required for forty foot and over skimmer trawlers, but

1 NOAA is considering the smaller boats as well. This way,
2 we will be open should that law go into place and we can
3 help all of them get ready.

4 COMMISSIONER DANIELS: Currently, the only ones
5 that they are requiring them on are forty foot and over,
6 but we are considering doing smaller nets?

7 TRACI FLOYD: Yes. That will go into place for
8 forty foot and over August 1st. So we were kind of trying
9 to push them through earlier, but we will be open longer
10 to help all boats, if needed.

11 JOE SPRAGGINS: Prior to that, it was what?
12 It was larger boats only?

13 TRACI FLOYD: It was for the otter trawlers.
14 Skimmer trawlers had a tow time restriction.

15 JOE SPRAGGINS: Once again, this is a
16 reimbursement up to what, seven hundred dollars?

17 TRACI FLOYD: Up to seven hundred.

18 JOE SPRAGGINS: We reimburse the fishermen, if
19 they go get it so they are not out of pocket.

20 TRACI FLOYD: Yes, sir.

21 JOE SPRAGGINS: That's it, sir.

22 COMMISSIONER GUESS: I was going to ask for an
23 update on the oyster plan. I didn't see it on the
24 website. I was looking.

25 ERIK BROUSSARD: The public comment period ended

1 and we took it down. We are in the process of
2 incorporating comments. Once that is completed, the plan
3 will go back out for a second round of public comments and
4 that will be coming in the near future.

5 COMMISSIONER GUESS: Thank you.

6 ERIK BROUSSARD: Thank you.

7 COMMISSIONER DANIELS: Joe, do we have any other
8 public comments, other than this one?

9 JOE SPRAGGINS: No, sir.

10 COMMISSIONER DANIELS: Mr. Gilbert Ramsey asked
11 for a comment to be put into the record pertaining to
12 DeSoto Forest and accessibility. So we are going to enter
13 this into the record for him.

14 If we have no other comments, do we have a
15 motion to adjourn?

16 COMMISSIONER GUESS: I'll make a motion.

17 COMMISSIONER ROBERDS: I'll second that motion.

18 COMMISSIONER DANIELS: All those in favor?

19 COMMISSIONER GUESS: Aye.

20 COMMISSIONER ROBERDS: Aye.

21 COMMISSIONER DANIELS: Aye.

22 Thank you. Everybody have a great day.

23 (Whereupon, at 10:00 o'clock, a.m., the July 20,
24 2021, meeting of the Mississippi Advisory Commission on
25 Marine Resources was concluded.)

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above forty-two pages, including this page, is a true and correct transcript of the July 20, 2021, meeting of the Mississippi Advisory Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

s/ _____
LUCILLE MORGAN, CSR 1251
COURT REPORTER