MISSISSIPPI ADVISORY COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, December 14, 2021
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

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

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788
COMMISSIONER DANIELS: Good morning, ladies and gentlemen. Thank y'all for attending today's meeting.

At this time, I would like to call the meeting to order.

I will ask the Director to lead us in the Pledge of Allegiance.

(Pledge of Allegiance was recited.)

COMMISSIONER DANIELS: Director Spraggins, if you don’t mind leading us in a prayer.

JOE SPRAGGINS: Yes. I would like to just take a few moments for everybody to think about and take time in your life, if you can, this time of the year where we are. We know that his season is all about Jesus and not about us and it is all about the Savior.

Also, we want to remember everyone and their family members and having to go through their first Christmas without them. Let’s just put them in our hearts and think about them. Help us and let every one of us do that.

Also, a very big prayer for the people in the storm this last weekend for the people that were harmed and their families. Just keep them all in your prayers.

Let’s go to the Lord.

Our Heavenly Father, we thank you so much. Thank you for
giving us this Commission and thank you for giving us this great organization to be able to operate and do the things that you would have us to do on the Gulf Coast.

We just ask that you take each and every one of us and lead and guide and direct us and let us do it your way, not ours.

We ask this is Jesus Christ’s name. Amen.

COMMISSIONER DANIELS: Thank you, Joe.

Before we get started, I would like to recognize Sawyer Walters with Representative Palazzo’s office.

Thank you for joining us today.

SAWYER WALTERS: Thank you.

COMMISSIONER DANIELS: Approval of the minutes from October 19th.

Do we have any discussion on the minutes, or do we have a motion to approve?

COMMISSIONER ROBERDS: I’ll make a motion.

COMMISSIONER GUESS: Second.

COMMISSIONER DANIELS: Commissioner Roberds made the motion. Commissioner Guess made the second.

All those in favor?

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: Aye.

Motion passes.
Approval of the agenda.

Do we have a motion to approve the agenda for today?

COMMISSIONER GUESS: I’ll make the motion.
COMMISSIONER DANIELS: I’ll second it.

All those in favor?

COMMISSIONER GUESS: Aye.
COMMISSIONER ROBERDS: Aye.
COMMISSIONER DANIELS: Aye.

Mr. Joe, we will turn it over to you.

JOE SPRAGGINS: Thank you.

Before we get started this morning and get to doing the update, Patrick is in the back. If you want to have any public comments, get with Patrick and let him fill out a piece of paper for you and bring it up to us.

One of our people who has been with us quite a while in Fisheries, Marty Jones -- Marty is not able to be here. Marty is retiring. He retires December 30th. We wish him the world’s best. We are going to miss him. If you see him, tell him congratulations for his many years of service to us.

Senior Master Sergeant Scott Anderson, I think, is in the back somewhere

KYLE WILKERSON: He is.

JOE SPRAGGINS: Come forward.
Scott is going to be retiring, also. I was talking to him a few minutes ago and he was talking about his honey-do list that his wife has already gotten for him and everything, and I told him I could help him out of that. He can just stay with us.

SCOTT ANDERSON: I appreciate that.

JOE SPRAGGINS: Scott has been a great officer for us for years and we wanted to congratulate him and thank you for your service.

SCOTT ANDERSON: Thank you.

JOE SPRAGGINS: We had a legislative forum and Cam was able to make it. I know y'all were both busy (indicating Commissioner Daniels and Commissioner Guess). We had it last week and it turned out pretty good. We had about eight, or nine, of our legislators from the Coast here, was able to go over the things that we have done in the past year, what we are doing, and also to be able to explain to them what we are looking at in the future as far as our legislation.

Everything worked good. I don’t count any of those until they hatch, and their bills will go forward. I think Timmy Ladner and Moran will bring them out of committee. We will just see where they go from that point.

Most of them are just straightening up some
things that have happened. Some of them are to really help the fishermen, especially the ones where we are trying to say you don't have to have a captain's license for everybody on the boat. That may help them a lot, and I think that will be something that we can work out and some other stuff that we are working on.

Cam, Do you have anything out of it?

COMMISSIONER ROBERDS: It was excellent, General. You did a good job, very informative. I think it is going to lead up to good things.

JOE SPRAGGINS: Thank you.

You missed a good breakfast, too. We had shrimp and grits and biscuits and it was great.

Good news. Ship Island. The pier is under construction. For the ones that want to go back and forth to Ship Island, hopefully, we will be finished by next year. That's what the understanding is that it will be finished by the summertime. So we will be able to utilize it again. Maybe they can run the Ship Island Excursion back and forth, and we will be able to have something back toward normal again.

That is under construction. We appreciate National Park Service for being able to move forward with that.

Employment, Contracts and Procurement Updates.
Brett James is a new Coastal Resource Management Specialist in Permitting. We appreciate him.

Leo DeGeorge is one of our new Marine Patrol officers II at Port Security. He was with us, I think before that and, now, is full time.

Garrett Comstock in a new Marine Patrol Officer.

We have Curtis Norfleet who is a Marine Patrol Officer.

We have Logan Jones who is a new Marine Fisheries Shellfish Technician IV.

Brian Hurst used to work with us here. He worked for DFA, and, then, he went to work with us at the NERR and retired from there and, now, he is coming back to do a maintenance contract with us at Lyman. Great guy.

Jacob Goff is promoted to Resource Specialist II at the NERR.

Russell Holliman is promoted to Marine Patrol Officer II at Marine Patrol.

Appreciate each and every one of them. It is great to have some new people in the agency and always wonderful to promote people.

Agency update.

Just to give you a little bit of an idea, the legislative session starts the first of next month. We will be there. We will be talking with them about the
things that are going on with the agency.

They are trying to work some things. I know that the legislature has worked hard with us this year to be able to help us get some funding.

One of the things that we are trying to fund, also, is derelict vessels and they are going to try to help me with that and that is one of the legislations that we are working on now that has not been actually brought forward, but we are working on it to be able to take care of these derelict vessels that are out there in the water and be able to have some way to be able to remove them and get them out of the area.

If nothing else, they are just an eyesore sometimes. You sit there and see the old sailboat, or whatever it was, down there on front beach in Biloxi and it is about half filled with sand and we can't move it, but, hopefully, with the new legislation and, then, they are going to hopefully give us some money to do it, we will be able to move forward with that and that will help us a whole lot.

We are working to try to fill some positions. We are looking in Finance. We are looking for Finance officers that we need and we are looking at Grants. We need some Grant officers. Those two have been very hard to fill. If you know anybody out there that is interested
in it, we would love to talk to them and love for them to apply and see what we can do.

We are working with the Gulf Council. We have another meeting next month with them. It looks like everything is fine still with the Gulf Council.

Trevor is right here and Trevor is on the SSC and I tell you what he has been a blessing. It has been a blessing to have Trevor on the SSC with us and be able for him to go there and be able to bring firsthand knowledge back to us about what is going on and, also, to be able to give his firsthand knowledge.

I tell you what. We are so blessed to have so many young great Americans coming up, and we appreciate you Trevor. Thank you so much.

We are doing good. Everything is working good and I think we will move forward.

Any questions for the agency?

(No response.)

JOE SPRAGGINS: Going to the CARES Act, Rick, do you want to do it?

Traci is not here, is she?

RICK BURRIS: She is not here. Fortunately, Traci's birthday is tomorrow so she took a couple of days off, but I do have some of the update, if you want it.

All the applicants have been processed. We
received two hundred and eighty-four, and two hundred and fifty-two were found eligible.

Right now, staff is working on the numbers on the individual payouts per category and we should have that finalized by the end of the week to get that to Gulf States for them to start processing.

JOE SPRAGGINS: We are hoping -- one of the things NOAA asked us back in June was could we get this ready by September and have it in the people's hands by September. We have been ready since September.

We are fighting it for them very hard. One of the goals I had was trying to get it in their hands before Christmas. I don't know if that is going to happen, or not, but we are trying every way we can.

Any questions on CARES?

COMMISSIONER DANIELS: Sounds good.

JOE SPRAGGINS: Bonnet Carre.

RICK BURRIS: We have been telling you for quite some time that it is still sitting with the Office of Management and Budget.

I did receive some comments between the past two meetings and we addressed those. They were minor comments.

As far as the scope of work goes, we just had to address some work verbiage here and there, but nothing
changed with the project. Nothing changed with the funding amount.

We sent that back to them very promptly. There is maybe a little bit of movement, but there is still no foreseeable end in sight. It is still with the Office of Management and Budget.

JOE SPRAGGINS: Any questions on that?
COMMISSIONER DANIELS: I don’t think so.
JOE SPRAGGINS: Thanks, Rick.

One other quick update. Neal McMillin who was part of Senator Wicker’s staff in Washington has now taken a job with the State of Louisiana and he is working over there with them with their wildlife, basically with their RESTORE Act, and one of the things that we have come forward with -- I know y’all have heard me mention before the Ama and the Union diversions, the ones that are up north of the Bonnet Carre that could possibly help us alleviate a lot of the Bonnet Carre openings, or, at least, the amount of time and the flow of water.

They are very hard wanting to push forward with it. Neal is pushing that for us and they are wanting to push forward with it. Louisiana is wanting to do it and we are wanting to get onboard.

We are working with the Governor. I have got to get with him and explain it to him because I want him to
know what we are looking at.

Hopefully, maybe sometime in this next year the Corps will fund a study to see what these actually would do and what it would take to build them so we can get something moving forward on that. That would be a great thing for us.

COMMISSIONER DANIELS: Do those go out the east side, or the west side, of the river?

JOE SPRAGGINS: The Ama goes to the west. The Union goes to the east. Both of them are north of the Bonnet Carre and they both go into what we call Cypress forests.

The Ama would relieve fifty thousand cubic feet per second. The Union twenty-five thousand cubic feet per second. When they reach one point two five and one point zero, I think, is what the numbers are as far as cubic feet per second at the gauges.

Also, what it would do, especially -- just take the Union. Even though it is going to divert it to the east and it is going to eventually get in the water system, it is going to go into a Cypress forest. When it goes into the Cypress forest, it is going to take all the nutrients and all out of it, and, then, when it does seep into Lake Pontchartrain it is going to be at a very reduced rate and a long time to get there and it will be a
lot cleaner water than it would have been. It can do nothing but help us.

The study that was put out in 2019 by the scientists at Tulane said that if it had been in effect in 2019 we could have cut anywhere from thirty to forty-five days of the operation of the Bonnet Carre and a lot of the flow of the Bonnet Carre. That could have really saved us, especially in that time.

COMMISSIONER DANIELS: That is the difference between having a busted pipe and a leaking pipe.

JOE SPRAGGINS: It is a lot different.

Any other questions on that?

(No response.)

JOE SPRAGGINS: Actions update, Sandy.

SANDY CHESNUT: This actions update covers what would have been discussed in November, but that meeting was canceled.

Going back to October, there a motion to recommend that the Director approve the Chevron Products permit for maintenance dredging in Bayou Casotte in Pascagoula, and that would be contingent upon water quality certification from MDEQ, once the previous authorization expired on November 15th.

There was a motion to recommend approval of an after-the-fact general permit and a restoration plan for
Vernon Ewing in Young Bayou in Pass Christian. There was no fine associated with that. It was approval of requested piers, removal of the unauthorized portion of the pier and a wetlands vegetation regrowth plan.

There was also a motion to the Executive Director that the new format and changes to Title 22, Part 6, be sent to the Secretary of State’s Office for Notice of Intent.

Director approved all the motions as recommended, and Title 22, Part 6, is on the agenda for final adoption today.

At the Special Called Meeting on November 12th, the motion was to cancel the November 16th meeting due to the inability of all the Commissioners to attend on November 16th. So all of those agenda items were brought over to today.

Then, there was a motion to move the December 21st meeting to December 14th to accommodate the Christmas holidays.

Those motions both passed unanimously.

There was one pending item from the September meeting. The proposed no wake zone at Popps Ferry was tabled so that they could get additional information on the possibility of extending the requested zone further west to include the Anatole Bay marina, and that is on the
agenda today as well.

That is it.

JOE SPRAGGINS: Any questions on the motions?

(No response.)

JOE SPRAGGINS: The only other thing that I have is I hope each and every one of you have a very Merry Christmas and a Happy New Year, and we look forward to 2022. I think it is going to be a great year and we look forward to it.

Sir, that is my report.

COMMISSIONER DANIELS: Thank you, Director.

Do we have anything from any of our Commissioners?

(No response.)

COMMISSIONER DANIELS: That was easy.

Chief, are you ready to take the stand?

KYLE WILKERSON: Yes, sir.

I hope everyone is well, Commissioners, Director, Ms. CHesnut.

November is historically considered a slower part of the year for Marine Patrol due to the fact that there are not as many boaters, but this particular November was rather busy. The men and women of Marine Patrol stayed pretty diligent on doing their job and, also, with being proactive in the cause itself.
We had eleven hundred stops in November and,
also, we had one really that just sticks out at me, the
 crab pots in the marked channel. That was in Graveline.
Three different fishermen. That was rectified. We moved
them out of the channel. I think they were cited for
blocking the channel itself.

We had a commercial activity in the Back Bay.
It was around Ascot Point. It was gigging and they didn’t
have any recreational license. They only had commercial
license. That was a good pop. That is how we call it.
Other than that, we had one failure to register
with Tails n’ Scales and, also, undersized Red Snapper.
I can entertain any questions that you have.
COMMISSIONER DANIELS: Did I see a gill net on
here?

KYLE WILKERSON: Yes, sir. They were cited for
having a gill net in a marked channel. You cannot
transport a gill net in a marked channel.

COMMISSIONER DANIELS: Any other questions?

(No response.)

COMMISSIONER DANIELS: Thank you.

KYLE WILKERSON: What we have, now, is we are
going to talk about no wake zones. Captain Mike
Strickland, he will advise you on what he has found.

COMMISSIONER DANIELS: Thank you, Chief.

Lucille Morgan, CSR 1251
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KYLE WILKERSON: Mike.

MICHAEL STRICKLAND: Good morning Director, Commissioners, Ms. Chesnut.

I am going to talk about the no wake zone proposal that was tabled at the previous meeting for consideration to expand what the City of Biloxi and Harrison County had originally proposed.

This is an aerial view of the Popps Ferry causeway, Popps Ferry bridge, boat launch and on the right-hand side of the screen, Anatole Bay.

That is a view from the north looking south at the boat ramp at Popps Ferry (indicating photograph).

Affects to boaters.

Vessels traveling from the proposed two hundred feet north of the public ramp to the proposed two hundred feet south of the public ramp will be at idle speed for about one minute and twelve seconds.

Vessels traveling from the proposed eight hundred and fifty feet west of the drawbridge to the proposed three hundred feet east of the drawbridge will be at idle speed for two minutes and seventeen seconds.

There is not a lot of disruption to the normal flow of traffic.

Special considerations.

The kayak rental vendor located near the
northwestern abutment of the Popps Ferry bridge.

The residents of Anatole Bay and their personal property. There are a lot of moored vessels that you can see from that photograph we had. There are a lot of moored vessels in the area.

There is also commercial barge traffic. The consideration there is that those barges must maintain a certain course and speed, in order to make that turn safely and to be able to navigate that bridgeway. They may be above idle speed in order to make that maneuver.

Recreational public utilizing the public accesses along the causeway. A lot of recreational traffic there, a lot of fishing from the bank in that area, and it is also a very high traffic area for boaters.

There is a convergence of two channels on the western side of the bridge. If you are traveling from the east going west under that bridge, if you are going to make a right-hand turn to the north at certain times of the day, especially at sunset, the sun setting in the west, it creates blind spots. It will be much safer, if a no wake zone is proposed for that area.

There is a photograph. You can see in red the areas of the proposed no wake zone starting on the eastern side of the drawbridge and extending west, and, then, if you travel north you will see the second section there for
where the actual boat ramps are.

Staff recommendation.

The Office of Marine Patrol recommends the establishment of a no wake zone for the specified location, based upon the proximity of the convergence of the two channels in relation to the public access areas in which people fish, boat and socialize.

COMMISSIONER DANIELS: The city and county were happy with extending that to include Anatole Bay?

MICHAEL STRICKLAND: Yes, sir. They accepted the recommendations.

COMMISSIONER DANIELS: I will make the motion to pass this, if we don't have any questions.

COMMISSIONER GUESS: I'll second it.

COMMISSIONER DANIELS: All those in favor?

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: Aye.

The no wake zone passes.

MICHAEL STRICKLAND: Thank you.

COMMISSIONER DANIELS: Thank you.

KYLE WILKERSON: Mr. Chairman, may I clarify that question, once again, about the gill net itself?

COMMISSIONER DANIELS: Yes.

KYLE WILKERSON: I didn't advise you that
untagged gill nets, illegal gill nets, if they are in a marked channel, you will get cited for them, also.

COMMISSIONER DANIELS: Thank you.

KYLE WILKERSON: Thank you.

COMMISSIONER DANIELS: Office of Coastal Resources Management. It looks like we have James Davis up first.

JAMES DAVIS: Good morning. I’m James Davis with the Bureau of Coastal Preserves.

What we have is an update to Title 22, Part 19, Use of State-owned Coastal Preserve Areas.

On September 21st, 2021, the Commission recommended to the Director that the new format and changes to Title 22, Part 19, be sent to the Secretary of State’s Office for Notice of Intent.

The Executive Director approved the recommendation and the proposed regulation was filed with the Secretary of State’s Office on September 24th, 2021.

Notice of the proposed regulation was published in the Sun Herald on October 6th, 2021, and the notice of proposed regulation was also posted on the MDMR website on October 5th, 2021.

As seen here, this is proof of publication (indicating slide).

Public comments were due to the MDMR by 5:00
p.m. on October 29th, 2021. No public comments were received.

We recommend a motion be made to the Executive Director that the changes to Title 22, Part 19, be forwarded to the Secretary of State's Office for final adoption.

COMMISSIONER GUESS: I'll make a motion.
COMMISSIONER ROBERDS: I'll second the motion.
COMMISSIONER DANIELS: All those in favor?
COMMISSIONER GUESS: Aye.
COMMISSIONER ROBERDS: Aye.
COMMISSIONER DANIELS: Aye.
Motion passes.
JAMES DAVIS: Thank you.
COMMISSIONER DANIELS: Thank you.

MATT MURPHY: Good morning. My name is Matt Murphy and I have a violation and after-the-fact general permit for Mr. David Wheeler.

It is on the Tchoutacabouffa River on Carls Cove in Biloxi.

Here is just an aerial of the location with the white arrow showing where it is going to be relative and that is the Promenade to the southeast.

Essentially, they put in an application for
forty feet of bulkhead repair for a storm that had damaged that section, but during the permitting process before they had received the permit, the contractor constructed that forty-foot section.

All they are proposing is to keep the forty-foot section that was already repaired.

There is a bit of a timeline with this one. We received the initial application. About a week later, we conducted a site inspection to look for the damaged section. We, then, coordinated with the Secretary of State’s Office to make sure that they were okay with it being replaced in the same footprint.

The Secretary of State’s Office responded saying they would like more info and that they will meet the applicant on site.

Couple of days later, we received another email from the Secretary of State’s Office saying that Mr. Wheeler had told them that the bulkhead had been reconstructed already and that the contractor claimed to Mr. Wheeler that he had already received the permit from MDMR.

A few weeks later, the Secretary of State’s Office met with the property owner and they made the following statement that it is the Office’s opinion that they made no encroachment and that the office would not
have objected and does not object to the construction of the bulkhead at, or landward, of the existing bulkhead footprint.

Their observation is also that the bulkhead as constructed does not encroach on the Public Trust Tidelands.

A week later, we went for a second site inspection just to double check everything and get some additional information and pictures.

On December 1st, we talked to Mr. Wheeler to formally inform him of the violation and that he would need to submit modified information to continue as an after-the-fact permit application, and we got that information that same day within a few minutes.

Here is a picture of the section that was replaced and here is an aerial from Mr. Wheeler showing the forty-foot section to be repaired, and, then, just a slightly zoomed-in photo of that forty-foot section.

The staff of the Department of Marine Resources has conducted an evaluation of the structure.

Staff recommends no fine for the property owner and there were several reasons for this.

The property owner had already submitted an application for the work to be conducted.

This bulkhead was in the process of being
permitted and would have been permitted as a general permit anyway.

The property owner claims he was under the impression that the permit had been issued already.

The property owner has been very cooperative and has responded to DMR's requests pretty much immediately.

Staff also recommends approval of the requested bulkhead repair.

Staff recommends a motion that the Commission recommend that the Executive Director approve the after-the-fact general permit.

Any questions?

COMMISSIONER DANIELS: Do y'all have any questions?

(No response.)

COMMISSIONER DANIELS: Do you want to say anything, Mr. Wheeler?

DAVID WHEELER: It’s not necessary.

As he said, Johnny Gill was the contractor on it and he told me he had the permit. After he told me he had the permit, he started work. If I would have known he didn’t have the permit, then, I would have contacted DMR.

I met Ray Carter out there and it was just a bulkhead that has been there before we bought the property in 1995 and we were just replacing that section that was
damaged.

JOE SPRAGGINS: Mr. Wheeler, once again, I think the lesson is learned here. I know you've got a lot of property there. In the future, make sure that contractor has the permit.

DAVID WHEELER: That is the first thing I will do.

COMMISSIONER DANIELS: Do we have a motion to approve?

COMMISSIONER GUESS: I'll make the motion.

COMMISSIONER DANIELS: I'll second it.

All those in favor?

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: Aye.

MATT MURPHY: Thank you.

GREG CHRISTODOULOU: Good morning. I'm Greg Christodoulou, Bureau of Wetlands Permitting. I have the next two agenda items.

The first is a violation, after-the-fact general permit by Mr. Marty Sahuque. It is located toward the upper end of Bayou Caddy in Hancock County. It is in the General Use District.

The yellow dot indicates the location of the project and this is just a zoomed-in aerial.
The project basically was the unauthorized construction of the sixty-by-five pier and forty-six feet of that structure was over tidal/tidally-influenced marsh and it was actually constructed too low according to the General Permit Guidelines.

The General Permit Guidelines basically say it has to be as high above the mud line as it is wide.

The structure is five foot wide. It is only about two, two-and-a-half, feet above the mud line currently.

It does have the potential to damage Coastal Wetlands vegetation.

He is also requesting authorization for a couple more piers to kind of L the structure off.

The current proposal is to raise the unauthorized pier to the permitable height and allow natural recovery of any damaged vegetation.

Here is a diagram of the structure. This is the area that was unauthorized and this is what he is requesting authorization for now, as well.

Here is a photo of the site. You can see that it is fairly low. However, we don’t think there has been too much damage to the vegetation. It is coming through the spacings of the pier.

Here is another photo closer toward where the
land and the marsh meet.

The chronology on this one is on October 12th, 2021, a potential violation was called in and a site visit showed an unauthorized pier over tidal/tidally-influenced marsh was constructed.

We received an application for after-the-fact authorization two days later.

On December 3rd, 2021, we mailed a notice that the violation would be presented at this meeting.

Mr. Sahuque was not able to attend today.

As far as our penalty range goes, we have a violation that was discovered October 12th. We did get the application two days later.

We are not recommending a fine at this time. The maximum fine could be a thousand dollars and a fine would be enforced if Mr. Sahuque does not make the modifications to the pier to bring it back within the general permit guidelines within a hundred and eighty days, and the property owner has been very cooperative. He submitted the application very quickly and he is willing to bring it into compliance with the general permit guidelines.

The recommendations are pretty long, but we are not recommending a fine for the property owner as long as he modifies the pier to fit the general permit guidelines.
within a hundred and eighty days.

The fine of a thousand dollars will be enforced, if he does not meet the deadline and that would be due thirty days from the end of the hundred and eighty days.

We are recommending after-the-fact approval for the pier and the support pilings, with the requirement that it be brought in and be raised up another two-and-a-half to three feet to meet that height requirement, approval of the additional proposed piers and that any wetland vegetation that was damaged by the construction of the pier be given a year to recover, based on our guidelines for marsh restoration.

Like we said, should this work not be completed by the hundred-and-eighty day deadline, not only do we ask for the fine, but it will also be forwarded to the Attorney General’s Office for further enforcement as well as if this fine is not paid within thirty following the hundred-and-eighty days.

Staff requests a motion that the Commission recommend that the Executive Director approve the restoration plan and after-the-fact general permit, as well as the additional piers and, in the event the work is not completed, or the fine is not paid, that the matter be forwarded to the Attorney General’s Office for further enforcement.
Any questions?

COMMISSIONER DANIELS: He never even applied for a permit to build this pier?

GREG CHRISTODOULOU: No, sir. This was a situation where the pier actually had been constructed for over a year and there was a family dispute going on about access to this piece of property and, basically, a family matter started going back and forth, and a family member actually called them in on this, even though it had been going on over a year.

COMMISSIONER DANIELS: He was trying to build it and slide it in under the radar without saying anything.

How much does this permit cost?

GREG CHRISTODOULOU: Fifty dollars for an application for residential permits.

COMMISSIONER ROBERDS: I've got a question and a comment.

COMMISSIONER DANIELS: Go ahead.

COMMISSIONER ROBERDS: The mud line right now, is that to the bottom horizontal member, the five feet?

It says five feet wide.

GREG CHRISTODOULOU: Yes.

COMMISSIONER ROBERDS: So he’s got to go up --

GREG CHRISTODOULOU: (Interposing) He has got to go up about two to three feet and he also has the option
of his stringers. The decking boards go out a little bit past the stringers. So he can shave off some of that excess on the outside of the stringers and reduce how much he will have to raise it up.

COMMISSIONER ROBERDS: Looking now, it looks like he would have to pull the pilings out and redrive the pilings.

GREG CHRISTODOULOU: He thinks he can get it done without doing that.

COMMISSIONER DANIELS: Have our people measured this to verify that?

GREG CHRISTODOULOU: Yes. They have been out there. A former employee had this project, but initially I was out there with him, or initially I was out there. The second time I didn’t make it out there, but they felt at the time that it could be raised without having to pull the pilings.

COMMISSIONER ROBERDS: Here is my comment, too. These contractors, they know better.

GREG CHRISTODOULOU: I don't know if this was a contractor that built this. I don’t know if this was done by the property owner, or if he actually had a contractor.

COMMISSIONER ROBERDS: It looks like some pretty legit carpentry work, some machinery and stuff involved.

COMMISSIONER DANIELS: I'm with Commissioner
Roberds on this. I don't understand why everything is always after the fact and we never assess fines on any of this stuff. I mean, this guy blatantly was trying to build something without pulling a permit. It's not like the permit costs a lot of money. He put a lot of money in here to not pull a fifty dollar permit.

Do y'all want to make a motion to approve?

I would like to see a fine assessed.

COMMISSIONER ROBERDS: I think that we just need to be sure that we go back and check that he is within compliance, when he goes for the second round. He is going to spend a pretty good bit of money doing it.

I don't know if he can do it without driving new pilings, unless he really cuts those deck boards in.

COMMISSIONER DANIELS: Do we have a motion to approve?

COMMISSIONER GUESS: I'll make the motion.

COMMISSIONER ROBERDS: I'll second it.

COMMISSIONER DANIELS: All those in favor?

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: All those opposed?

Aye.

Motion passes.
Coastal today is a permit request by Mr. Kevin Courville.
It is located on St. Louis Bay at 122 Sweet Bay Drive in
Pass Christian. It’s in the Timber Ridge Subdivision. It
is in the General Use District and the agent is Mr. Jim
Bradley.

The applicant is requesting to add an additional
twelve hundred and fifty-four square feet of shading to
unvegetated waterbottoms.

Mr. Courville has acquired a new vessel that he
wants to dock at his residence. It is approximately
forty-six feet long and that is without any outboards, or
flying bridges, or anything of that sort, and he is also
requesting two mooring pilings.

Mr. Courville was previously authorized, back in
2014, for boathouses and piers housing three other vessels
totaling two thousand twelve square feet.

The location of the project. Here is the bay,
122 Sweet Bay, and here is the location of the project
right here. So this is the structure (indicating slide).

Mr. Courville is requesting to add the addition
to this side. So it would be within his property lines
(indicating slide).

As far as environmentally goes, this entire
shoreline is bulkheaded currently. It is a very high
energy environment on the bay. There is no marsh within a
quarter mile of this project. There has been no SAV ever reported along this stretch of shoreline. Environmentally, we are not really concerned about the additional shading, shading out anything of any importance.

Here is a look from the land at Mr. Courville's current structure. Again, the new structure will be on this side (indicating photograph).

Just kind of a shaded version of what is existing in the green and what is proposed in the yellow. You can see the addition (indicating drawing).

Initially, the new addition was actually going out farther. Due to a comment from an adjacent property owner, he did have it designed to move it in closer to the bulkhead so it would not stick out as far, but he could not bring it as far in as he probably would have liked to because that would have required dredging for the boat depth to be accommodated.

In our office, in Permitting, we would rather see people drive pilings and pier out than actually doing dredging which is more environmentally not as friendly.

The project did appear in The Sun Herald on public notice.

We did not receive any public comments. The adjacent owner to the right side which would be the east
side did object and the comments, I have kind of summarized here, that the roofline does extend farther into the bay than the existing roofline, the purpose for the two mooring pilings that are located on the side and are the new neighbors aware of the proposed additions.

When we sent this project out to the adjacent property owners, during this time, one of those adjacent property owners moved away. So they had new owners.

What I did was I tracked down the new owners and was able to get in contact with them. Spoke to them and sent them emails, and they have responded and they are okay with the project. In fact, they have sent me signed Adjacent Property Owner Authorizations and signed off on the drawing plans for Mr. Courville.

The response from Mr. Courville to the adjacent property owner; the roofline does not extend past the commenting neighbor’s roofline.

Right now, the roofline that he is proposing, it does extend past his current roofline, but not his entire structure. He does have a fishing deck on the waterward side of the structure, but it does not extend past that.

The reason for the mooring pilings is to tie up the newly purchased boat in case of a storm, or high tide events. You don’t want to keep it in a lift. You don’t want to damage the boat. You don’t want to damage your
boathouse. So it is going to be tied off in those types of situations. It won’t be permanently there.

Also, at that time, he verbally informed the new neighbors and, like I said, we have contacted them and informed them of the new addition.

I did contact the adjacent property owner who made the complaints and told him about the Commission meeting and he was not going to be able to attend today, but he wanted to reiterate that he is worried about his view, he is worried about it decreasing his property value.

Archives and History had no comments.

Secretary of State no comments.

Staff recommendation is that the Department has made findings with the decision factors under the Coastal Program and the project would allow the owner to exercise his riparian rights to construct an additional boathouse and associated piers to berth a newly-acquired vessel at his property.

The covered areas have been reduced to direct coverage of the vessel so there is not, like, a party deck, or anything like that. It is for accessing around the boat and housing the boat.

Staff recommends issuance of the permit contingent on Water Quality Certification from DEQ.
The motion is to recommend approval of Mr. Courville’s request for a permit to construct an additional twelve hundred and fifty-four square feet of structures and two mooring pilings. The total of the entire structures would be three thousand two hundred and sixty-six square feet which would be a new precedent for residential construction.

COMMISSIONER DANIELS: I see Mr. Bradley is here. Did you have anything you wanted to add?

JIM BRADLEY: Well, I would like to say this. When we went through this several years ago, these same neighbors complained and wanted us do what we put up.

After we did everything, they came over, said it was beautiful, they loved it and winded up building one, and everything they are saying, or complaining about, when they built their deckhouse, they did to their neighbor.

We have worked with Greg. I have done everything, when the neighbors would change it, the best we could. We would even change it and go further back, but we are afraid the bulkhead is going to fall in.

We have really worked hard to get where we are on this, and, then, on top of that, the neighbors are putting their house for sale. They made an offer on a house in Bay St. Louis which they forgot to tell Mr. Greg.

COMMISSIONER DANIELS: You pulled the permit.
before you started the work?

    JIM BRADLEY: Yes, sir.

    COMMISSIONER DANIELS: Good job.

    JIM BRADLEY: And the other neighbors who lived there who sold, they were for this project, also.

    COMMISSIONER DANIELS: Have we got any more questions?

    COMMISSIONER ROBERDS: I’ve got a question.

    What is the threshold of square footage, maximum square footage?

    GREG CHRISTODOULOU: The current threshold is two thousand six hundred and, I think, thirty-seven.

    COMMISSIONER ROBERDS: It is my opinion that if you are brave enough to build something that size and not be able to insure it, that is your prerogative. You can’t insure it, if it is that large.

    GREG CHRISTODOULOU: We don’t really do this lightly. We look at the need for an individual, if they actually have a need for housing a vessel, not just additional square footage so we can have a party deck so we can have big get togethers and sit a bunch of people out there listening to music. That type of thing.

    This is actually for housing a vessel and not just for partying.

    JOE SPRAGGINS: This is also non-vegetated areas.
GREG CHRISTODOULOU: Yes, sir.

JOE SPRAGGINS: What we are talking about is not for any other area. It is just for non-vegetated areas.

GREG CHRISTODOULOU: That’s correct.

If this was going to shade any marsh, or anything like that, or SAV, that is not something we would recommend approval of. This is just mud bottom.

COMMISSIONER DANIELS: This is in my backyard. I think it is a good-looking project. It is not like they are going way high up in the air where they are blocking everybody’s view.

GREG CHRISTODOULOU: They have to be limited to that twenty-five foot above mean high tide.

COMMISSIONER GUESS: I’ll make a motion to approve.

COMMISSIONER DANIELS: I’ll second the motion.

All those in favor?

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: Aye.

Motion passes.

Thank you.

COMMISSIONER GUESS: I know Mr. Wheeler left.

COMMISSIONER DANIELS: Yes.

COMMISSIONER GUESS: Can I just ask a question?
COMMISSIONER DANIELS: Yes.

COMMISSIONER GUESS: I know he said that he submitted the application for the permit and the contractor said he had the permit.

Would the contractor have been sent the permit, or would the person who submitted the application receive the permit?

MATT MURPHY: There is a form that they can fill out called “Agent Authorization Form” where if that box was checked, we would send it to the agent, but the applicant would have to sign off on that form anyway for it to be valid.

I can’t entirely remember. I think we would have sent it to the agent, in this case, but, unfortunately, the reason why we didn’t recommend a fine for this one is actually during this process the agent, the contractor actually passed away. So we didn’t recommend a fine.

COMMISSIONER GUESS: I’m just curious. In the future, if a contractor says that they received the permit and it wasn’t issued --

COMMISSIONER DANIELS: (Interposing) Then, they are held liable.

COMMISSIONER GUESS: Should they be held accountable for that and not necessarily the applicant?
JOE SPRAGGINS: Cam, you probably talk about this than any of us, but if you build on a piece of property, it is the property owner’s responsibility.

In other words, if you are building for me and I own a piece of property, it is my problem to make sure that I meet all the rules and regulations.

Right?

COMMISSIONER ROBERDS: You are the owner, but, at the end of the day, the contractor is a representative. So we have responsibility as well.

JOE SPRAGGINS: But when they come down to it, zoning and everybody is going to come down on me, not on you.

Right?

COMMISSIONER ROBERDS: If the contractor is working without a permit, then, I feel like he has the responsibility.

He has skin in the game. If he is out there doing the work knowing that it is not permitted, or just not actually looking at the permit physically, then, it is my opinion that they should be held accountable in some form.

COMMISSIONER GUESS: I’m not saying change what we already set Mr. Wheeler’s property.

It is just in the future, if the contractor is
telling the homeowner I have a permit and he doesn’t, then, I feel like the contractor might be held accountable in the future.

JENNIFER WITTMANN: Legally, we can hold both the property owner and the contractor who constructed the structures and we have, in the past, charged fines to contractors who knew they needed a permit.

Like Matt said, the reason we didn’t in this case is because he has passed away. We probably would have recommended a fine to him in other circumstances.

COMMISSIONER GUESS: Well, that makes sense.

COMMISSIONER ROBERDS: We are talking marine, but in the commercial, or most of the time in the residential world, if you are renovating, or a new project, you have to have a contractor pull your permit.

COMMISSIONER GUESS: Okay.

COMMISSIONER DANIELS: I think we dealt with kind of the same thing in August, or September, where they had an incorrect footprint, and it keeps coming up. It seems like we just approve after-the-fact and let them go on with it.

JOE SPRAGGINS: Commissioners -- maybe, Sandy, you would have to be involved in this -- if there is some rule change that we need to do, but I think if you listen to Commissioner Roberds, especially since he is a builder,
it sounds like to me that both of them ought to be at fault.

In the future, maybe there is something we can look at to say that if it is an after-the-fact and he did not do it, the fine will be split fifty-fifty to the two of them, or something like that.

Just because the contractor didn’t do the job, I hired the contractor and it is still my responsibility. It is the responsibility of both of us. Maybe we could look at this in the future.

Sandy, we will ask you to look at that, if you can.

JENNIFER WITTMANN: It is always a debate that we go through. When we have our pre-Commission meetings and discussions, it is always a debate. We try to look at all the different factors. Have they been cooperative? Do we think they did it on purpose? Do we think it is the contractor’s fault?

There is so much that goes into it. Are they going to have to spend money?

Like, Mr. Sahuque. He is going to put money into altering his pier. That was one of the reasons we didn’t recommend a fine on top of that, but we did hold onto if he doesn’t actually do the work, the fine will be applied.
It is hard to balance all of those things. We always have a discussion.

COMMISSIONER GUESS: I think, in some cases, we are more compassionate about it, but had he come in and applied for a permit he would have been told not to build it a foot above the vegetation.

JENNIFER WITTMANN: Right.

COMMISSIONER DANIELS: It is one of those things. It's like, yes, we understand they are going to have to put money into it, and I'm not trying to be ugly about it, but I mean there is a process, and that is what is presented to us.

Right?

JENNIFER WITTMAN: Right.

COMMISSIONER GUESS: We only see what you guys present to us and it is, a lot of times, after the fact. It just seems like we let people get away with it, and I understand the compassion behind it and I'm in agreement to a certain extent, but maybe it should be a set fine, if it is after the fact, whether you knew, or didn't know, or whatever, because this causes you guys to have to go back out and recheck, and it is time and energy and money that the State is paying for. I mean, there should be something in place that holds them accountable. I don’t know what that is, but that is just my opinion.
COMMISSIONER DANIELS: I think that other one is just a whole different animal. He never even made an attempt on that one.

COMMISSIONER GUESS: Yes.

JENNIFER WITTMANN: Thank you.

COMMISSIONER DANIELS: Thank you.

Office of Finance and Administration, Ms. Leslie.

LESLIE BREWER: Good morning Director, Commissioners, legal.

I’m Leslie Brewer, CFO. I will be presenting the financials for the month ending November 30th, 2021.

At the end of November, our State Revenue was four million. Our Total Agency Revenue was sixteen point nine million.

Our State Net Income was one point five and our Agency Net Income was seven million.

After five months of fiscal year 22, we have ninety-two percent of the Operating Budget remaining and the Tidelands Budget is at eighty-two point five percent.

Any questions?

COMMISSIONER DANIELS: Everything is black. Looking good. Thank you.

LESLIE BREWER: Thank you.

COMMISSIONER DANIELS: Ms. Charmaine.
CHARMAINE SCHERMUND: Good morning
Commissioners, Director Spraggins, Ms. Chesnut.

The Mississippi Department of Marine Resources was mentioned twenty-six times in local, state and national media since the October MACMR meeting.

News items included artificial reefs restoration project, Mississippi’s oysters and applications for the second round of CARES Act assistance opening.

Marine Patrol participated in various events in October and November. These events included Career Days at Pass Road Elementary School in Gulfport, Vancleave High School and Ocean Springs High School, Safety Day at East Central Middle School, Biloxi Police Department’s Festival against Crime, the City of Long Beach’s Night Out Against Crime, the Community Kindness Event in Pass Christian and the Fishing with Buddies Program that was held in Gulfport.

Marine Patrol and the Artificial Reef Bureau both participated in Pathways 2 Possibilities at the Mississippi Coast Convention Center November 17th and 18th. The event featured nearly seven thousand eighth grade students from across Mississippi learning about various career paths.

Matt Hill, Director of the Finfish Bureau, accepted the 2021 President’s Fishery Conservation Award
at the National AFS meeting in Baltimore, Maryland. The award was received on behalf of the Mississippi Tails n' Scales Red Snapper reporting system.

The DMR IT team supported the ninth annual Mississippi Geospatial Conference at the USM Gulf Park Campus in Long Beach. This conference is a statewide annual conference that brings together geospatial scientists with multiple disciplines, including geographic information systems.

The Grand Bay NERR hosted a Paddle the Gulf kayaking event on October 10th where participants toured the salt marsh on Bayou Heron. Ayesha Gray and Kim Cressman presented at the Coastal and Estuarine Research Federation Conference in November.

The NERR set up an outreach booth at the Jackson County Fair during the week of October 17th through the 23rd. The booth highlighted fisheries, coastal restoration and prescribed burning.

On October 27th through the 29th and November 29th and 30th, Avery Beck and Jennifer Cumbest visited St. Martin Schools teaching gifted students in various grades a marine debris lesson, looked at microfibers under microscopes and discussed being better consumers with the four R’s.

NERR staff visited Gulfport High School and
Jackson Elementary School in Pascagoula, as well as hosting biology students from Ocean Springs High School for a field trip and kayaking with Jackson County Civic Action Committee’s Head Start Program.

The Mobile County Public School’s Environmental Studies Centers’ Raptor Road Show also came to the Grand Bay NERR for an evening family event on November 22\textsuperscript{nd}. They brought raptors native to the Mississippi Gulf Coast for the NERR community to have an up-close educational encounter. Guests saw various owls, hawks and a bald eagle.

The NERR hosted their annual Star Party this past Saturday for watching the Geminids Meteor Shower. The event included a hayride, crafts, owl walk, cookie decorating and viewing the meteor shower.

COMMISSIONER DANIELS: Thank you for that.

Now, we are on Marine Fisheries, Jason.

JASON SAUCIER: Good morning Commissioners.

Item K.1. I am going to be presenting to you for final adoption, Title 22, Part 6, Rules and Regulations for Live-Bait Related Activities.

On October 12\textsuperscript{th}, 2021, the Commission recommended to the Executive Director that the new format and changes to Title 22, Part 6, be sent to the Secretary of State’s Office for Notice of Intent.
The Executive Director approved the recommendation, and the proposed regulation was filed with the Secretary of State’s Office on October the 14th, 2021.

Notice of the proposed regulation was published in The Sun Herald on November 5th, 2021.

Notice of the proposed regulation was also posted on the MDMR website on October 14th, 2021.

Theses are proof of our notices. Secretary of State Notice of Intent there, website notice and the affidavit of publication from The Sun Herald (indicating slide).

Sorry about that highlight there (indicating slide). We just wanted to make sure we didn’t receive any public comments and we have not. Public comments were due by November 8th of 2021.

Staff, at this time, would like to request a 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.

I will take any questions.

COMMISSIONER DANIELS: Any questions?
(No response.)

COMMISSIONER DANIELS: I’ll make a motion to approve.

COMMISSIONER ROBERDS: I’ll second the motion.
COMMISSIONER DANIELS: All those in favor?
COMMISSIONER GUESS: Aye.
COMMISSIONER DANIELS: Aye.
COMMISSIONER ROBERDS: Aye.
JASON SAUCIER: Thank you, and I will be presenting on the next one, changes to Title 22, Part 2, Rules and Regulations for Shrimping.

As with all of these regulation updates, we are alphabetizing definitions, removing wording that was already covered in Mississippi Code. We are referencing the applicable State statute, updating the format to “Rules” and “Sources” to conform with the format prescribed by the Secretary of State, and, then, in the case of Part 2, we removed saltbox definition and the prohibition was removed from the regulation, and we clarified the language on trawl area closures.

I will get into our substantive changes, Chapter 2, which is the definition section of the regulation. We removed 102 SALTBOX. It is no longer needed because we are proposing removal of that prohibition.

Moving on to Chapter 3, Closure Areas, Rule 3.2 is new and we are proposing that rule to state:

“Commercial and recreational shrimping in Mississippi territorial waters with any type of trawl shall be limited to those
areas and seasons defined in Mississippi Code 49-15-64.1.”

Just to kind of outline the reason for that, we previously included language that was already stated in State statute in paragraphs 100 and 101 of the current rule and these rules describe the permanently closed areas, as well as defined our inside waters which close every year at the end of December. Since those closure areas are no longer to be described in regulation, we have added the generic language you see here that references the applicable State statute.

The actual descriptions are still in statute. We are just removing redundant language.

Moving on to Chapter 4, Rule 4.4, we did slightly modify that rule simply just to reference the new numbering there in the particular rule that is applicable here. That is the only change. So the line described in Rule 4.1 rather than the previous Chapter 5.

Still in Chapter 4, Rule 4.5, we added some language here to clarify a little bit which gear types this applies to and we recommended adding the cast net language at the end there to further clarify that they are exempt from the seasonal closures.

We do routinely receive questions from the
public asking me if they can use cast nets for shrimp
harvest in closed areas. So we hope this will clarify it.
I will read this rule to you.

“It shall be unlawful for any person, firm,
or corporation, to catch, or take, with a
trawl, attempt to catch, or take, with a
trawl, or to possess any shrimp taken
with a trawl from the waters under the
territorial jurisdiction of the State
of Mississippi that are closed to
shrimping by order of the MDMR, or by
State statute, provided, however, that
this chapter shall not apply to shrimp
catched legally by licensed live bait
catcher boats in areas open to live
bait shrimping, or any person catching
shrimp with a cast, or brille, net.”

Just to mention, before I give our request for
recommendation, we will have these on file with the
Secretary of State’s Office, all of these changes. The
Secretary of State will put it out for twenty-five days.
We will, then, come back to the Commission for final
adoption after public comment period and the MDMR will
provide a direct link on our website to the proposed
changes, including the final edited version of the
regulation.

At this time, staff requests a recommendation that the new format and changes to Title 22, Part 2, be sent to the Secretary of State’s Office for Notice of Intent.

I will take any questions.

COMMISSIONER DANIELS: I’ll make the motion.

COMMISSIONER ROBERDS: I’ll second the motion.

COMMISSIONER DANIELS: All those in favor?

COMMISSIONER ROBERDS: Aye.

COMMISSIONER GUESS: Aye.

COMMISSIONER DANIELS: Aye.

Motion passes.

JASON SAUCIER: Thank you.

COMMISSIONER DANIELS: Thank you.

TREVOR MONCRIEF: Good morning Commissioners. I will be presenting on Title 22, Part 9, today which is the statistical reporting and confidentiality of statistical data for Marine Fisheries.

Essentially, this is reporting requirements for commercial and recreational. So keep that in mind as we are going through.

Similar to what Mr. Saucier said, we removed wording that was already covered in Mississippi Code.

We referenced the applicable statutory and

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regulatory authorities.

We updated the format to “Rules” and “Sources” to conform with the format prescribed by the Secretary of State’s Office.

We added some new language and updated old language.

We did not have any substantive changes to Chapter 1 through 5.

We removed multiple chapters. Those include:

Chapter 7, the pet food landings reporting requirements.

Chapter 8, the Menhaden landings reporting requirements which are included in another chapter.

Chapter 10, oyster landings reporting requirements which are covered in shellfish’s portion.

Chapter 15, the Administrative Procedures Act.

We will start off with Chapter 6.

Rule 6.1. What we changed here is that each seafood dealer, or processor, is required to accurately complete Mississippi trip tickets using the electronic reporting system provided by the MDMR, and you also see in the last part of this, “are required to accurately complete Mississippi trip tickets provided by the MDMR and be in possession of a fresh product permit.”

That is going to be a theme throughout these for
both commercial and recreational, the accurate wording to make sure that what everyone is providing is going to be truly representative of what they have caught.

Rule 6.2. A completed Mississippi trip ticket is only required for the initial point of sale of the seafood product. All completed trip tickets must be submitted to the MDMR on, or before, the tenth of each month for actual transactions from every commercial fisherman during the proceeding month. A trip ticket summary form that states the total trips taken (including zero trips) -- if no trips are taken, they still need to let us know that -- in a given month must be submitted by the tenth of each month.

Rule 6.3. It individually listed every single thing that needed to be filled out on a trip ticket. In order to shorten this up and to clarify it a little bit, we added the sentence at the end:

“All applicable fields on a trip ticket must be filled out completely. The seafood dealer, processor, or fisherman is required to verify the accuracy of the tickets before electronic submission” -- now we have the updated electronic submission through vessel -- “or by signing each paper ticket.”

Rule 6.4. You can see this is where the
Menhaden reporting requirements land. It says:

“Menhaden processors must provide
information on catch in accordance
with the requirements of the National
Marine Fisheries Service”,

which is where they regularly report their catches to.

The next one we have is Chapter 7, Bait Operator Landings Reporting Requirements. Jason Saucier touched on this, but this is just to put it in this part.

Rule 7.1:

“Daily records on catches and sales of
live bait shrimp must be kept and be readily available at the camp location.”

Rule 7.2.

“Monthly records on catches of live bait shrimp and sales of bait, including shrimp, croakers, chum, squid, crabs, bull minnows, and other bait products must be reported on forms furnished by the MDMR and submitted to the MDMR on a monthly basis.”

Rule 7.3:

“Live bait dealer reports must be postmarked no later than the tenth day of the month following the monthly reporting period”,

which also matches up with trip tickets. So everyone is
getting on the same timeline.

Next, we are switching to the recreational fishing landings reporting requirements which is Chapter 11 -- I'm sorry. This is now Chapter 8, since we erased stuff and all of that.

The first one is going to be Rule 8.1:

“Persons engaged in recreational fishing in the waters under the jurisdiction of the MDMR, or landing fish in Mississippi, are required to furnish information, including a harvest report, pertaining to such fishing upon request from the MDMR.”

Here we are going to move into the Tails n’ Scales portion, and I will go ahead and start this off by saying there will be identical statements for each one of these, for recreational and charter.

I will read off this first one and you will be able to see the same thing is going to continue throughout the next four.

“The Captain of the vessel is responsible for ensuring that someone onboard the vessel has obtained the appropriate trip authorization number from the Tails n’ Scales reporting system prior to fishing activity.
The person onboard the vessel obtaining the appropriate trip authorization number is hereby required to complete an accurate vessel harvest report through the Tails n’ Scales reporting system within twenty-four hours of the trip creation."

The only thing that does is add in the accuracy statement and essentially puts into language exactly the practices being undertaken now. It just clarifies this language and makes sure it represents exactly what is going on.

You can see the same thing is listed for the additional species, the same clause.

If you move over to the next one, this is for charter and head boat reporting. We see the same changes are being made, except now it is on the charter and head boat captains themselves and they must be able to furnish an accurate vessel harvest report within twenty-four hours of trip creation. All of that language is still identical.

We had to remove the chapters. Chapter 12 is now Chapter 9, Chapter 13 is Chapter 10, and Chapter 14 is now Chapter 11.

To summarize, basically, this is what we went
over. I know it was a lot of text.

    we didn’t make any substantive changes to
Chapters 1 through 5.

    we did make substantive changes to Chapter 6
which updated the language regarding submission of trip
tickets.

    we removed Chapters 7 and 8.

    we renamed Chapter 9 to Chapter 7 and that
updates the bait operator reporting requirements.

    we removed Chapter 10.

    Chapter 11 is now renamed Chapter 8 and it
updated those recreational reporting requirements
specifically for Tails n’ Scales.

    Chapters 12 and 14 were renamed Chapters 9 and
11.

    Chapter 15 was removed.

Then, to move forward, we need a recommendation
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.

    i will take any questions.

COMMISSIONER DANIELS: You had me really confused
with the chapters. You lost me up here for a minute.

TREVOR MONCRIEF: I know.

COMMISSIONER DANIELS: Any questions?
(No response.)

COMMISSIONER DANIELS: Does anybody want to make a motion to approve this one?

COMMISSIONER ROBERDS: I’ll make a motion.

COMMISSIONER GUESS: I’ll second it.

COMMISSIONER DANIELS: All those in favor?

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: Aye.

Thank you, Trevor.

TREVOR MONCRIEF: Thank you.

COMMISSIONER DANIELS: Records.

JONATHAN BARR: Good morning.

We have quite few. We had a couple roll over from last month.

The first two records we have are Youth records. The first is a Ladyfish (Elops saurus). The old record was two pounds nine point six ounces. The new record is two pounds eleven point zero four ounces. The angler is Mr. Rodie Arms. The old was his sister’s.

This is the Ladyfish and there is Mr. Rodie with the fish (indicating photographs).

The next one is a Scamp (Mycteroperca phenax). This is the first time as a Scamp has been submitted to
the Youth category. The angler is Mr. Blake Bosarge.

We did not get a picture of just the fish. So here is Mr. Bosarge with the Scamp (indicating photograph).

The next two we have are Conventional Tackle. They also will be All Tackle records.

The first one is a Golden Tilefish (Lopholatilus chamaeleoniceps). The old record was eighteen pounds four point seventeen ounces. The new record is twenty pounds eleven point six eight ounces. The angler is Mr. Dustin Conway.

There is a picture of Mr. Dustin holding the fish.

The last one for your consideration is an Inshore Lizardfish (Synodus foeten). The old record is five point five ounces. The new record is nine point one ounces. The angler is Mr. Jordan Matthews.

It is a wall hanger (indicating photograph).

That is all I have.

Any questions?

COMMISSIONER DANIELS: Those are some good looking fish.

JONATHAN BARR: Indeed.

COMMISSIONER DANIELS: I’ll make the motion to approve these.
COMMISSIONER GUESS: I'll second it.

COMMISSIONER DANIELS: All in favor?

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: Aye.

Director.

JOE SPRAGGINS: Did we not change some of the rules, too, about all tackle and conventional for youth? We had some issues that were brought up on that. Did we ever do that? Did we change that at all? That is something we are looking at. Right?

JONATHAN BARR: Yes.

JOE SPRAGGINS: I think we were looking at going to all tackle for youth because it is really hard. Under conventional, it says that you can have no help in catching a fish.

Is that correct?

JONATHAN BARR: That's what the rules say, yes, sir.

JOE SPRAGGINS: Because of that, if there is a seven year old kid and if anybody touches the rod, then, that takes the rule way. Maybe we just use it as a different way of looking at it.
Rick, you are looking at me funny.

RICK BURRIS: To that point, another thing that would do, you are trying to exemplify these kids that are catching these big fish and talking about opening it up to multiple gear types as well.

JOE SPRAGGINS: In conventional, you can't even put it in a holder.

Right?

RICK BURRIS: That’s correct.

COMMISSIONER DANIELS: Nobody can touch the line either.

We are saying we are going to move the kids into all tackle, or give the kids all tackle?

RICK BURRIS: We are currently looking at just making the youth category all tackle to allow for all fish being caught.

COMMISSIONER DANIELS: It will still be a separate youth category, but we are going to go by the rules of all tackle.

Is that what you are saying?

RICK BURRIS: Yes. That’s right.

COMMISSIONER DANIELS: Just a quick question on that Tilefish on conventional.

Are electric reels acceptable on that?

JONATHAN BARR: For the all tackle it would be,
yes, sir, but he fought this one without an electric reel. So it goes under conventional.

COMMISSIONER DANIELS: That is a great catch.

JONATHAN BARR: Yes.

When we expanded, that was part of the all tackle rules. Any legal method of catch, obviously, once y'all approve it -- whether y'all approve it, or not...

If he were to have used an electric reel, it still would have been an all tackle record.

COMMISSIONER DANIELS: All tackle record. Just not conventional.

JONATHAN BARR: That's right.

COMMISSIONER DANIELS: He did say he used a conventional reel.

JONATHAN BARR: That's correct.

JOE SPRAGGINS: Commissioners, before we get out of Fisheries, Rick or either Trevor, if we could talk about snapper season because it is over. It did end in November. If you talk about that and tell us where we are.

TREVOR MONCRIEF: We ended up just below ninety-five percent of our ACL for our Red Snapper season. It carried on all the way through the week prior to Thanksgiving and, at that point, given that it was a holiday week and everything else, we didn't have pounds to
be able to sustain harvest that entire week. We were open
later in the year and we saw the effort drop off just like
what the other states are seeing, specifically Louisiana,
but all in all we have harvested almost ninety-five
percent of our ACL and I think our anglers were fairly
happy with the season they had.

JOE SPRAGGINS: We were open from Memorial Day
all the way to the 21st of November with the two-week
shutdown.

Right?

TREVOR MONCRIEF: Right.

JOE SPRAGGINS: That is the longest season I
think we have ever had.

TREVOR MONCRIEF: Absolutely.

JOE SPRAGGINS: I appreciate your staff and the
way they managed this.

We had a pretty good season overall and the
recreational against the charter boats, the charter boats
was about average.

TREVOR MONCRIEF: Yes. The charter boats were a
little bit below what they did the previous year, but well
within their average over the last few years.

COMMISSIONER DANIELS: Y’all are doing a great
job on managing that. There was a lot more opportunity
this year than I can ever remember.
JOE SPRAGGINS: One other thing, too. Matt is not here today because I think he is out for personal reasons, but to be able to get the award for Tails n’ Scales as the national award, that was huge thing and it goes back to tell NOAA and everybody else that we do have a premiere thing, and we thank y’all for that.

I know, Trevor, you are a big part of that, too, and we do appreciate that.

TREVOR MONCRIEF: Not just our staff, but Marine Patrol, IT, everybody. It is really just the agency-wide effort overall.

JOE SPRAGGINS: Averaging ten point something percent intercepts is better than anybody in the Gulf, and we are doing ninety-five to ninety-eight percent reporting.

TREVOR MONCRIEF: Yes. We have been sitting around ninety-six percent for about the last three years on the recreational side, and about nine-nine percent on the Federal For-Hire side.

JOE SPRAGGINS: That is pretty good. That is really good to get that kind of reporting.

I appreciate y’all, I appreciate Marine Patrol and everybody else, the whole staff for what they are doing on this.

One other quick then, too.
Do we have any update on that permit for the artificial reefs?

RICK BURRIS: Yes, sir. If you recall for I want to say three to four years now we have been in the process of getting our permits renewed for fish heavens, our artificial reef zones, or offshore zones.

We did get FH-13 permitted to be able to move forward with the Ingalls project which we will give you an update on that in the coming months.

FH-13 is obviously our largest reef complex and we just had the high relief permit so that means we can only go up to seven foot and it kind of keeps us from deploying large steel hull vessels and things like that.

The other fish havens, we got word that we should within the next few weeks receive those permit without any relief constraints. We should be able to start deploying some larger material in some of the fish havens, possibly 1 and 7 which that is deeper water and, in doing so, we are working on amending that FH13 permit to go back to high relief so we will be able to utilize that area as well.

Still no definitive timeline, but it is way better than it was two weeks ago. We are pretty optimistic about getting those permits in hand.

JOE SPRAGGINS: Omega has a couple of big ships
they are wanting to give us and hopefully we can be able
to get those in time. That is what we are trying to shoot
for because we can put them in one of those two areas that
we are talking about because the water is deep enough to
do that.

It is promising compared to what it was three
years ago.

RICK BURRIS: Yes, and we are want to maximize
our artificial reefs. Obviously, with the fishing
pressure growing, we want to spread everybody out and give
a lot of people more options that they have. So this is a
great win, if we can get these permits and start deploying
this material.

COMMISSIONER DANIELS: That is really exciting.

Thank you.

Do we have any other business?

(No response.)

COMMISSIONER DANIELS: Do we have any public
comments?

JOE SPRAGGINS: No public comments.

COMMISSIONER DANIELS: Do we have a motion to
adjourn?

COMMISSIONER GUESS: I’ll make a motion.

COMMISSIONER DANIELS: I’ll second it.

All in favor?
COMMISSIONER ROBERDS: Aye.

COMMISSIONER GUESS: Aye.

COMMISSIONER DANIELS: Aye.

JOE SPRAGGINS: Merry Christmas everyone and

Happy New Year.

COMMISSIONER DANIELS: Thank you.

(Whereupon, at 10:22 o'clock, a.m., the December
14, 2021, meeting of the Mississippi Advisory Commission
on Marine Resources was concluded.)
CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing sixty-eight pages, including this page, is a true and correct transcript of the December 14, 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