

STATE OF MISSISSIPPI

MISSISSIPPI ADVISORY COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, August 15, 2023, 9:00 a.m.

Bolton Building Auditorium

1141 Bayview Avenue, Biloxi, Mississippi 39530

COMMISSION MEMBERS:

Ronnie Daniels
Jonathan McLendon
Jason Osborne
Cammack "Cam" Roberds

ALSO PRESENT:

Joe Spraggins, Director (Virtual)
Patrick Levine
Sandy Chesnut, Esquire
Steven Eckert, Esquire

REPORTED BY:

Melissa Burdine-Rodolfich
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1 RONNIE DANIELS:

2 All right. Good morning, ladies and
3 gentlemen. Thank y'all for coming out today.

4 We're going to call our August 15th
5 meeting to order.

6 Do I have a motion to call the meeting
7 to order?

8 CAM ROBERDS:

9 I will make a motion to call the meeting
10 to order.

11 RONNIE DANIELS:

12 I'll second.

13 All in favor?

14 JONATHAN McLENDON:

15 Aye.

16 JASON OSBORNE:

17 Aye.

18 CAM ROBERDS:

19 Aye.

20 RONNIE DANIELS:

21 Aye.

22 All right. I'm going to ask
23 Commissioner Roberds to lead us in the pledge of
24 allegiance today.

25 (Pledge of allegiance recited.)

1 RONNIE DANIELS:

2 Thank you, Cam.

3 All right. The director is not in the
4 building today, but he is going to be joining in
5 remotely on the meeting, so he is listening and
6 will have input.

7 Patrick Levine is in his spot today.
8 I'm going to ask Patrick to lead us in a prayer
9 this morning.

10 PATRICK LEVINE:

11 Well, you know, Commissioners, when we
12 go to prayer this morning -- I was thinking a lot
13 about the people in Maui, and there's a lot of
14 people today that are hurting in our nation. So I
15 want to think about those individuals who, you
16 know, they're grieving a lot of loss today. So
17 let's pray.

18 (Moment of prayer.)

19 RONNIE DANIELS:

20 Thank you, Patrick.

21 Do we have any discussion on the
22 July 18th minutes?

23 (No response.)

24 RONNIE DANIELS:

25 Do we have a motion to approve the

1 minutes?

2 JONATHAN McLENDON:

3 I will make that motion.

4 CAM ROBERDS:

5 I'll second.

6 RONNIE DANIELS:

7 Got a motion and second.

8 All in favor?

9 JONATHAN McLENDON:

10 Aye.

11 JASON OSBORNE:

12 Aye.

13 CAM ROBERDS:

14 Aye.

15 RONNIE DANIELS:

16 Aye.

17 All right. Do we have a motion to
18 approve today's agenda as written?

19 CAM ROBERDS:

20 I will make a motion.

21 RONNIE DANIELS:

22 I'll second.

23 All in favor? Aye.

24 CAM ROBERDS:

25 Aye.

1 JONATHAN McLENDON:

2 Aye.

3 JASON OSBORNE:

4 Aye.

5 RONNIE DANIELS:

6 All right. Mr. Patrick, I'm going to
7 turn it over to you.

8 PATRICK LEVINE:

9 Well, thank you. And as you mentioned,
10 Director Spraggins is online today. Just in case
11 it happens whenever we get started, DFA sent a
12 notification and said that they are working on the
13 fire alarms today. So if in the next few minutes,
14 the fire alarms go off, they said, do not be
15 startled. Nobody panic. It's just a test. And
16 so let's hope it does not happen during the
17 meeting, but it may. And with that said, if you
18 happen to see smoke, exit the building, all right,
19 even though they said it's just a test. So we
20 want to make sure everybody is safe, and we're
21 working on the system this morning.

22 Director Spraggins and Rick Burris are
23 both at Gulf Council this week. We know that red
24 snapper is closed, that we met the quota and I
25 know that they're diligently having conversations

1 on what it may look like in the future. So we're
2 thankful for them working on our state's behalf
3 and what they're doing. Lots of things to be
4 done.

5 And so at any minute, be mentally
6 prepared, Director Spraggins, if you have
7 something to share, please do share it with us.

8 And I know a lot of folks have been
9 waiting to hear about Bonnet Carré and I'm
10 thankful to say that we have an update this
11 morning.

12 Traci, could you give us an update on
13 where we stand on Bonnet Carré?

14 TRACI FLOYD:

15 Good morning. I'm Traci Floyd.

16 I just want to tell you, Job 1 Financial
17 Assistance applications for commercial fisheries,
18 seafood dealers and charter operators opened on
19 August 9th 8:00 a.m. It will close after 30 days,
20 on September 7th at 11:59 p.m.

21 So we have a brief, streamline
22 application on our website. We have a team in
23 fisheries that's available to help anyone who
24 needs that assistance and just give us a call and
25 we will walk with you through it.

1 There -- of course, the eligible
2 categories are commercial fisheries, seafood
3 dealers, charter operators. You had to be
4 licensed in 2019, which is the year of the
5 disaster, and you had to have made contributions
6 either by being -- having a license or being in
7 the fisheries the previous five years, 2014
8 through 2018, the historical years prior to the
9 event.

10 So for the application, you will just
11 need your contact information, a valid e-mail
12 address, your date of birth, your social or
13 employer tax ID number and your applicable license
14 numbers for the year of the disaster in any of
15 those historical license years. And we can help
16 you or anyone who needs help with that.

17 We will, of course, offer an appeals
18 process for anyone found not eligible. And today,
19 we've had 159 total applications received and
20 those are under review.

21 RONNIE DANIELS:

22 One question that I have had come in a
23 couple of times, I have had a few people ask me
24 what the percentages were between the different
25 sectors. Is that -- do we have that out there

1 online anywhere?

2 TRACI FLOYD:

3 That's not out yet. It's my
4 understanding, Director Spraggins has some more
5 decisions to make as we work through it, but
6 obviously part of it will be the number of
7 applicants we have to make it more fair across the
8 board, but then also based on the value of fishery
9 those historical years we talked about.

10 RONNIE DANIELS:

11 Okay.

12 TRACI FLOYD:

13 Does that make sense?

14 RONNIE DANIELS:

15 Yes, ma'am. That will work. Thank you.

16 TRACI FLOYD:

17 Any other?

18 JONATHAN McLENDON:

19 Traci, when -- where do the processors
20 fit into all this, the application, because I know
21 that there's like a different application process
22 that's coming online for them? Like, when do you
23 expect to open that up?

24 TRACI FLOYD:

25 So that should be one of our next

1 programs. Our priorities are the financial
2 assistance programs. This is the first one.
3 There will be one for processors, for new grant
4 technologies, and then there will be one for
5 commercial fishermen or charter fishermen to get
6 their safety gear up to date. And that's all
7 found on the DMR website if you would like to read
8 about those future jobs on the Marine Fisheries
9 homepage.

10 RONNIE DANIELS:

11 Anything else?

12 (No response.)

13 TRACI FLOYD:

14 Thank you.

15 RONNIE DANIELS:

16 All right. Thank you.

17 PATRICK LEVINE:

18 Thank you for that presentation. You
19 know, we want to try to get that money where it's
20 needed and to the hands of the people that are out
21 there working and do it as quick as we can for
22 sure.

23 You know, we had a couple of employment
24 updates over the last couple of weeks. First of
25 all, Brian Hurst is listed as a new hire,

1 maintenance grounds supervisor out at the Lyman
2 Fish Hatchery. He's listed as a new hire, but I
3 want to say this. Brian was with the agency for a
4 long time. He retired and he said, I like working
5 so much I want to come out of retirement and go
6 back to work. And so that says a lot about the
7 agency and the people he works with, so we welcome
8 Brian back to the agency.

9 For promotions, Laura Moncrief. She was
10 promoted to an environmental/natural resource
11 specialist supervisor on August 1st, 2023 in
12 Coastal Resource Management, so congratulations to
13 Laura.

14 We do have two contracts. First, we
15 have one with Silver Ships for a marine patrol
16 vessel. And then later on in the presentation, I
17 know Travis is going to be talking about reef
18 deployments that are going on, but we have one
19 with NFWF and some reef construction that's going
20 on. Hear more about reef construction in the
21 fisheries presentation later today. So that's all
22 we have under employment contracts.

23 Last month, Director Spraggins mentioned
24 the Neshoba County Fair and we had the opportunity
25 to go up and do some seafood marketing at Neshoba

1 County Fair, and we had a reception with One Coast
2 where we were able to let people sample some Gulf
3 Coast flounder, some domestic shrimp, some
4 oysters. We had plenty of food for people to try
5 out. And we set up a booth for Coast Day and we
6 had 600 people that came by the Coast booth where
7 we promoted Mississippi Gulf Coast seafood. And
8 so we were doing some seafood marketing
9 promotions.

10 And thank you to everybody that helped
11 make that possible. And it was hot, and, you
12 know, one of the things that we had that we were
13 giving out -- you know, I think about Charmaine
14 and Franchesca and Rick. They were in the booth
15 and they had to be the biggest fans at the Neshoba
16 County Fair, you know, literally, because they
17 were giving out fans. And whenever you would turn
18 on the fan, it would circulate and it would say,
19 "shrimp." It would say "oysters." It had little
20 LED lights in it. And you were able to see people
21 walking all over the fair promoting Mississippi
22 Gulf Coast seafood. So such a wonderful way to
23 market the resources we have on the Coast and just
24 a good time. And we look forward to the
25 opportunity to maybe do that in the future.

1 Another thing that's coming up between
2 now and the next meeting that we want to encourage
3 everybody to be a part of, on September the 9th,
4 there will be the Biloxi Seafood Festival, and we
5 are thankful for the heritage we have in seafood
6 here on the Mississippi Gulf Coast. And if you
7 get the opportunity, go down there, order you some
8 seafood plates, walk around the booths, enjoy the
9 music and we will be set up promoting the agency
10 and promoting the domestic seafood and the
11 wonderful resources that we have on the Coast, so
12 be sure to do that.

13 I know in the past couple months, we
14 have had conversations about the legislation, you
15 know, designating the Dantzler Tract in Jackson
16 County over by Indian Point as the Eric Clark
17 Coastal Preserve and also Big Island being
18 designated as Gollott Island and the point at the
19 end being Godfather Point.

20 We want to be able to recognize those
21 particular areas, and there is a possibility
22 between now and the next meeting you may hear
23 about us unveiling those properties and putting in
24 the kiosks out there and having a day. So
25 everybody is welcome to join us.

1 We'll make sure you know about it, make
2 sure the Commission knows about it, if you want to
3 come out and, you know, recognize the renaming of
4 those properties and the efforts that individuals
5 put in to be recognized and to be named after, you
6 know. It will be a great event, so be sure to be
7 looking for that coming up.

8 We're going to be closed on Labor Day,
9 so if you show up here on Monday, September the
10 4th for work, you know, have fun. It will be a
11 bonus day for you, but we're going to be closed on
12 Monday, September 4th for Labor Day.

13 On derelict vessels, it's definitely a
14 program that is continually moving. We have had a
15 total of 117 derelict vessels reported to the
16 program since it started. You know, it's amazing.
17 73 of those vessels have been removed. 73 of
18 those vessels removed and an amazing team of
19 individuals that's been working diligently on
20 that, and so thank you to them.

21 We have 44 that are pending removal.
22 Zero that we have court orders for, and I know
23 that the legal staff, they're going to be --
24 Steven, there is no doubt, he's like a bulldog on
25 a postman and he'll be back out there with the

1 courts ready to go on the derelict vessels again.
2 So we will be very soon looking at removing more
3 of those vessels that are pending.

4 The last thing --

5 JOE SPRAGGINS:

6 Hey, Patrick.

7 PATRICK LEVINE:

8 Yes, sir.

9 JOE SPRAGGINS:

10 All right. Real quick, I just signed
11 something yesterday for \$1.9 million to be able to
12 give us federal funds to help us move the derelict
13 vessels.

14 PATRICK LEVINE:

15 That's fantastic news. So we, through
16 GOMA, had applied for a NOAA grant for marine
17 debris removal, and we have been awarded
18 \$1.9 million to be able to help move those
19 derelict vessels. So thank you to all the team
20 that helped put that together and make that
21 possible. We will get some more vessels out of
22 there.

23 Thank you, Director, for mentioning
24 that.

25 The last thing I want to talk about,

1 last month there was the discussion about the
2 opening on the on-bottom oyster leasing program.
3 We talked about the portal being open, people
4 being able to apply, and we had 80 applications
5 come in. 80 people applied for on-bottom oyster
6 leasing. A couple of those individuals may have
7 put in two applications, but I tell you, that is
8 phenomenal that we have that much interest and
9 that many people that want to help rebuild oysters
10 on the Mississippi Gulf Coast. That's good news.

11 I want to take a minute to explain the
12 process because we've had a lot of people ask,
13 what does the process look like. So those 80
14 applications that came in, they went through an
15 RFP, a request for proposal, and that request for
16 proposal, it outlined what's going to be required
17 of individuals who are applying to lease those
18 oyster bottoms. It had the criteria. They put in
19 there their proposal on how they respond to it.
20 It was submitted to our contract office where all
21 of the names were redacted off of the
22 applications.

23 And so there has been a committee that's
24 been reviewing the applications. It's composed of
25 two people from the DMR, one person from the

1 another agency and they have individually been
2 scoring each of the applications based upon the
3 information that the applicant received in the
4 request for proposal. And everything was online.
5 Everything was transparent. They knew what they
6 were applying for and they said they were able to
7 do X, Y and Z.

8 So the committee is reviewing those
9 applications. Once they finish reviewing all 80
10 applications, they are going to rank them in order
11 of score and then they will be able to start
12 meeting with individuals and allowing them to
13 lease the property.

14 And so that's the way it's being
15 handled. The committee members do not know who
16 the applicant is. They were given the information
17 and they were reviewing it based on the
18 information given to them without knowing who
19 applied, and so it's a very equitable, transparent
20 program. Of the 80 applications, all 80 of them
21 have already been redacted. All 80 of the
22 applications are in the hands of the committee and
23 from I have been told, they're probably somewhere
24 a little over 50 percent complete with the
25 processing.

1 So hopefully in the next few days -- you
2 know, I know in due course, we'll be able to meet
3 with those individuals because we want people to
4 start getting -- building reef as quick as we can.
5 We know that the Gulf Coast needs it and so we're
6 excited about that.

7 RONNIE DANIELS:

8 Just a question I have got on that, so
9 if this process goes smoothly, I mean, is there
10 any possibility that they would potentially be
11 able to start working those reefs as early as
12 sometime this year or --

13 JOE SPRAGGINS:

14 Well, when you define the possibility of
15 working that reef, for them to be able to cultch
16 and plant and get out there working the reef, the
17 goal is to allow them the opportunity to be out
18 there this year.

19 RONNIE DANIELS:

20 Good. Great.

21 CAM ROBERDS:

22 Patrick, do you foresee another window
23 of applications being -- another round coming
24 soon?

25 PATRICK LEVINE:

1 Well, you know, like I said, we have 80
2 applicants and each applicant is allowed
3 2,500 acres. I personally don't know much acreage
4 each applicant applied for. I'm not on the
5 committee. But if there is some permitted bottoms
6 that are still out there, I would expect that once
7 the dust settles and this first round goes
8 through, that if there is still some more out
9 there to be leased, I would think, by all means,
10 we can expect a second round.

11 JASON OSBORNE:

12 And are they applying for a specific
13 area or we're assigning the areas to them?

14 PATRICK LEVINE:

15 So no. What they're doing is they are
16 applying for a specific area. Inside of the RFP,
17 they have to give us the coordinates and they have
18 to provide us a plat of the particular permitted
19 reef that they're interested in leasing, so they
20 are determining the property that they want.

21 JASON OSBORNE:

22 So theoretically, we could have 80
23 applicants for the same area?

24 PATRICK LEVINE:

25 We could. We could. And now, you know,

1 once the committee finishes reviewing, what's
2 going to happen is it's going to go to our GIS
3 department. Our GIS department is going to take
4 all 80 applications, they're going to create a map
5 with overlays to see where that overlay exists and
6 then start sorting the mill with the applicants
7 based on how they were in the RFP.

8 JASON OSBORNE:

9 And so once they're done with that, if
10 we have some applicants that have applied for the
11 same area, are then -- are we then able to go back
12 to them and say, okay, you didn't get this area,
13 but we have this area over here available to you?

14 PATRICK LEVINE:

15 Jason, you want to step up for just a
16 second? Did you get that question?

17 JASON RIDER:

18 Yes. Good morning, first off. Thank
19 y'all.

20 But yes, that's our intention, is to
21 work with the applicants. If the first
22 application has an area that is leased pre- -- or
23 applicants after that, they will look at a map
24 that's available at that point and then determine
25 what they would like to lease moving forward.

1 JASON OSBORNE:

2 So just of this area, the 2,500 acres --
3 you said 2,500 acres, Patrick, for one
4 application -- up to?

5 JASON RIDER:

6 Up to 2,500 acres, yes.

7 JASON OSBORNE:

8 How many -- if everybody asks for
9 2,500 acres, how many leases would we have?

10 RONNIE DANIELS:

11 How many total acres do we have
12 available?

13 JASON RIDER:

14 If each applicant asked for 2,500 acres
15 we would have less than about 10 leases
16 approximately.

17 RONNIE DANIELS:

18 Okay.

19 JASON OSBORNE:

20 And we don't know how many -- how much
21 they have asked for in each?

22 JASON RIDER:

23 I'm not aware of what each person asked
24 for. 2,500 acres is a large amount and the
25 requirements associated with them, they have to

1 cultivate and manage those reefs accordingly. So
2 if they get 2,500 acres, they're going to have to
3 put out a lot of money and a lot of time to
4 develop those acreages -- that acreage.

5 RONNIE DANIELS:

6 Do we have a hand -- who determines when
7 that reef is harvestable? You know, I know
8 whenever we were controlling the reefs, we would
9 open and close seasons.

10 JASON RIDER:

11 So the harvester or the lessee will
12 determine when and how they want to harvest that
13 lease, but the DMR will maintain area
14 classification and open and close according to the
15 NSSP guidelines, so we still maintain that
16 control.

17 RONNIE DANIELS:

18 Okay.

19 JASON OSBORNE:

20 Last question. I should have looked at
21 this last meeting, but the area around
22 St. Stanislaus, because I know they do some oyster
23 bed work there, is that included in this, or is
24 that separated?

25 JASON RIDER:

1 So part of Stanislaus Reef is included
2 in this outside of the riparian right zone. Are
3 you talking about St. Stanislaus school
4 specifically?

5 JASON OSBORNE:

6 Yeah.

7 JASON RIDER:

8 Yeah. So they have an oyster gardening
9 program. That is not affected with this, this
10 leasing process.

11 JASON OSBORNE:

12 Okay.

13 RONNIE DANIELS:

14 Very good.

15 PATRICK LEVINE:

16 Well, thank you. Thank you, Jason, for
17 addressing those comments.

18 But we are excited to see what's going
19 to happen. You know, I know that the off-bottom
20 aquaculture park, it's been a beauty to see those
21 oysters coming in, but, man, how nice will it be
22 when we start seeing oysters hit the dock again
23 and that's what we're hoping for and look forward
24 to in the future.

25 If you have a public comment today, TJ

1 is back in the back. TJ, raise your hand. He's
2 back in the back. You can get a public comment
3 form to him.

4 So thank you. That's all I have.

5 RONNIE DANIELS:

6 All right. We appreciate it.

7 Director, you don't have anything else?

8 JOE SPRAGGINS:

9 No, I'm fine. Thank y'all.

10 RONNIE DANIELS:

11 Okay. Thank you. Do we have anything
12 for our Commissioners to report today?

13 SANDY CHESNUT:

14 We have Actions Update.

15 RONNIE DANIELS:

16 Oh, I'm sorry. We jumped the gun.

17 Actions Update.

18 SANDY CHESNUT:

19 At the July meeting, the Commission
20 recommended and the Director approved a motion to
21 approve the requested variance and permit to be
22 issued to the MDMR for a beneficial use site.
23 They are going to fill approximately 660 acres of
24 Coastal wetlands in the Mississippi Sound on the
25 southeastern side of Cat Island.

1 Also, Ronnie Daniels was elected as
2 chairperson, and Cameron Roberds was elected as
3 vice chair for FY 2024 period.

4 And we had approval of state saltwater
5 finfish records. Conventional tackle: Whitebone
6 porgy, yellowtail snapper. Youth conventional
7 tackle: Rock hind, red snapper, Spanish mackerel
8 and crevalle jack.

9 And there was also a motion to approve
10 the procedures developed by MDMR staff to accept
11 requests for proposals for the on-bottom oyster
12 leasing in accordance with Senate Bill 2544 and
13 the recent changes to Title 22, Part 1 to conform
14 to the Senate Bill 2544 requirements.

15 And that's it.

16 RONNIE DANIELS:

17 Thank you, Ms. Sandy.

18 SANDY CHESNUT:

19 You're welcome.

20 RONNIE DANIELS:

21 Now, Commissioners report.

22 JONATHAN McLENDON:

23 So just want to give you an update on
24 what's going on in the domestic shrimp industry
25 here. Prices are just about the lowest that I've

1 seen them in the last 20 years. Give you an
2 example, a fisherman comes up to the dock 26/30,
3 head-on shrimp, he's getting 75 cents a pound.

4 The last time that I have seen that,
5 fuel was about 1.50 a gallon. It's running about
6 3.25 right now, you know. And even if they do
7 come back with a boatload of shrimp, these guys
8 are running into processing backlogs. Processors
9 are running into cold storage issues.

10 So, you know, we appreciate everything
11 that everybody has done at the DMR from a
12 marketing perspective to turn around and get this
13 Bonnet Carré money turned out for them so fast.

14 But, you know, I mean, the people of
15 Mississippi can make a difference, so I think that
16 there is enough shrimp processors right here in
17 this state to get every man, woman and child in
18 this state 10 pounds of shrimp a year. So, you
19 know, right now we're running about five or
20 six percent of the total market. So, you know,
21 roughly 95 percent of the shrimp that's consumed
22 in this country come from overseas, so it really
23 doesn't take much for a state like Mississippi or
24 a state like Louisiana to keep moving the needle
25 for everybody.

1 So, you know, keep asking for domestic
2 shrimp. Support your local shrimpers, and my
3 thanks to everybody at the DMR for their continued
4 support.

5 JOE SPRAGGINS:

6 Hey, Commissioners, Joe Spraggins. All
7 right. Can you -- what is -- is it the price of
8 the imported shrimp that's causing us the issue
9 there because of the -- you only being able to pay
10 like 75 cents a pound for the domestic shrimp? Is
11 it because of the low price of the imported?

12 JONATHAN McLENDON:

13 So the landings in the Gulf of Mexico
14 last year were about 100 million pounds. The
15 imports into the country ran about 1.7 billion
16 pounds. So you see the total demand, the
17 forecasted demand is somewhere a little bit below
18 a billion and a half pounds.

19 So last year the flood of imports, you
20 know, was due to a lot of things, you know, the
21 devalue of the dollar, weak demand from China, you
22 know, stringent testing in other countries. So,
23 you know, a lot of that product just flooded over
24 here to the market and, you know -- and they
25 continue -- you know, even at these prices, they

1 are continually underselling the domestic
2 industry, you know. A lot of these foreign
3 governments are offering assistance to the shrimp
4 farmers.

5 And, you know, it's not only -- like in
6 the domestic industry, like you're not really
7 competing with each other. Like, you're
8 competing -- you know, we've got domestic
9 industries who are competing against foreign
10 governments and that's what makes it so tough.

11 JOE SPRAGGINS:

12 Yeah. That's something we need to look
13 at our legislators more about and the possibility
14 of, you know, having our restaurants and others to
15 look at the possibility of saying if they do serve
16 the domestic shrimp or -- you know, then at least
17 put it on the menu that way. If not, that it's
18 imported. I know that's happening in Louisiana,
19 and that might be something we need to look at.

20 JONATHAN McLENDON:

21 It is. From what I had seen from
22 Louisiana, I think Louisiana -- there is an
23 article stating that they had 2,500 violations of
24 that law, and that's just coming from the health
25 inspectors, but they've had zero fines. So I

1 think that, you know, while the law is good, you
2 know, the enforcement of it is severely lacking.

3 And, you know, I travel all around the
4 country. I see a lot of restaurants, a lot of
5 menus representing things as United -- you know, a
6 product of the United States or Gulf or local
7 caught, you know, is a prevailing problem no
8 matter where you go.

9 But like I mentioned, it really doesn't
10 take -- you know, just a few Gulf states to get in
11 on this thing and turn the tide.

12 JOE SPRAGGINS:

13 And I was talking to Louisiana
14 yesterday, and they have given more money to be
15 able to enforce some of that and maybe to enforce
16 more finds. So they're optimistic as to whether
17 that's going to happen or not.

18 JONATHAN McLENDON:

19 That's great.

20 RONNIE DANIELS:

21 All right. We got anything else?

22 (No response.)

23 RONNIE DANIELS:

24 All right. Office of Marine Patrol,
25 Chief.

1 KYLE WILKERSON:

2 Good morning, Commissioners, Legal,
3 Director.

4 I'm going to let Captain Strickland go
5 over the citation report. It was an extremely
6 busy month last month, very hot. Our people and
7 everybody else in general, we have to stay
8 hydrated out there. We have to stay safe and we
9 have to mitigate this heat until we can make fall.

10 All right. So Captain Strickland, go
11 ahead with the citation report.

12 MICHAEL STRICKLAND:

13 All right. Thank you. Good morning.

14 As Colonel Wilkerson stated, July was a
15 very busy month for us. The Office of Marine
16 Patrol, one of the reasons that it was a busier
17 month, we were blessed with good weather. I know
18 it's been hot, but for recreational boating, it
19 was a superb month.

20 Also, we had red snapper season during
21 that time frame, but the big thing is, is that our
22 agency participates in a national campaign called
23 Operation Dry Water every year. That campaign is
24 a national awareness campaign to bring a sense of
25 heightened awareness to operating vessels on the

1 water under the influence of alcohol.

2 During the month of July in Operation
3 Dry Water, the Office of Marine Patrol effect 15
4 boating-under-the-influence arrests with another
5 six negligent operations involving alcohol, so
6 very busy. The guys are very diligent in
7 removing -- identifying these people and removing
8 them from operating a vessel, you know, and
9 ultimately preserving safety and human life.

10 So totaled a little over 3,500 vessel
11 contacts for the month of July, so 3,500 people
12 that we stopped, talked to. And part of that
13 campaign is also educating the public on the
14 dangers of operating a vessel under the influence
15 of alcohol. So it's not only a detection, but
16 it's also an education process, so 3,500 stops
17 where we talked to people and brought them aware
18 of it.

19 So questions?

20 (No response.)

21 MICHAEL STRICKLAND:

22 Thank you very much.

23 RONNIE DANIELS:

24 Thank you.

25 Coastal Resources Management, looks like

1 we're going to have Willa up.

2 WILLA BRANTLEY:

3 Good morning.

4 I have one presentation this morning
5 from our office. It is a violation, an
6 after-the-fact exclusion for Jay Rubenstein. This
7 was some piers built out of compliance and does
8 not meet the general permit guidelines, but it
9 does qualify under a certificate of exclusion from
10 our office.

11 It's located at 6201 Porteaux Road in
12 Ocean Springs. It's in the General Use District.
13 The agent was Doug DeLuca for the original general
14 permit that was issued, and Doug DeLuca and On the
15 Water, LLC, for the current after-the-fact
16 application.

17 So this is a pin showing the location of
18 the address. Okay. This is Washington in Ocean
19 Springs. This is Old Fort Bayou, and the property
20 is over here.

21 Okay. This is a closeup of the actual
22 parcel of property before the construction of the
23 current structures.

24 So the applicant is requesting
25 after-the-fact approval for existing piers

1 constructed out of compliance with the issued
2 general permit.

3 On June 10th, 2021, the applicant
4 submitted the original application for a
5 reconstruction of piers within the existing
6 footprint of those derelict piers that you saw in
7 the aerial photo.

8 On July 16th, that permit was issued as
9 proposed. This was the diagram that they
10 submitted showing the existing access pier out to
11 the structures, a rectangular structure at the end
12 and then over to the left, this L-shaped uncovered
13 boat slip area.

14 On April 18th of 2023, DMR was informed
15 of a possible violation at the address, performed
16 a site visit that showed that several of the piers
17 were constructed out of compliance with what was
18 issued for those terminal structures and some were
19 constructed in another location without any
20 authorization.

21 On April 19th, the next day, we sent
22 notice of violation, notifying the applicant and
23 the agent of the noncompliance issue.

24 And this is a diagram of the structures.
25 You have got the terminal structure out here at

1 the end of the existing access pier. It was built
2 larger than what was permitted, and then you have
3 got piers down here along the bulkhead that were
4 not included in the permit at all.

5 This -- the dimensions are a little bit
6 different than what we got on our final
7 measurement, but I couldn't remove those. The
8 green shows an estimation of what was permitted.
9 The yellow was the existing access pier, and the
10 red shows an estimation of the piers that were
11 constructed either out of compliance with what was
12 issued or with no authorization at all.

13 This is a picture of the site showing
14 the construction. It's not complete. They
15 stopped work once we notified them of the
16 compliance issues.

17 This is a picture from the shore line
18 showing out across the access pier to the terminal
19 structure.

20 On April 20th, which was one day after
21 we notified them of the compliance issue, we did
22 receive requests for after-the-fact authorization
23 for the piers as they were constructed.

24 On April 21st, the next day, we did send
25 that out to all of the other Coastal program

1 agencies, the Secretary of State's office and the
2 Army Corps of Engineers because the footage was
3 such that it no longer qualified for a general
4 permit. We could not authorize it on behalf of
5 the Corps of Engineers, so they are looking at
6 this for a separate certification.

7 We have looked at this and because
8 they -- the existing piers would have been
9 eligible for a certificate of exclusion if they
10 had been applied for properly, they don't fall
11 outside of any kind of precedent that's set with
12 square footage, we do recommend approval for the
13 piers as constructed.

14 If you have any questions, I can answer
15 what I can, and representatives from On the Water,
16 LLC are also here.

17 JASON OSBORNE:

18 So how long -- I mean, it looks like
19 they applied for this permit in '21.

20 WILLA BRANTLEY:

21 Yes, sir.

22 JASON OSBORNE:

23 How long is that permit valid?

24 WILLA BRANTLEY:

25 It was valid until May of 2023.

1 JASON OSBORNE:

2 So they started construction right
3 before -- I mean, a month or two before permit
4 was --

5 WILLA BRANTLEY:

6 Shortly before.

7 RONNIE DANIELS:

8 I guess the biggest question I always
9 have with these is, why are you building something
10 that wasn't originally permitted? Why the change
11 after the fact without following the proper
12 channels to get the proper authorization on what
13 you're building? I mean, whenever we're building
14 something, there's a set of plans and we build to
15 those plans and if there is changes, you deal with
16 those changes. I just don't understand.

17 AUSTIN CLARK:

18 Good morning, Commissioners, Director,
19 Counsel. My name is Austin Clark. I represent
20 the contractors, DeLuca and On the Water. I do
21 not represent Mr. Rubenstein, the owner, but my
22 clients are Mr. Rubenstein's agent, so I can speak
23 on their behalf. But I'll let my client answer
24 your question.

25 DOUG DeLUCA:

1 Yes, sir. Can you repeat your question,
2 please?

3 RONNIE DANIELS:

4 I guess what I'm trying to get at, you
5 submitted a plan for one thing.

6 DOUG DeLUCA:

7 Correct.

8 RONNIE DANIELS:

9 But we ended up with something totally
10 different. How does that happen and why does that
11 happen?

12 DOUG DeLUCA:

13 Well, it basically happened because,
14 Number 1, while we were out there building that
15 project, there were certain days that I was not on
16 that job site. And at the request of the
17 homeowner or the property owner, there were some
18 changes that were made and when I came out to the
19 job site, those pilings had already been slightly
20 wider than what the original position should have
21 been, which I know that falls back on me.

22 And we chose to move forward with that
23 project at that point in time because the pilings
24 were already there in the ground. So that is how
25 it ended up being slightly larger than what it had

1 intended to be.

2 AUSTIN CLARK:

3 And we do dispute -- there is an issue
4 of whether the square footage is over 2,000 square
5 feet or not. We have a surveyor-stamped drawing
6 showing that minus the access pier, it is less
7 than 2,000 square foot, so there is a dispute
8 there. And I have a copy of that survey, if y'all
9 would like it.

10 CAM ROBERDS:

11 I think the access pier is included in
12 the total square footage, though, in the
13 permitting process.

14 WILLA BRANTLEY:

15 No, sir. The access pier is not counted
16 to whether it qualifies for a general permit or
17 not.

18 And the measurements that I presented
19 were done in Mr. DeLuca's presence by the Corps Of
20 Engineers. Since we issue the general permits on
21 their behalf, we asked them to come to the site to
22 determine whether it qualified or not. They said
23 that it did not. They gave us the square footage
24 of 2,4- -- I would have to go back to my
25 diagram -- 2,466, I think, and stated that it did

1 not qualify for a general permit, so we couldn't
2 issue it on their behalf.

3 I did notify Mr. DeLuca and his attorney
4 that if they had different measurements by an
5 engineer -- they indicated that they did. I asked
6 them to submit those. Those were never submitted,
7 and I stated that in order for us to issue a
8 general permit on behalf of the Corps after the
9 fact, we would have to have a statement from the
10 Corps of Engineers that it did qualify for a
11 general permit because as of right now, their
12 statement is that it does not.

13 AUSTIN CLARK:

14 And just to clarify, that's a -- our
15 surveyor, our licensed surveyor who surveyed the
16 land versus the Corps who had -- there were two
17 guys just pulling a tape and -- from random
18 points. So if there is any discrepancies in what
19 they measured versus our surveyor, we would ask
20 the Commission to rely on the survey.

21 JASON OSBORNE:

22 Okay. So then I have, I guess, a couple
23 of problems here. One, is that we're -- you're
24 asking us to approve a permit after the fact based
25 on a 2,467-square-foot footprint, but yet, you're

1 giving us something that says it's less than 2,000
2 square feet.

3 So what is the permit that we're
4 actually approving, that you want us to approve?

5 AUSTIN CLARK:

6 We dispute the 2,400 square feet.
7 Again, our position is that the square footage out
8 there is what it says on that survey, 1,989.1.

9 RONNIE DANIELS:

10 Do we have the ability to verify that?

11 AUSTIN CLARK:

12 Again, if you want to have another
13 licensed survey --

14 JASON OSBORNE:

15 Okay. Then, here's the problem, if
16 we're approving you for what's on our agenda
17 today, for 2,467, that puts you over the 2,000.
18 You then have to go to the Corps to get their
19 approval on it. So then if we've given the
20 approval for the 2,467, then the Corps is going to
21 look at that and say, hey. Then we need to come
22 out and do our own measurements on that. So --

23 AUSTIN CLARK:

24 And they have measured it. We would ask
25 that we are allowed to either amend the

1 application and that you take our survey today and
2 approve that number that we had our surveyor do.

3 And we were working on it. We got the
4 survey late last night, which is why Willa didn't
5 get a copy of it, but that's what we're relying
6 on. We're going to stick with our licensed
7 surveyor and his survey.

8 RONNIE DANIELS:

9 Well, and that's what I was about to
10 ask. This is the first time you have seen this,
11 Willa?

12 WILLA BRANTLEY:

13 Yes, sir.

14 AUSTIN CLARK:

15 And we just received those.

16 WILLA BRANTLEY:

17 We can verify measurements again. But I
18 measured. I got 2,466, I think, and the Corps got
19 2,467. We actually were less than half a square
20 foot off. They carried theirs out to, like, three
21 decimal points, measured precisely to the inch.
22 Some of mine was based on estimation, but we were
23 still less than half a square foot off on the
24 total square footage between the measurements.

25 AUSTIN CLARK:

1 And, again, I was there. We were all
2 there to witness. I believe the Corps was -- I
3 know that they did measure the access pier. It's
4 unclear to us whether they included that square
5 footage in their total. But when you remove the
6 square footage of the access pier, you get to our
7 number, which is 19 -- the 1,989.1.

8 WILLA BRANTLEY:

9 They did not include the access pier.
10 Chris Pickering is the project manager for the
11 Corps, and he sent me an e-mail and specifically
12 stated that he excluded the access pier square
13 footage from his total.

14 AUSTIN CLARK:

15 And again, they're walking, hand tape
16 measurements. I'm not sure what Willa did or her
17 certification as far as surveying, but we're going
18 to rely on our licensed surveyor on the square
19 footage.

20 JASON OSBORNE:

21 So, I mean -- and I guess based on what
22 I'm hearing, then, is we may not want to approve
23 this today. We may want to shelve it because it's
24 certainly -- Willa, you need time to look at this
25 and verify if this is accurate or not?

1 WILLA BRANTLEY:

2 We need time to verify. We need time to
3 check with the Corps about what -- the official
4 square footage that they are going to accept,
5 because at this point, it doesn't matter what we
6 approve, even if you -- even if the Commission and
7 Director decided to approve it at the 1,900 square
8 feet, I still can't issue a general permit on
9 behalf of the Corps because I have a statement
10 from them stating that it does not qualify.

11 AUSTIN CLARK:

12 And we would ask -- we can get with the
13 Corps and ask that they also verify, perhaps with
14 their own survey versus their tape -- pulling a
15 tape measure.

16 RONNIE DANIELS:

17 Is there a reason that there aren't any
18 measurements on here or dimensions of the
19 boathouse or --

20 AUSTIN CLARK:

21 Again, no. We're just relying on his
22 total square footage pulled from his survey.

23 JASON OSBORNE:

24 I would imagine that he would have to
25 have that mapped out because there's no

1 measurements on anything on the boat -- I mean, on
2 the dock, pier, whatever, but there are plenty of
3 measurements on the application that we're looking
4 at.

5 AUSTIN CLARK:

6 Right. And again, if we need to have
7 the surveyor bring those measurements into this
8 particular survey map, we can do that. We can get
9 with him and try to resolve that, which may be a
10 better reason to table this matter for the next --
11 so that we can clear this up.

12 JASON OSBORNE:

13 Yeah. And then I also, I mean, I --
14 look, I just got on this commission last month
15 right? But in two months, I have seen your name
16 twice and I understand there is three times. And
17 it concerns me that your statement that the
18 original plan was going forward and you weren't on
19 site and then all of a sudden you came back and
20 oh, gee, the piers are longer.

21 DOUG DeLUCA:

22 Yes.

23 JASON OSBORNE:

24 Is that what happened on the other two,
25 because you're not helping your case much if

1 you're, like, coming in here and saying that it
2 happened without your knowledge.

3 DOUG DeLUCA:

4 No, the other two, that is not what
5 happened at all. Number 1, the first one that we
6 had received the violation on and a stop work
7 order, which we shut down our equipment, was for a
8 resident in Fort Bayou, which the portal said the
9 permit was issued as proposed. But our job was
10 shut down and we were told that we had to move our
11 equipment, and we did not go finish that job. So
12 we relocated. But the portal said the permit had
13 been issued and our client and I were notified
14 that it had not. So --

15 AUSTIN CLARK:

16 And we'd also like -- clarify what you
17 did for the Marine Patrol on this project.

18 DOUG DeLUCA:

19 This particular site here, we've had
20 visits from the agency that came out and they
21 notified us that probably the peak of the roof,
22 from what they gathered by boat -- they came up
23 and visited us, which you did not know. You were
24 not informed of that. But they said the roof
25 might be too high.

1 We realized that it was -- 25 feet is
2 the max that you can be at depending on the tide.
3 So we went and deconstructed several of the
4 joists, lowering the roof three feet to be
5 within -- well within the compliance of the
6 elevation, the overall height.

7 As far as that, they also came and
8 visited the site, tied the boat up to the pier and
9 walked through the property and nothing was said
10 of any violations at that point in time. So we
11 figured that everything was okay.

12 JASON OSBORNE:

13 Right. And I'm not trying to
14 re-litigate the other two. I'm just saying --

15 DOUG DeLUCA:

16 No, sir. I understand, yes, sir.

17 JASON OSBORNE:

18 -- the perception is like this seems to
19 be a recurring problem, right, and it's causing a
20 lot of issues for the staff to have to come out
21 and continually redo this.

22 And I know last month, we had tabled
23 this because there was new information coming in.
24 Is that right, Willa?

25 WILLA BRANTLEY:

1 Yeah.

2 JASON OSBORNE:

3 And now the night before, you come in
4 with this. We want to be sympathetic and we
5 want -- I mean, you've already constructed the
6 thing. I'm sure there's some constraints the
7 owner is putting on you.

8 DOUG DeLUCA:

9 Yes, sir.

10 JASON OSBORNE:

11 But I mean, moving forward, you have got
12 to work with us a little bit better, quite
13 frankly. I mean, it's --

14 DOUG DeLUCA:

15 And I totally accept that
16 responsibility. I do, and we want to move forward
17 within the agency who has -- they are very
18 beneficial to us as contractors, and we rely on
19 them. So when things like this occur, you know, I
20 accept that responsibility. So if it is a fact of
21 what we need to do forward from here, I'm amicable
22 to whatever is necessary to make it go forward.

23 RONNIE DANIELS:

24 Willa, are you agreeable in tabling this
25 one more time so y'all can take a look at this new

1 information or --

2 WILLA BRANTLEY:

3 Yes, sir, that's fine.

4 Another thing about the Marine Patrol
5 visit, I did check with Officer Strickland and he
6 has no record -- and checked with his staff, I
7 believe. They have no record of stopping by, so
8 we don't know who that was that stopped by and
9 discussed the height.

10 RONNIE DANIELS:

11 Well, they don't do measurements or
12 anything like that anyhow, correct?

13 WILLA BRANTLEY:

14 Typically, not. Typically, they forward
15 it to us if they have any kind of complaint or
16 question and we go and investigate.

17 RONNIE DANIELS:

18 Well, I think that at this point the
19 best way to move forward is let's just go ahead
20 and table this thing again, let the staff review
21 what y'all have submitted. I personally would
22 like to see something with some dimensions on the
23 actual boathouse and the piers other than just the
24 number.

25 WILLA BRANTLEY:

1 Can we also get the Commission to
2 request a deadline for when those dimensions have
3 to be submitted because --

4 RONNIE DANIELS:

5 What would be your preference?

6 WILLA BRANTLEY:

7 -- the month before it was pulled off at
8 the last minute because we got information at the
9 last minute, and now we're getting information at
10 the meeting that I had requested at least two
11 weeks ago.

12 AUSTIN CLARK:

13 And we appreciate that. I think the
14 general rule is 10 days or so before a hearing.
15 We seek to comply and we're going to work
16 diligently to get all this information submitted
17 to the Commission before the next hearing.

18 RONNIE DANIELS:

19 That would be my next question.

20 How much time do you need to review it
21 before the next meeting? Would 10 days give you
22 enough?

23 WILLA BRANTLEY:

24 I would say at least two weeks ahead.
25 We set the agenda approximately 10 days prior to

1 the meeting. So if we could have it 14 days prior
2 to that, that would give us several days to look
3 at it and review it. Actually, that would put us
4 into the week -- two of those days would be
5 weekend days. So August 29th would put us at two
6 weeks prior to the next meeting.

7 AUSTIN CLARK:

8 And I don't know that that gives them or
9 the Corps time to do what they need to do. We're
10 fine with whatever the Commission tells us to do,
11 but they're going to need their time to get out
12 there and check on this.

13 JASON OSBORNE:

14 But our issue isn't the Corps. The
15 Corps relies on us for the -- I mean, the Corps
16 will look at what we decide to do.

17 AUSTIN CLARK:

18 Right.

19 JASON OSBORNE:

20 So they can continue doing what they're
21 doing, but in terms of what we and our staff need
22 to do, like I think the 29th is applicable. At
23 least from my perspective, if it's not in by that
24 time, like I'm not prepared to support an
25 application at the next meeting unless everything

1 is in on time. I mean, this is -- it's kind of
2 ridiculous if we're getting information the day
3 before or even the night before and you're asking
4 us to make a decision on this.

5 RONNIE DANIELS:

6 Well, here's the other thing, too, I
7 would like to see them get it sooner than later,
8 be able to look at it. If you will get it to
9 them -- if they don't get it done, that's fine.
10 We don't have to put it on the agenda for next
11 month. We can move it one more month without
12 having to bring everybody back in here.

13 AUSTIN CLARK:

14 Understood.

15 RONNIE DANIELS:

16 But let's go ahead and get them the
17 information that they need as quickly as possible.
18 That way they can look into it. And if we're
19 ready for it on the next meeting, we will add it
20 back to the agenda.

21 AUSTIN CLARK:

22 And I will say, I believe the surveyor
23 is out of town, but as soon as he gets back into
24 town, we can get him to add this information to
25 the survey and we will submit it to Willa

1 immediately.

2 RONNIE DANIELS:

3 Okay.

4 JASON OSBORNE:

5 And then, lastly, for the record, just
6 if you look at the measurements there on that, it
7 does not include the existing pier in those
8 measurements. If you add up the totals of all the
9 measurements on there, that's 2,467 square feet.

10 AUSTIN CLARK:

11 And again, we're going to rely on our
12 licensed surveyor for the square footage.

13 JASON OSBORNE:

14 I'm just telling you, if you map it out,
15 that's what the measurements are.

16 RONNIE DANIELS:

17 Okay. Well, let's get it all in and
18 let's let the staff review it.

19 AUSTIN CLARK:

20 Right.

21 RONNIE DANIELS:

22 I will make the motion to table this
23 until we bring it back after the staff has had
24 time to review it.

25 JONATHAN McLENDON:

1 I second it.

2 RONNIE DANIELS:

3 All in favor?

4 JONATHAN McLENDON:

5 Aye.

6 JASON OSBORNE:

7 Aye.

8 CAM ROBERDS:

9 Aye.

10 RONNIE DANIELS:

11 Aye.

12 Thank you, guys. Thank you, Willa.

13 WILLA BRANTLEY:

14 Thank you.

15 AUSTIN CLARK:

16 Thank you, Commissioners.

17 RONNIE DANIELS:

18 All right. Finance and Administration,
19 Ms. Leslie.

20 LESLIE BREWER:

21 Good morning, everyone. I'll present
22 the financials for the end of July, July 31st,
23 2023.

24 At the end of the month, our state
25 revenue was \$3 million. Our agency revenue was

1 also \$3 million.

2 Our state net income was 2.7, and agency
3 net income was 2.5.

4 After one month of our new fiscal year,
5 99.8 percent of our budget remaining for operating
6 funds, and Tidelands, we have 99.05 percent.

7 Anyone have any questions?

8 RONNIE DANIELS:

9 No, ma'am.

10 LESLIE BREWER:

11 Thank you.

12 RONNIE DANIELS:

13 All right. Ms. Charmaine.

14 CHARMAINE SCHMERMUND:

15 Good morning. The Mississippi
16 Department of Marine Resources had 10 media
17 mentions since the July MACMR meeting. News items
18 included the announcement of Commissioner Osborne
19 to the MACMR, the opening of proposals for
20 on-bottom molluscan shellfish leases and financial
21 assistance applications being accepted for the
22 2019 Bonnet Carré Spillway Fisheries Disaster
23 Recovery Program.

24 The office of Marine Patrol took part in
25 the City of Gulfport's turning 125 years old

1 celebration July 29th and the National Night Out
2 Against Crime with the City of Moss Point on
3 August 1st.

4 Rick Burris gave an agency presentation
5 to the Biloxi Lions Club on August 2nd at the
6 Maritime and Seafood Industry Museum.

7 The third class of the 2023-2024
8 off-bottom Aquaculture Training Program was held
9 on July 29th at the Bolton Building and the Biloxi
10 Small Craft Harbor with 18 participants.

11 Shellfish Bureau staff gave a presentation on
12 marketing and branding strategies, distribution
13 tactics, permitting 101 and oyster tumbling
14 operations. The staff of Eagle Point Oyster
15 Company followed with a workshop where
16 participants received hands-on training on the
17 tumbling process of seed-size and market-size
18 oysters and provided the class with aquaculture
19 tips and tricks.

20 MDMR staff participated at One Coast Day
21 at the Neshoba County Fair. On July 25th, we fed
22 gulf-fresh seafood to an estimated 600 guests. We
23 also promoted the Mississippi Seafood Program with
24 a booth featuring promotional materials the
25 morning of July 27th. We had approximately 500

1 visitors to our booth that morning. Many agencies
2 and organizations from the Gulf Coast attended One
3 Coast Day to promote everything our Coast has to
4 offer.

5 And we will be at the Seafood Festival
6 in the Biloxi Town Green on Saturday,
7 September 9th if anyone would like to stop by our
8 booth and visit us.

9 RONNIE DANIELS:

10 Thank you. A lot going on.

11 Bear with me. Excuse me. Just one
12 second.

13 All right. Where are we at? Marine
14 Fisheries, artificial reef update.

15 COURTNEY WALKER:

16 Morning, Patrick, Legal, Commissioners.
17 I'm not Travis. I'm Courtney doing the artificial
18 reef update.

19 I just have a brief presentation on some
20 recent projects that we have going on. Our first
21 one is NFWF Barrier Island Reef Project. This is
22 a project that is -- we used eco disks as our
23 structures, and we deployed 860 reef modules FH-8
24 9/11, 10, and Cat Island. These deployments took
25 a total of four days. April 18th and 19th, we

1 deployed about half of them and then again on July
2 17th and 18th for the remainder. These are
3 constructed of Florida limestone on a pedestal
4 that's made of a concrete base with rebar.

5 As you can see here, these are the units
6 that we deployed. This design was specifically
7 chosen because of the rings. It creates a space
8 for these juvenile fishes, for our habitat
9 protection and for forging opportunities. On Fish
10 Haven 8, we deployed 200 units, Fish Haven 9/11,
11 215 units; Fish Haven 10, 210 units, and on Cat
12 Island, 235 units all in water depth of 12 to 18
13 feet.

14 This project, now that the construction
15 phase is over, it will start monitoring in March
16 of next year for two years.

17 This is some pictures from the recent
18 deployments. As you can see, each structure is
19 going to be individually picked up and placed on
20 the bottom. We want them all to be vertical and
21 standing.

22 DMR in conjunction with the Mississippi
23 Gulf Fishing Banks and Omega Protein also deployed
24 two retired fishing vessels. The first one is
25 Mermentau, which is a 149-foot fishing vessel

1 built in 1989. We deployed this one on July 26th
2 in 90 feet of water on Fish Haven 13. These are
3 some recent pictures from the recent deployment.

4 We also deployed GP Chauvin, which was a
5 147-foot-long fishing vessel built in 1989. It
6 was deployed the next day on July 27th and it's
7 also located on Fish Haven 13 in 90 feet of water.
8 And this is some pictures from that deployment as
9 well.

10 This is the drone footage provided by
11 our IT department. As you can see here, the
12 contractor is already detached from the vessel.
13 We have the bow anchored. The stern is already
14 filled with water. The hatches were removed. All
15 plastics, oil-based products, everything removed
16 from the boat. The intent here is you want the
17 boat to land up -- upright on the bottom. So
18 filling the stern full of water first helps this,
19 and this deployment, with the water flooding and
20 everything, only took about 30 minutes to -- for
21 it to sink. And after each vessel was deployed,
22 Artificial Reef staff site scanned over it and got
23 the coordinates for each vessel.

24 And here's a map of just some locations
25 that I discussed, the eco disks that went on the

1 Cat Island and FH-8, 9/11 and 10, and then the
2 fishing vessels that were deployed on Fish Haven
3 13.

4 Any questions?

5 RONNIE DANIELS:

6 Great work. That's exciting stuff.

7 COURTNEY WALKER:

8 Thank you.

9 JOE SPRAGGINS:

10 Hey, Commissioners. This is Joe. Too,
11 I would like to thank Gulf Fishing Banks and Omega
12 for helping us with this in being able to put
13 those two big boats out there. This is a big deal
14 for us.

15 RONNIE DANIELS:

16 Yes. Absolutely, Joe. Thank you.

17 All right. So we're going to back up
18 just a little bit here. I would like to amend my
19 motion that I made a few minutes ago on the
20 permit. I left a part off there. I would like to
21 amend the motion to add the August 29th date of
22 when the documentation, the additional
23 documentation needs to be submitted to our staff.

24 Is that good?

25 SANDY CHESNUT:

1 Yes, that's good. We just need a
2 second.

3 RONNIE DANIELS:

4 Anybody second it?

5 JONATHAN McLENDON:

6 I will second it.

7 RONNIE DANIELS:

8 All in favor?

9 JONATHAN McLENDON:

10 Aye.

11 CAM ROBERDS:

12 Aye.

13 JASON OSBORNE:

14 Aye.

15 RONNIE DANIELS:

16 Aye.

17 All right. Thank you.

18 JENNIFER WITTMANN:

19 Commissioner Daniels --

20 RONNIE DANIELS:

21 Yes, ma'am.

22 JENNIFER WITTMANN:

23 -- I believe that the DeLucas left.

24 RONNIE DANIELS:

25 Their attorney came back in.

1 AUSTIN CLARK:

2 Yeah, I have got it.

3 JENNIFER WITTMANN:

4 Okay. We just want to be sure. We have
5 had some -- want to be sure that communication is
6 clear, so we will send that to them in writing and
7 also an e-mail as well just so there is not any
8 confusion.

9 RONNIE DANIELS:

10 Yes, ma'am. Thank you. We appreciate
11 you coming back in.

12 AUSTIN CLARK:

13 Yes, sir.

14 RONNIE DANIELS:

15 All right. Rodie Armes must not be
16 fishing. We don't have any records. Hope he
17 isn't sick.

18 All right. Do we have any other
19 business?

20 JASON OSBORNE:

21 I just had a question about -- given the
22 fires that have gone on this last week, if there
23 has been any sort of damage or anything
24 affecting --

25 JENNIFER WITTMANN: .

1 So we do have the Grand Bayou Coastal
2 Preserve that is adjacent to Buccaneer State Park.
3 We had about 32 and a half acres of state property
4 that were burned during that fire. We did not
5 have any structures on the site, so there were no
6 kiosks or lookouts or anything like that, so there
7 was no significant damage. Our staff was able to
8 go out the day after and make sure that, you know,
9 it wasn't anything where there were any safety
10 issues.

11 The fires that we had in Hancock County
12 over the weekend, there was not any state property
13 that was affected. Most of our property in that
14 area is to the east and the south of I-10 and at
15 the Bay St. Louis exit, so we are hopeful that,
16 you know, the wildfires will stay contained. I
17 know the Forestry Commission has been out doing a
18 lot over the last couple of days. I think their
19 estimation is between 1,400 and 1,500 acres have
20 been burned.

21 But at this point, the only thing that
22 we have seen with the recent fires has been the
23 Grand Bayou Preserve that is adjacent to Buccaneer
24 State Park.

25 JASON OSBORNE:

1 Got you. Thank you.

2 JENNIFER WITTMANN:

3 You're welcome.

4 RONNIE DANIELS:

5 All right. Thank you.

6 Public comments, we have got one public
7 comment today, Mr. Clarence Seymour talking about
8 cobia.

9 Welcome.

10 CLARENCE SEYMOUR:

11 Good morning, Commissioners, Executive
12 Director Spraggins. Clarence Seymour, Charter
13 Boat SYL, Biloxi, Mississippi federally permitted,
14 also charters out of state and also a private
15 angler of the state of Mississippi for quite a
16 long time.

17 My discussion today on the cobia is the
18 state regulations. It concerns me with two per
19 person considered by the federal regulations to
20 one -- you know, two per boat.

21 So I did my research before I came here.
22 So Texas bag limit is two at 40 inches, and it
23 didn't say if it was fork or total length.
24 Florida is one per person or two per vessel and
25 Louisiana is two per boat, 36-inch fork and

1 Alabama and Mississippi have the same regulations,
2 two per person, 33 inches to the fork.

3 Years ago, I was -- it was about three
4 or four years ago, I was a public comment with the
5 Gulf Council about when they started the
6 regulations of going to a two-per-boat, and we was
7 concerned about raising the length of 33 inches --
8 I mean, 33 to 36 inches to the fork because a lot
9 of private anglers are new to the Gulf, and such
10 as, and see a cobia and they act like they've seen
11 the boogie man. And it would be best to have a
12 nice net to be able to put a 36-inch fork cobia
13 because they are really hard to judge. So that
14 was my concerns of sticking a gaff in something
15 that you have to throw back. And that's one thing
16 I hate about any type of throwback rules, is any
17 type of injury and not placing it correctly back
18 into the Gulf.

19 So my recommendation would be that we
20 may go to public comment about the guideline
21 change or regulations. I know this staff could --
22 I spoke to Mr. Daniels about it a couple of times,
23 and I reached out to Marty Wilson's group, One
24 Gulf. And so -- and Kyle Johnson with CCA, I
25 never got a response back from him to see how the

1 Mississippi CCA felt about this idea, but I would
2 think that maybe we can get it out to -- put it
3 out to the public and see what the private anglers
4 in Mississippi think and maybe some charter guys,
5 and such as.

6 But two fish per person in my career of
7 35-plus years of running 100 miles back and forth
8 in the Gulf, we killed a lot of cobia in the day
9 and I don't see near the amount of fish that there
10 is today. And I'm worried about preserving for
11 all -- the future of our younger anglers that's
12 going to enjoy the Gulf of Mexico and the
13 Mississippi Sound and the state adjacent waters.

14 My career in cobia fishing, I have won
15 three cobia tournaments in the past 25, 30 years
16 at Gorenflo's, several other events, placed,
17 first, second and third in all. I've been fishing
18 my whole life, so I would like to see the heyday
19 come back of the '90s and the 2000s.

20 And then we started getting a decline,
21 which I'm sure that -- the other states, they
22 pulled the oil rigs up, so there is a lot involved
23 in this whole cobia deal, which public testimony
24 goes a long way and the last four or five years
25 on -- at the Gulf Council level is the reason they

1 went to, you know, two fish per boat, which we
2 put -- we went to the podium and asked for it as a
3 federal for-hire fleet basically.

4 So and the other thing I had was just I
5 appreciate y'all doing what you do. And Director
6 Spraggins, thanks for all the good, hard work he
7 does. And that's all I have got.

8 Any questions?

9 RONNIE DANIELS:

10 I have got one for you, Clarence.

11 So, I mean, what would your proposal be?
12 Are you wanting to see in line with what the
13 federal regs are or maybe a lesser change by the
14 state, just coming off of that many per boat or --

15 CLARENCE SEYMOUR:

16 I'm for the two per boat. Here lately,
17 the -- I have limited out, I don't know, I'd say
18 three times this summer back in June. We had a
19 really good run of cobia by the shrimp boats while
20 we were snapper fishing.

21 So I refused to take the state limit
22 because some fish were in state boundary, but I'm
23 a self-regulator and conservationist on that item.
24 But by the time you clean two keeper cobia, now
25 that's about 20 pounds. I think you can yield

1 10 pounds of filet out of a 20-pound cobia cleaned
2 properly by a professional.

3 But I think that two per boat at baby
4 steps and we could always -- you know, there is
5 not a lot of regulations that go backwards, but as
6 stock assessments come back in and people come
7 back and say, man, the cobias are great. We had a
8 great spring run and a great fall run, they're all
9 over the buoys in October, they are out at
10 Chandeleur again and they're on -- outside of Horn
11 Island, so I just -- you know, not everybody wants
12 to hear regulation changes at all, and that's the
13 main thing that concerns me, that we want to get
14 this lead back. But we have three states that's
15 in regulations with the federal government. And
16 my charter boat captains in Alabama, I haven't
17 really spoke to them about that because we've all
18 been -- they're been pretty bowed up about it.

19 RONNIE DANIELS:

20 Well, I know it's a subject a lot of
21 people are talking about. I've been getting some
22 phone calls about it as well.

23 Trevor, did you want to touch on
24 anything here?

25 TREVOR MONCRIEF:

1 This is certainly the expert in the room
2 here beside me on it.

3 So I think what he has proposed as far
4 as putting a presentation together and at least
5 presenting the background of regulatory changes
6 and all that stuff over the last few years, I
7 think is apt. So we've got the 36-inch. We can
8 comply with that change of a couple of years ago.

9 Texas it's not on their books yet, but
10 they proposed one. They're going to one fish per
11 person at a max. It's going to be a max of six.
12 And theirs are total length. They do everything
13 in total length over there.

14 And then the other thing I'll bring up
15 that has caused confusion with our anglers, around
16 the time of the March tournaments, we started
17 getting calls, April, everything else, all that,
18 as soon as everyone started planning out the
19 tournaments. Everyone was kind of asking the
20 difference between state and federal regulations.
21 And, you know, it spurred between snapper season
22 and everything else. I think it would be good to
23 get it out there in the open.

24 The other part of it, Clarence made the
25 point, when you make -- especially on the federal

1 side when strong regulatory decisions are made,
2 large steps from what is two per person down to
3 one person, two per vessel, it's not often that we
4 have discussions about bringing that back. We
5 don't ever talk about increasing ACLs or lowering
6 size limits or increasing bag limits too often.

7 So there is a little bit of hesitance on
8 that end to make such a large scale change, but I
9 think it would be good to provide options, have
10 the public be able to come and provide comment,
11 let's hear it and kind of get that moving in that
12 direction.

13 CAM ROBERDS:

14 I was just going to say, you know, from
15 a recreational perspective, I mean, that's the
16 talk. Every -- you know, in the spring of every
17 year, you know, are we going to get cobia because
18 it's -- the reduction for us is real. I mean,
19 it's noticeable. So I would agree with
20 Mr. Clarence. I know he does have many, many
21 years on me, so he was probably catching them way
22 before I was.

23 RONNIE DANIELS:

24 Anything?

25 So what I'm hearing, I guess we can make

1 a motion to ask y'all to take a look at this and
2 bring it back to us and -- next month or the month
3 after.

4 TREVOR MONCRIEF:

5 Yeah. I think next month would be fine.

6 RONNIE DANIELS:

7 Okay. Well, I would be happy to make
8 that motion to ask the staff to put together
9 information on cobia potential changes.

10 TREVOR MONCRIEF:

11 Yes. So background, the cobia
12 regulatory changes, the background of it over the
13 last five or six years and then we'll come back,
14 you know, with a suite of options to consider, one
15 of those being status quo, in the middle and then
16 current federal compliance. I think that would be
17 a good place to start.

18 CLARENCE SEYMOUR:

19 Great idea.

20 RONNIE DANIELS:

21 All right. Do we have a second?

22 CAM ROBERDS:

23 I'll second.

24 CLARENCE SEYMOUR:

25 Thank y'all.

1 RONNIE DANIELS:

2 Thank you, Clarence.

3 CLARENCE SEYMOUR:

4 Any more questions?

5 RONNIE DANIELS:

6 No, sir.

7 CLARENCE SEYMOUR:

8 Thank y'all.

9 RONNIE DANIELS:

10 We have a motion and a second.

11 All in favor?

12 CAM ROBERDS:

13 Aye.

14 JONATHAN McLENDON:

15 Aye.

16 JASON OSBORNE:

17 Aye.

18 RONNIE DANIELS:

19 Aye.

20 All right. We're going to talk about
21 cobia.

22 PATRICK LEVINE:

23 Sounds good.

24 RONNIE DANIELS:

25 I think that about winds us up. Do we

1 have a motion to adjourn?

2 Well, I will make it.

3 CAM ROBERDS:

4 Second.

5 RONNIE DANIELS:

6 Y'all have a great day.

7 (Adjourned at 10:04 a.m.)

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CERTIFICATE OF COURT REPORTER

1
2 I, MELISSA BURDINE-RODOLFICH, Court Reporter
3 and Notary Public, in and for the County of
4 Harrison, State of Mississippi, hereby certify that
5 the foregoing pages, and including this page,
6 contain a true and correct copy of my stenotype
7 notes and/or electronic tape recording of the
8 public meeting witness, as taken by me at the time
9 and place heretofore stated, to the best of my
10 skill and ability.

11 I further certify that I am not in the employ
12 of, or related to, any counsel or party in this
13 matter, and have no interest, monetary or
14 otherwise, in the final outcome of the proceedings.

15 Witness my signature and seal, this the
16 _____ day of _____, 2023

17
18 /s/ Melissa Burdine-Rodolfich

19
20 Melissa Burdine-Rodolfich, 74171
21 My Commission Expires 4/28/24
22
23
24
25