Mississippi Advisory Commission on Marine Resources

January 18, 2022
Employment, Contracts and Procurement Updates
January 18, 2022
Employment Updates

- Michael Jimerson – Marine Patrol Officer II, Marine Patrol – 12.13.21
- Julie Kessen – Administrative Assistant, Human Resources – 12.13.21
- Colleen Massengill – Grants Administrator I, Grants Bureau – 01.03.22
- Emmett Carstens – NERR Resource Specialist I, GBNERR – 01.03.22
- Traci Floyd – Promoted to Office Director, Marine Fisheries – 01.01.22
Spat Tech Timeline

- Original contract, 8200044375, for $3,000,000.00 executed 4/30/2019.
- Period of Performance 5/1/19 to 4/30/20.
- Amendment One: Amended to allow incremental billing.
- Amendment Two: Amended to extend Period of Performance to 8/30/2020
- Amendment Three: Amended to extend Period of Performance to 11/6/2020
- Amendment Four: Amended to extend of Period of Performance to 6/30/2021
- During this time, $1,000,000.00 was paid to Spat Tech for the baskets and concrete substrate.
- Second Contract, 8200056899, for remaining $2,000,000.00. Executed 8/11/2021.
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- No work has been completed on this second contract.
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Actions Update for January 18, 2022
Discussed at the December 2021 meeting:

1) Motion to recommend to the Executive Director establishment of two No Wake Zones:
   - (i) extending 200 ft north and south of the Popps Ferry Causeway Park boat launch; and
   - (ii) extending 300 ft east of the Popps Ferry Bridge and 850 ft west of the bridge (includes marina at Anatole Bay).

2) Motion to recommend to the Executive Director that the proposed changes to Title 22 Part 19 be forwarded to the Secretary of State’s Office for final adoption.

3) Motion to recommend approval of an After-the-Fact General Permit for David Wheeler on the Tchoutacabouffa River, located at 12020 Carls Cove in Biloxi, MS for bulkhead repair:
   - No fine for the property owner was recommended.
   - Property Owner was advised that the contractor had the permit.
4) Motion to recommend that the Executive Director approve the After-the-Fact General Permit and Restoration Plan for Marty Sahuque located in Bayou Caddy, Bay St. Louis, Hancock County, MS, with the following conditions:

- No fine for the property owner if the work is completed within 180 days. The fine of $1000 will be enforced in the event this deadline is not met and will be due after an additional 30 days.
- After-the-Fact approval of the pier supported pilings.
- Requirement that the unauthorized pier be brought into compliance with General Permit guidelines.
- Approval of the additional proposed piers.
- The wetland vegetation be given 1 year to recover and if the area does not revegetate the property owner will be responsible for restoration using MDMR’s Marsh Restoration Guidelines.
- Should the work not be completed by the 180-day deadline, the matter will be forwarded to the Attorney General’s Office for further enforcement.
- If the fine is enforced and is not paid after the additional 30 days, the matter will be forwarded to the Attorney General’s Office for further enforcement.
5) Motion to recommend that the Executive Director approve the Permit for Kevin Courville located at 122 Sweet Bay Drive in Pass Christian, Harrison County, MS to construct an additional 1,254 sq ft of structures and 2 mooring pilings.

6) Motion to recommend to the Executive Director that the proposed changes to Title 22, Part 6 be forwarded to the Secretary of State’s Office for final adoption.

7) Motion to recommend to the Executive Director that the new format and changes to Title 22 Part 2 be sent to the Secretary of State’s Office for Notice of Intent.

8) Motion to recommend to the Executive Director that the new format and changes to Title 22 Part 9 be sent to the Secretary of State’s Office for Notice of Intent.
9) Motion to recommend to the Executive Director that the following state saltwater finfish records be approved:
   a. Youth Record
      1. Ladyfish (Elops saurus) – 2 lbs. 11.04 oz. – Rodie Armes
      2. Scamp (Mycterooperca phenax) – 20 lbs. 12 oz. – Blake Bosarge
   b. Conventional Tackle Record
      1. Golden Tilefish (Lopholatilus chamaeleoniceps) – 20 lbs. 11.68 oz. – Dustin Conway
      2. Inshore Lizardfish (Synodus foeten) – 0 lbs. 9.1 oz. – Jordan Matthews

Director approved the motions as recommended.
No Pending Items for Discussion
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Second Contract, 8200056899, for remaining $2,000,000.00. Executed 8/11/2021.


No work has been completed on this second contract.
You are invited to an
Alternative Bulkhead Design Workshop

Learn about how environmentally friendly methods for shoreline stabilization can potentially improve your business. We will share what MDMR resources are available to assist you with projects using these methods.

Mississippi State Extension Center
1815 Popp’s Ferry Road, Biloxi
Wednesday, January 26, 2022 | 9 a.m. - Noon
Lunch will be provided. | Space is limited.

For more information, contact Jenny Stout at 228-523-4106 or Jennifer.stout@dmr.ms.gov.

Register by January 19 at
dmr.ms.gov/alternative-bulkhead-design-workshop/
## Wetland Permitting Actions 2021

<table>
<thead>
<tr>
<th>Total Actions</th>
<th>836</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulated Activities/ CZ Consistency Determinations</td>
<td>753</td>
</tr>
<tr>
<td>Reviews/ Pre-Application Meetings</td>
<td>64</td>
</tr>
<tr>
<td>Violations</td>
<td>19</td>
</tr>
</tbody>
</table>
## Wetland Permitting Actions Comparison

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>2nd half 2019</th>
<th>2nd half 2020</th>
<th>2nd half 2021</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Actions</strong></td>
<td>735</td>
<td>672</td>
<td>345</td>
<td>371</td>
<td>364</td>
<td>836</td>
</tr>
<tr>
<td><strong>Regulated Activities/ CZ Consistency Determinations</strong></td>
<td>609</td>
<td>562</td>
<td>285</td>
<td>313</td>
<td>317</td>
<td>753</td>
</tr>
<tr>
<td><strong>Reviews/ Pre-Application Meetings</strong></td>
<td>105</td>
<td>96</td>
<td>51</td>
<td>52</td>
<td>34</td>
<td>64</td>
</tr>
<tr>
<td><strong>Violations</strong></td>
<td>21</td>
<td>14</td>
<td>9</td>
<td>6</td>
<td>13</td>
<td>19</td>
</tr>
</tbody>
</table>
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Period of Performance 5/1/19 to 4/30/20.

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During this time, $1,000,000.00 was paid to Spat Tech for the baskets and concrete substrate.

Second contract, 8200056899, for remaining $2,000,000.00. Executed 8/11/2021.


No work has been completed on this second contract.
Request for Permits by:
Mississippi Department of Marine Resources
Permits: DMR21-000642, DMR21-000643

- Location: The Pascagoula Bay in Pascagoula and the Mississippi Sound in Pass Christian
- Use District: (G) General Use District
- Project Purpose/Need:
  - Research into efficacy of oyster reef restoration methods
- Agent: Anchor QEA
Project Descriptions

• Creation of Artificial Oyster Reefs
  • 32 Total Reefs
  • Each Reef 1 Acre in Size
    • Western Zone (Pass Christian):
      • Northern Project Area: 8 Oyster Reefs
      • Southern Project Area: 8 Oyster Reefs
    • Eastern Zone (Pascagoula):
      • Western Project Area: 8 Oyster Reefs
      • Eastern Project Area: 8 Oyster Reefs

• Total Impacts: 32 Acres of Waterbottoms
The applicant has requested a variance:

Miss. Admin. Code Title 22, Part 23, 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

This variance request was justified under Miss. Admin. Code Title 22, Part 23, Chapter 8, Section 118.01
- The impacts to Coastal Wetlands would be no worse than if the requirements were followed.
Use Plan Change Request

- The applicant is requesting a change to the Coastal Wetlands Use Plan from a G (General Use) classification to a S-3 (Special Use – Leased wetlands by the State for other purposes)
  - Other Purpose – Research Activities
Public and Agency Notification

  - No public comments were received

- MDEQ: No Comments
- MDAH: No Objection
- MS SOS: The proposed projects do not present any Public Trust Tidelands issues
- MS DWFP: No Comments
Recommendation

- The staff of the Department of Marine Resources has conducted a thorough evaluation of the projects and has made findings on the decision factors in accordance with the Mississippi Coastal Program (MCP). Based on the results of these findings, it has been determined that the projects are consistent with the MCP because the projects serve a higher public purpose.

- Staff requests a motion that the Commission recommend to the Executive Director:
  - Approval of the Requested Variances
  - Approval of the Requested Use Plan Changes
  - Approval of the Requested Permits
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No work has been completed on this second contract.
Request for Permit by:
City of Biloxi
File: DMR21-000627

• Location: Mississippi Sound
  • Biloxi Beach Between the Biloxi Small Craft Harbor and Oak Street

• Use District: (G) General Use District and (C) Commercial Fishing and Recreational Marinas

• Agent: Covington Civil and Environmental, LLC
Project Description

• Dimensions of the Fill Area
  • City of Biloxi advised that these are the historic dimensions of the USACE sand template
  • 4,550 feet in length and 230 feet in width

• Amount of Fill
  • 19,800 cy of sand below MHHW
  • 24,700 cy of sand above MHHW

• Requesting a 10-year permit for beach maintenance
Applicable Decision Factors

• c) Variance to the MS Coastal Program…
  
  • Miss. Admin. Code Title 22, Part 23, 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
  
  • This variance request was justified under Miss. Admin. Code Title 22, Part 23, Chapter 8, Section 118.01
    • The impacts to Coastal Wetlands would be no worse than if the requirements were followed.
Applicable Decision Factors

continued

• I) Comments…
  • Public Notice
    • Notification of the project appeared in the *Sun Herald* on November 7, 14, and 21, 2021
      • No public comments were received
  • MDEQ: No comments
  • MDAH: No objections
  • MS SOS: Does not present any Public Trust Tidelands Lease issues
  • MS DWFP: No comments
Recommendation

• The staff of the Department of Marine Resources has conducted a thorough evaluation of the project and has made findings on the decision factors in accordance with the Mississippi Coastal Program (MCP). Based on the results of these findings, it has been determined that the project is consistent with the MCP because it serves a higher public purpose.

• Staff requests a motion that the Commission recommend to the Executive Director:
  • Approve the Requested Variance
  • Approve the Permit as Requested
Spat Tech Timeline

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Mississippi
Department of Marine Resources
Agency Financial Results
as of December 31, 2021
Key Metrics:

- State Revenue of $4.2M
- Agency Revenue of $17.7M
- State Net Income of $1.0M
- Agency Net Income of $5.9M

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

**Income Statement - Fiscal Year 2022**

As of December 31, 2021

<table>
<thead>
<tr>
<th>Federal:</th>
<th>GOMESA PHII:</th>
<th>Operating</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State</td>
<td>NFWF</td>
</tr>
<tr>
<td><strong>Revenue:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer in from Other Governments</td>
<td>35,500</td>
<td>(26,147)</td>
</tr>
<tr>
<td>Off-road Fuel Tax</td>
<td>3,050,000</td>
<td>-</td>
</tr>
<tr>
<td>Federal/Non-Federal Grants</td>
<td>260,024</td>
<td>1,471,545</td>
</tr>
<tr>
<td>Sales Revenue</td>
<td>589,128</td>
<td>-</td>
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<tr>
<td>Indirect Cost Recovery</td>
<td>205,414</td>
<td>-</td>
</tr>
<tr>
<td>Other Revenue</td>
<td>96,107</td>
<td>744,367</td>
</tr>
<tr>
<td><strong>Current Budget Year Revenue:</strong></td>
<td>4,255,672</td>
<td>2,189,765</td>
</tr>
</tbody>
</table>

| **Expenditures:** | | | | | |
| Salaries, Wages, Fringe | 2,564,906 | 1,493,062 | 4,057,968 | 427,435 | 4,485,403 |
| Travel | 5,888 | 15,615 | 21,803 | 5,314 | 26,917 |
| Contractual Services | 433,448 | 579,359 | 1,012,807 | 334,144 | 1,346,951 |
| Commodities | 175,253 | 1,081,191 | 1,256,444 | 55,143 | 1,311,587 |
| Equipment | 57,730 | 151,833 | 209,563 | 17,802 | 227,365 |
| Vehicles | (232) | 6,732 | (6,964) | - | (6,964) |
| Subsidies, Loans, and Grants | 1,228 | 2,726,726 | 2,727,954 | 1,633,295 | 4,381,249 |
| **Current Budget Year Expenditures:** | 3,238,321 | 6,063,072 | 9,301,393 | 2,493,134 | 11,794,527 |
| **Current Budget Year Net Income/(Loss):** | $1,017,352 | (3,873,307) | $2,855,955 | $8,795,520 | $5,939,565 |
Financial Budget Comparison

- After six months of Fiscal Year 2022:
  - Operating Funds have 90.3% of Budget remaining
  - Tidelands Trust Fund has 79.6% of Budget remaining

January 18, 2022
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Mississippi Department of Marine Resources
FY2023 Tidelands Trust Fund
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 31, 2022</td>
<td>Request for Proposals</td>
</tr>
<tr>
<td>July 1, 2022</td>
<td>Deadline for Proposals</td>
</tr>
<tr>
<td>July - Aug 2022</td>
<td>Compliance Review</td>
</tr>
<tr>
<td>September - October 2022</td>
<td>Merit Review</td>
</tr>
<tr>
<td>November 2022</td>
<td>Recommendations and CMR Approval of Ranked Proposals</td>
</tr>
<tr>
<td>December 2022</td>
<td>Legislative Forum</td>
</tr>
<tr>
<td>January 2023</td>
<td>Projects/Report to Legislature</td>
</tr>
<tr>
<td>April 2023</td>
<td>FY2024 Appropriations</td>
</tr>
<tr>
<td>November 2023</td>
<td>Check from SOS Office</td>
</tr>
<tr>
<td>November - December 2023</td>
<td>Projects Awarded</td>
</tr>
</tbody>
</table>
# Tidelands Trust Fund

## FY2023 Proposal Results

<table>
<thead>
<tr>
<th>Category</th>
<th>Number Submitted</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Access</td>
<td>56</td>
<td>$33,652,254</td>
</tr>
<tr>
<td>Cities</td>
<td>30</td>
<td>$20,222,984</td>
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<tr>
<td>Counties</td>
<td>15</td>
<td>$8,228,350</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>11</td>
<td>$5,200,920</td>
</tr>
<tr>
<td>Tidelands Management</td>
<td>48</td>
<td>$9,719,863</td>
</tr>
<tr>
<td>Submitted by MDMR</td>
<td>19</td>
<td>$3,139,182</td>
</tr>
<tr>
<td>Universities</td>
<td>23</td>
<td>$5,785,709</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>6</td>
<td>$794,972</td>
</tr>
</tbody>
</table>

Total Applications Submitted: 104

Total Amount Submitted: $43,372,117

*Appropriated for FY2022: $11,226,497*
Public Access Awards FY2022

Tidelands FY2022 Public Access Awards Total $ 6,809,450
Managed Projects Awards FY2022

- Bond Payment $1,200,000
- 20 MDMR $2,444,849
- 2 Misc. $300,000
- Not Yet Awarded

Tidelands FY2022 Managed Projects Allocated $3,217,047
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Title 22 Part 2 – Rules and Regulations for Shrimping Final Adoption

Jason Saucier
January 18, 2022
On December 14, 2021, the Commission recommended to the Executive Director that the new format and changes to Title 22, Part 2 be sent to the Secretary of State’s Office for Notice of Intent.

Executive Director approved the recommendation, and the proposed regulation was filed with the SOS’s office on December 20, 2021.
Publication of Proposed Regulation

- Notice of the proposed regulation was published in the Sun Herald on December 23, 2021.

- Notice of the proposed regulation was also posted on the MDMR website on December 22, 2021.
Public Comments

• No public comments were received.
• Motion to recommend to the Executive Director that the proposed changes to Title 22 Part 2 be forwarded to the Secretary of State’s office for final adoption.
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Final Adoption - Title 22
Part 9
Statistical reporting and confidentiality of statistical data for Marine Fisheries

Trevor Moncrief - Finfish Bureau
January 18, 2022
Notice of Intent

On December 14, 2021, the Commission recommended to the Executive Director that the new format and changes to Title 22, Part 9 be sent to the Secretary of State’s Office for Notice of Intent.

Executive Director approved the recommendation, and the proposed regulation was filed with the SOS’s office on December 20, 2021.
Publication of Proposed Regulation

- Notice of the proposed regulation was published in the Sun Herald on December 23, 2021.

- Notice of the proposed regulation was also posted on the MDMR website on December 22, 2021.
Title 22 Part 9 - Proposed Changes
Public Notice - December 13, 2021

The Mississippi Department of Marine Resources (MDMR) seeks your public notice that on December 14, 2021, at the regularly scheduled meeting of the Mississippi Advisory Commission on Marine Resources (MACMR), the Commissioners recommended approval of and the Executive Director approved a Notice of Intent to Update World Wide Web Site - Notice of Rulemaking of Title 22 Part 9 - Proposed Changes to Existing Rules. A draft Notice of Intent was developed by the Mississippi Department of Marine Resources offices on December 13, 2021. A complete copy of Title 22 Part 9 and the proposed changes are available at www.mdmr.ms.gov. Public comments on the proposed regulatory changes will be accepted through January 17, 2022. All comments should be sent to the MDMR, 1000 Thomas Boulevard, Bayview Avenue, Biloxi, MS 39530 or emailed to tinctor@mdmr.ms.gov and determined by April 15, 2022.

For a complete description of the proposed changes please see the PDF below.

SHARE THIS:

Download PDF
Public Comments

- No public comments were received.
Final Adoption

Motion to recommend to the Executive Director that the proposed changes to Title 22 Part 9 be forwarded to the Secretary of State’s office for final adoption.
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