

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, October 15, 2019

9:00 a.m.

Bolton Building Auditorium

1141 Bayview Avenue

Biloxi, Mississippi 39530

Commission Members:

Ronald Daniels, Vice Chairman

Steve Bosarge

Richard Gollott

Natalie Guess

Also Present:

Joe Spraggins, Executive Director DMR

Kim Papania, Esq., Assistant Attorney General

Lucille Morgan, CSR 1251

COURT REPORTER

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1 COMMISSIONER DANIELS: Ladies and gentlemen, we
2 are going to get the Commission on Marine Resources
3 meeting for October 15th underway here.

4 Chairman Mark Havard was unable to attend today,
5 so I will be filling in for him.

6 We would like to start the day by asking our
7 Executive Director to lead us in the Pledge of Allegiance.

8 (Pledge of Allegiance was recited.)

9 COMMISSIONER DANIELS: Now, we will just have a
10 brief moment of silence.

11 (Moment of silence observed.)

12 COMMISSIONER DANIELS: We would like to
13 recognize Senator Seymour for being here with us today.
14 We appreciate him being here.

15 Then, we will move on to our approval of the
16 minutes.

17 Do we have a motion to approve the minutes for
18 September 17th, 2019?

19 COMMISSIONER GOLLOTT: So moved, Mr. Chairman.

20 COMMISSIONER DANIELS: Do we have a second?

21 COMMISSIONER BOSARGE: Correction to the
22 minutes, it that is okay.

23 COMMISSIONER DANIELS: All right.

24 COMMISSIONER BOSARGE: On page twenty-three,
25 line twenty-four, there was a statement left out of the

1 minutes that I actually made and it had to do with a roll-
2 call vote, and I would like to put that statement back in
3 the minutes of the meeting.

4 It would be between line twenty-four and line
5 twenty-five on page twenty-three, "Can we get a roll call
6 on that?" That was my statement.

7 I would like that added back to the minutes,
8 please.

9 COMMISSIONER DANIELS: Do we have a motion to
10 adjust the minutes for September 17th?

11 COMMISSIONER GOLLOTT: Mr. Chairman, I will
12 modify my motion.

13 would you read that, Steve, so we can see what
14 we are talking about?

15 COMMISSIONER BOSARGE: Excuse me, Commissioner
16 Gollott. I didn't quite hear what you said.

17 JOE SPRAGGINS: He wants you to read the
18 statement.

19 COMMISSIONER BOSARGE: Yes, sir.

20 I don't know if you have the minutes in front of
21 you, but, if you turn to page twenty-three, it was during
22 the vote, I think, on Tarpon, right after you said, "I
23 would like to abstain."

24 If you listen to the audio, it is in the audio,
25 and, then, I said, "Can we get a roll call on that?"

1 Then, next Commissioner Guess says "Abstain".
2 I would just like that added back into the
3 minutes, please.

4 COMMISSIONER GOLLOTT: Okay. I will modify my
5 motion to include the statement.

6 COMMISSIONER DANIELS: Do we have a second?

7 COMMISSIONER GUESS: I'll second it.

8 COMMISSIONER DANIELS: All those in favor say
9 aye.

10 (All in favor.)

11 COMMISSIONER DANIELS: All opposed?

12 (None opposed.)

13 COMMISSIONER DANIELS: Motion passes.

14 Next up is going to be the approval of the
15 agenda.

16 Can we get a motion to approve the agenda for
17 today?

18 JOE SPRAGGINS: Sir, if I could, I would like to
19 have a couple of modifications and ask that y'all look at
20 for the agenda.

21 Number one is G2(d) and G2(f). I ask them to be
22 stricken from the agenda and also K3 be taken off the
23 agenda, and L1 added as an Executive Session to discuss
24 pending litigation.

25 I would like to see if y'all would entertain a

1 motion for that, sir.

2 COMMISSIONER DANIELS: Can we have a motion to
3 modify the agenda today?

4 COMMISSIONER GUESS: I will make a motion to
5 modify the agenda.

6 COMMISSIONER DANIELS: I will second the motion.
7 All those in favor say aye.

8 (All in favor.)

9 COMMISSIONER DANIELS: Opposed?

10 (None opposed.)

11 COMMISSIONER DANIELS: Motion passes.

12 COMMISSIONER BOSARGE: I had one question about
13 the agenda.

14 At the last Commission meeting I think is was
15 you, Commissioner Daniels, made a motion for staff to come
16 back at the October meeting with recommendations regarding
17 a charter-for-hire reporting program. I don't see this on
18 the agenda.

19 were there some changes that we don't know
20 about?

21 JOE SPRAGGINS: Sir, we were looking at that and
22 I think there were some issues with it and I thought we
23 had coordinated. I am very sorry for that.

24 we would like to ask to bring it to the next
25 meeting because we are working on it. We just haven't

1 been able to get everything put together at this point.

2 COMMISSIONER BOSARGE: That's fine.

3 JOE SPRAGGINS: We are working on it, sir.

4 It was on there and we took it off, and we were
5 looking at it because we thought we would be able to do
6 it.

7 Rick, is there anything else on that?

8 RICK BURRIS: We will bring it up at the next
9 meeting.

10 COMMISSIONER BOSARGE: All right. Thank you.

11 COMMISSIONER DANIELS: Our agenda is approved.

12 We are going to move on to the Executive
13 Director's report with General Joe Spraggins.

14 JOE SPRAGGINS: Just a couple of little things
15 quickly.

16 If you have public comment -- P. J., where are
17 you back there?

18 P. J. in the back stand up. Get him a form and
19 let him bring it up here to us for anything that you would
20 like to make public comment about.

21 Also, Commissioners, we would like to look at if
22 it would be to have a special session which would be a
23 work session for the Penalty Matrix workshop on Monday,
24 the 28th, at 2:00 p.m.

25 would that work for anyone?

1 COMMISSIONER GUESS: It works for me.

2 COMMISSIONER BOSARGE: What time, Mr. Joe?

3 JOE SPRAGGINS: I have Monday, the 28th, at 2:00
4 p.m.

5 We can be flexible. I am just trying to come up
6 with a time.

7 COMMISSIONER DANIELS: (Inaudible).

8 JOE SPRAGGINS: Had y'all rather wait and do it
9 the first week in November, or something?
10 would that be better?

11 I'm looking for a time more than anything.

12 COMMISSIONER DANIELS: Me personally afternoon.

13 COMMISSIONER GUESS: Morning is better for you,
14 or no?

15 COMMISSIONER DANIELS: No.

16 JOE SPRAGGINS: Commissioner Bosarge?

17 COMMISSIONER BOSARGE: I will try to work with
18 you any way I can, Mr. Joe. You just set a time. We will
19 try to make it happen.

20 JOE SPRAGGINS: Sir?

21 COMMISSIONER GOLLOTT: The same. I will work
22 with you.

23 JOE SPRAGGINS: The 28th, I tell you what, we
24 will look at it, and I will put it out to you if there is
25 a possibility on the 28th. If not, we will change it to

1 the week after sometime the first part of November, and I
2 will get you a date and look in the afternoon and see what
3 would work for everybody.

4 Employment contracts, pull that up real quick.
5 There we go.

6 Jennifer Cumbest is Education Specialist at the
7 NERR who has been hired, and Eric Gigli is Finfish
8 Scientist IV and he has been moved up to that.

9 Next slide. These are procurements, and I think
10 you can look at it.

11 Does anybody have any questions on any of the
12 procurements?

13 (No response.)

14 JOE SPRAGGINS: The fisheries disaster, what I
15 would like to basically cover on that is we met. We
16 talked about it. They have called us. NOAA called us
17 last week, a little over a week ago and they have sixty
18 days from the 24th day of September to have the information
19 to the congress.

20 They have asked us to give them information as
21 quick as possible so they can move forward on this
22 disaster relief.

23 It is for a revenue loss only. Revenue loss is
24 a little different than what we have done in the past.
25 Usually it takes about a year to get the data to tell us

1 what we have, as far as our fisheries. They are asking
2 for the revenue loss at this time.

3 Luckily, because we had hired Scott Levanway's
4 group to be able to do this, we had a lot of the
5 information already ahead of time and we are being able to
6 get the information to them hopefully sometime this week.

7 The information needs to get to them, and what
8 we are talking about is they are trying to keep everything
9 on first line fisheries. When I say "first line
10 fisheries", we are talking about the fishermen, we are
11 talking about the processors.

12 They haven't given me enough to talk with it
13 about it, but I am thinking what our answer is if you sell
14 seafood, we want to know about it. We want to know what
15 your revenue loss was.

16 If you were a charter boat fisherman, we want to
17 know if you had revenue loss.

18 If you were a commercial fisherman, we want to
19 know if you had revenue loss.

20 Any type of oysters, crab, shrimp, any type loss
21 of any of that, we want to know what it was.

22 We are even asking for the restaurants. Now, I
23 don't know. Maybe they will. Maybe they won't, but I am
24 shooting for it. I am shooting for anything I can to get
25 as much money as we possibly can to the people who were

1 affected by this disaster.

2 We have to get it to them by the first of
3 November. I know Scott Levanway is trying to get in touch
4 with most everyone as much as they can.

5 If you have not been contacted by him, please
6 let us know. We will get him in touch with you. We want
7 to get this information done so we can get as much as
8 possible back.

9 There is a hundred and sixty-five million
10 dollars in the pot. I have no idea how much Mississippi
11 is going to get.

12 If anybody asks me how much are we going to get
13 and what are we going to get, I don't know.

14 I can tell you we are going to try to get as
15 much of it as we can.

16 I am going to use Trent Lott's old idea. We get
17 ours and they can have the rest.

18 I don't know that that is going to happen, but
19 this is for the whole United States. It is not just for
20 here, but I can tell you that Mississippi is way above the
21 power curve on getting information to them, and that was
22 because we were doing something already ahead of time that
23 the staff was working on to be able to make it better.

24 If you think you had a revenue loss because of
25 the Bonnet Carre Spillway that caused fishery disaster of

1 any type -- we are talking fishery, now. These people
2 that work on the beach and all, I can't do anything about
3 that, if it didn't have anything to do with the fisheries
4 itself, but I would think the bait shops, anything else
5 that was working. Anything that had anything to do with
6 first line fisheries.

7 Please get that information to us. We are going
8 to ask for it. We are going to try to get as much as
9 possible that we can.

10 Then, I am going back to congress and back to
11 the Senator Wicker and ask them to come back now in
12 commerce and say, give me another year to look at the rest
13 of the things that we have so we will know the disaster is
14 there, as they go because we need both of these, and that
15 is what I am shooting for, and I am hoping that he will
16 give us that, and, then, we will have two disasters out of
17 this and not just one.

18 We are also working with Cindy Hyde-Smith to see
19 if we can get any -- she has asked for another one hundred
20 and fifty million for the area in the Delta and hopefully
21 we can use some of that because of what the water did and
22 the sediment and stuff came into south Mississippi and
23 caused the issues.

24 Hopefully we can work all of those things and be
25 able to get some money to the people. My goal is to get

1 the money as quick as possible.

2 I don't know. I can't work congress for you,
3 but I know we have got to get it to them before
4 Thanksgiving, basically, and, then, they pick and say when
5 they are going to release any funds.

6 The funds are there. We don't have to ask for
7 them. They are already in the allocation, and they are
8 even talking about putting more funds in it. It looks
9 like a bright future on it.

10 One of the things I am asking for is that we get
11 money to pay the fishermen. I want to pay the fishermen.

12 I don't want to say you have got to come and do
13 something else for the next six weeks, or the next two
14 years, or whatever. I want to pay you for your loss
15 because I don't want to lose you, and that is what I am
16 worried about.

17 That is what I am fighting hard with them on is
18 that we get the money to pay the fishermen to keep this
19 operation going, and the fishermen are everything that
20 touches the fish all the way through.

21 I appreciate it. Thank you very much, sir.

22 COMMISSIONER GOLLOTT: General, can I ask you a
23 question?

24 JOE SPRAGGINS: Yes.

25 COMMISSIONER GOLLOTT: Is there a place that

1 somebody can pick up an application for this?

2 JOE SPRAGGINS: There is not an application, at
3 this point, sir.

4 If you've got information, if you have lost any
5 type revenue, any of the processors that you represent if
6 they have lost revenue, please let us know what they have
7 lost.

8 what we are trying to do -- they know we can't
9 get everybody's information. So we are taking it and
10 making an average across of what it is, or where the
11 numbers are going to be.

12 we will turn it in. Once the allocation is
13 given to us, NOAA will come back and say, you can pay for
14 this, this, or this, and, then, it is up to us to send
15 them a spending plan of how we want to pay for it.

16 we will put together a spending plan and the
17 spending plan will go forward. Once it is approved, then
18 we will go forward with that, and, then, be able to pay
19 it, and that is when the application part will come in,
20 sir.

21 COMMISSIONER GOLLOTT: Who do you want us to
22 send this information to, or get with?

23 JOE SPRAGGINS: You can send it to me, or Scott
24 Levanway. Just send it to me and that was we will get it,
25 or either Rick.

1 Is Traci here?

2 RICK BURRIS: Traci is not here, but she is
3 available.

4 JOE SPRAGGINS: Me, Rick, Traci, either one.
5 Send it to any of us and we will help you.

6 COMMISSIONER GOLLOTT: Okay.

7 JOE SPRAGGINS: Thank you, sir, and now I think
8 I have answered all of the questions.

9 COMMISSIONER BOSARGE: So, Mr. Joe, for now, I
10 guess most of your calculations for losses are being done
11 through the trip ticket system?

12 JOE SPRAGGINS: It is. It is going through the
13 trip ticket system itself, but, now, if you take -- some
14 people like charter boats don't have trip tickets.

15 COMMISSIONER BOSARGE: Correct.

16 JOE SPRAGGINS: They have got to show revenue
17 loss and they are going to have to come back.

18 Once again, if they give me X amount of dollars
19 and they say, you can do charter boats, then, we will go
20 back and look at it. They are going to have to prove
21 their loss. It won't be that they just make up a loss.
22 They would have to prove it.

23 COMMISSIONER BOSARGE: That's correct. That's
24 correct, and I know because we have done this disaster
25 relief in different states, plus partnering with some of

1 the Federal officials. They really look hard at that
2 data.

3 So, yes, the trip ticket data is the best data.

4 JOE SPRAGGINS: It is the easiest. That is by
5 far the easiest way to get the information that we need.

6 Now, the other part of it will be rebuilding,
7 like, our reefs and stuff. That will come in in two.
8 That will be in part of it, but we will have to work that
9 according to what we have lost, how much we think it will
10 cost to be able to replenish it.

11 COMMISSIONER BOSARGE: Yes, sir. I appreciate
12 all you do. Thank you.

13 COMMISSIONER GUESS: We are thinking it probably
14 won't be until after the first of the year before any
15 funds are distributed.

16 JOE SPRAGGINS: I don't know, but you are
17 probably right. I would hope it would happen before then,
18 but it is just a matter of whenever they decide they are
19 going to distribute the funds out. I don't know when that
20 will be.

21 Thank you, sir.

22 COMMISSIONER DANIELS: Any more questions for
23 the Executive Director's report?

24 (No response.)

25 COMMISSIONER DANIELS: Thank you, General.

1 Moving on to the Commissioners Report, do any of
2 our Commissioners have anything today?

3 (No response.)

4 COMMISSIONER DANIELS: Nothing there. So we
5 will move on to the Office of Marine Patrol, Chief Keith
6 Davis.

7 KEITH DAVIS: The report is pretty brief this
8 month. I do want to point out a couple of things in the
9 report.

10 We continue to get reports of individuals
11 stealing crab pots. We did make one case from a
12 individual crabbing at night. That was a recreational
13 fisherman.

14 A couple of citations for trucks coming into the
15 State without a seafood dealers license.

16 A few accidents to report in the Back Bay where
17 we had a couple of injuries, but nothing very serious.

18 That is the report, and you have it in front of
19 you.

20 Any questions about the report?

21 (No response.)

22 KEITH DAVIS: Before I sit down, I do want to
23 point out to the Commission it is breast cancer awareness.
24 As you can see, we are wearing pink patches. We are
25 participating in a national program, and these shirts are

1 being sold. You can purchase one of these shirts from my
2 assistant upstairs and all proceeds go to the American
3 Cancer Society (indicating shirt).

4 Please support breast cancer awareness. It
5 affects everyone. A lot of individuals in my department
6 are affected by breast cancer. So we are committed to the
7 cause. Thank you.

8 COMMISSIONER DANIELS: How much are your shirts,
9 Chief?

10 KEITH DAVIS: We have a long sleeve shirt and a
11 short sleeve shirt. The long sleeve is twenty-five. The
12 short sleeve is twenty.

13 COMMISSIONER DANIELS: Okay. Thank you.

14 Moving on, Office of Coastal Resources
15 Management, Jan Boyd.

16 JAN BOYD: Good morning Mr. Chairman,
17 Commissioners, Director Spraggins, legal.

18 We have four action items for your consideration
19 this morning, and Greg Christodoulou will be presenting
20 the first one.

21 I'm sorry. We also have a non-action item and
22 Jennifer Wittmann will be presenting it.

23 JENNIFER WITTMANN: Good morning.

24 As Jan said, I am Jennifer Wittmann. I will be
25 presenting a very brief update on some things that Coastal

1 Preserves had going on over the summer months.

2 We were able to purchase through Tidelands Funds
3 a new aquatic invasive species treatment vessel. It is a
4 2020 Pro-Drive X Series boat with a forty horsepower Pro-
5 Drive motor on it which is air cooled. So it is an
6 extremely shallow draft vessel, and the boat and motor
7 together only weigh nine hundred pounds.

8 This is really going to be helpful for us
9 getting into some of these waterways with the treatment of
10 giant salvinia. We had a very big salvinia problem this
11 year. We had a very wet springtime which led to a lot of
12 nutrient in the water and the salvinia became a pretty
13 significant problem for us.

14 This is a picture of the boat and motor. You
15 can see it is a little different than anything else that
16 we have in the DMR fleet, but we are excited to get out
17 there and get working on it.

18 We are going to be adding a spray tank and
19 potentially adding some booms on the side so we can get
20 more coverage.

21 We wanted to let the Commission know that if you
22 get calls that we have a duck hunting boat, we do, but we
23 are not hunting.

24 Through NFWF we were able to have a contractor
25 do a prescribed burn at the DeLisle unit of the Wolf River

1 Coastal Preserves. They burned seventy-eight acres south
2 of the Chemours facility over two days.

3 Our staff helped with the burn and with fire
4 line installation, and the contract that we have with this
5 individual also includes a burn at the Wachovia Unit in
6 the Hancock County Marsh Preserve near Infinity and fire
7 line installation at Indian Point in Gautier.

8 We are actually meeting with that contractor
9 today in Gautier at Indian Point to start some fire line
10 installation over there so that we can get some more of
11 our Pine Savannas in a regular fire regime for some active
12 restoration work.

13 These are just a couple of pictures from the
14 burn that day. This one of the smoke plume was taken from
15 the bridge that goes over the Wolf River, and, then, the
16 fire line, and, then, we are going to see if this video
17 will play.

18 (Video playing.)

19 JENNIFER WITTMANN: In case you have never been
20 in a prescribed burn, that is kind of what it is like.

21 Mississippi Power Company is a partner that we
22 work with on a regular basis and this year their Renew Our
23 Rivers Conservation Program won a 2019 EPA Gulf Guardian
24 Award for Business and Industry, and Coastal Preserves has
25 partnered with them for ten years on this project.

1 Every year we have a cleanup of the Deer Island
2 Coastal Preserve, with the casino partners from Biloxi.
3 We try to have it on Earth Day, or around there in April
4 of every year. Mississippi Power, Harrison County, DMR,
5 the Golden Nugget, Harrah's Gulf Coast, the Hard Rock and
6 Beau Rivage all participate in that event, and, then, we
7 also work with Mississippi Power at the Pascagoula River,
8 the Bernard Bayou and Turkey Creek and the Back Bay of
9 Biloxi Renew Our Rivers events.

10 I also have a video of the Gulf Guardian Award
11 and Jennifer Frey with Coastal Preserves is in that video
12 and it is very short. It is just a few minutes, but it
13 talks about the program for Renew Our Rivers and our
14 partnership.

15 JOE SPRAGGINS: while they are trying to pull
16 that up real quick, sir, for the Commission, this boat
17 that they are talking about is an outstanding deal because
18 they are able to go in and the Salvinia -- Senator
19 Seymour, over in your area they've got some Salvinia in
20 that area, and we are trying to fight that for you, and
21 that is one of the things that they are trying to fight,
22 and it is an invasive species that gets out there, and
23 they have come up with this new boat that can go in and
24 work in it and also spray twenty feet at the time on each
25 side which is going to make a whole big difference in

1 maybe being able to control this invasive species.

2 (Video playing.)

3 JENNIFER WITTMANN: That is all I have. I just
4 wanted to share some of the highlights of things that we
5 had going on over the summer months.

6 In addition to the passage of the Title 22, Part
7 19, we have been actively out there working and, as Joe
8 said, we are hoping that this new vessel is going to allow
9 us to get into some of those more remote areas in the
10 Pascagoula River marsh so that we can get some early
11 treatment on Salvinia before it gets out into the main
12 waterways. Hopefully we are going to get ahead of it this
13 year and we will be in a good place next summer.

14 COMMISSIONER BOSARGE: That is great. I am glad
15 to see so many good people in this country that want to
16 clean up and make things better.

17 I had one question. You know, we always see
18 fire. Fire is destructive.

19 Can you explain what is the goal of these burns?
20 What are you trying to accomplish?

21 JENNIFER WITTMANN: Many, many, many years ago
22 before there were people living in the Coastal Zones, we
23 had wildfires on a regular basis, and those kept the under
24 stories and the leaf litter off of the ground. There were
25 sparse pines and grass lands, savannas underneath those.

1 When you start moving into an area and you have
2 people there, fire can be destructive. Right now all of
3 the Pine Savannas in South Mississippi, unless they are
4 being actively managed by the Crane Refuge and mitigation
5 are in a fire suppressed situation where there is a lot of
6 leaf litter on the ground. There is a lot of understory
7 and, in a lot of instances, there is an overgrowth of pine
8 trees.

9 We are trying to get into these areas that are
10 currently held in Coastal Preserves and we are going to
11 take out some of those pines, get rid of that leaf litter
12 and move that midstory and those understory plants that
13 are growing so that we can get the area back to what it
14 should be so it is more ecologically stable and we will
15 have habitat for some of our threatened and endangered
16 species and our species of concern.

17 We can't necessarily manage an area for a
18 specific animal, but we can manage the area for the
19 habitat.

20 If we can get the habitats back to what they
21 historically were, or what they can be in today's world,
22 by doing a regular fire regime and, in some instances, we
23 use herbicides as well because we are in densely populated
24 areas and, if you try to set a fire near a home, or a
25 school, it can be intimidating for the people that are

1 around the area, as well as the people that are doing the
2 burning.

3 COMMISSIONER BOSARGE: I was just curious
4 because I get asked that question often. Now, I can
5 answer. Thank you.

6 JENNIFER WITTMANN: Yes, sir. Thank you.

7 COMMISSIONER DANIELS: Thank you, Jennifer.
8 Up next will be G2, Bureau of wetlands
9 Permitting, Greg.

10 GREG CHRISTODOULOU: Good morning everyone.

11 Greg Christodoulou, wetlands Permitting. I will
12 be presenting the first action item on the agenda today
13 for Coastal.

14 This is a permit request by DMR for the
15 expansion of the off-bottom aquaculture site south of Deer
16 Island.

17 It is in the General Use District, and the
18 project purpose and need is to offer additional areas to
19 allow for commercial off-bottom oyster aquaculture. It
20 will also provide jobs, supplement the traditional oyster
21 harvest and will also enhance the nearshore habitat.

22 The impacts associated with the project are
23 going to be exactly as it was with the previous oyster
24 aquaculture project. It is going to be some floating
25 baskets for most of the culture. It is going to be a

1 maximum of twelve percent of the coverage area of the
2 site.

3 As far as the disturbance to the bottom, you
4 will have pilings and, in some cases, you will have screw-
5 down anchors.

6 There is a request for a Coastal Wetlands Use
7 Plan change from General Use classification to an S-2 and
8 an S-3 Use District and the justification is that there is
9 a significant public benefit in the activity and impacts
10 to public access and adverse environmental impacts have
11 been minimized.

12 General public and governmental agencies were
13 notified of the project and a public hearing was held.

14 As far as public access goes, as with the
15 previous project, there will be lanes in the lease area to
16 allow for entrance and exit from the areas to allow people
17 who want to recreationally fish around those areas to do
18 so, or travel to Deer Island.

19 Here is an aerial view of where the project will
20 be located. I put all the coordinates, the corner
21 coordinates and the centerline coordinates for you.

22 Here is a diagram of the project in relation to
23 what was previously authorized. I like to call it the
24 toothbrush. This site is a hundred and thirty-four acres.

25 The project appeared in The Sun Herald on April

1 14th, 21st and 28th. A public hearing was held on July 9th,
2 2019. We received no public comments.

3 DEQ is currently reviewing the project.

4 Archives and History requested a survey, a sonar
5 survey. It took a little while to get that done, but that
6 has been completed and they are awaiting the clearance
7 from that.

8 wildlife, Fisheries and Parks recommends best
9 management practices.

10 Secretary of State has said a lease would be
11 required for the project.

12 The recommendation of the staff is to approve
13 the project because it provides a public benefit by
14 creating jobs and providing a product that is in demand
15 and right now it is not currently available through the
16 local traditional harvest and it also provides nearshore
17 habitat for recreational and commercial fish and
18 invertebrate species.

19 We recommend approval of the permit and the use
20 plan change, contingent on the water quality certification
21 and that clearance from Archives.

22 Any questions?

23 COMMISSIONER BOSARGE: I think it is a great
24 opportunity to expand what we have already started. I
25 know some of the guys that are doing it and it is a lot of

1 work, but it is worth it.

2 I know they had some issues with the Bonnet
3 Carre.

4 GREG CHRISTODOULOU: As did everybody, but I
5 think there would have been a lot of success if we had not
6 had that. There is a marine contractor that is also doing
7 this work. He has a leased site out there, and he is
8 really excited about it.

9 COMMISSIONER BOSARGE: Good. I'm glad to see
10 it.

11 with that, I will make a motion that we accept
12 the staff's recommendations.

13 COMMISSIONER DANIELS: Do we have a second for
14 that motion?

15 COMMISSIONER GUESS: I'll second it.

16 COMMISSIONER DANIELS: All those in favor say
17 aye.

18 (All in favor.)

19 COMMISSIONER DANIELS: Opposed?

20 (None opposed.)

21 COMMISSIONER DANIELS: Motion passes.

22 JOE SPRAGGINS: Sir, if I may real quick on that
23 one thing, we did a GOMESA project with USM, and they are
24 working with an individual and they are trying to develop
25 a way to raise and lower those baskets electronically.

1 That will take a lot of the workload, a lot of
2 the manpower out of it, but it will take it all out and
3 that will help a whole lot.

4 That should happen in the next few months that
5 we get something out of it.

6 COMMISSIONER BOSARGE: That's great. I know it
7 is not just happening here in Mississippi. It is all over
8 the East Coast. Those guys are very innovative. I have
9 seen some of them where they actually run a boat down
10 along side this line and it flips those traps. So they
11 will figure it out. I'm sure.

12 JOE SPRAGGINS: We are also looking at putting a
13 barge and having a tumbler on the barge so they don't have
14 to bring them in and out. We are looking at some way of
15 helping it that way, too, by having a barge out there and
16 being able to do the tumbling there, and, then, not having
17 to bring them all the way in to shore, and, then, take
18 them all the way back.

19 COMMISSIONER BOSARGE: Good deal.

20 COMMISSIONER DANIELS: Very exciting for sure.
21 B2, willa Brantley.

22 WILLA BRANTLEY: Good morning.

23 I will be presenting the next two items on the
24 agenda.

25 The first is a request for a permit by the

1 Department of Environmental Quality. The location is
2 along the western shoreline of Point Aux Chenes Bay and
3 the banks of Bangs Bayou. This is east of Pascagoula.

4 That is Jackson County, not Harrison County. I
5 don't know why that didn't get fixed.

6 It is in a Preservation District and partially
7 in a General Use District.

8 The purpose and need is the NRDA Early
9 Restoration Project. This is to support secondary
10 productively.

11 The agent is Alane Young at Covington Civil and
12 Environmental.

13 The description is approximately six point five
14 acres of subtidal reef creation in Point Aux Chenes Bay
15 and approximately three acres of intertidal reef creation
16 in Bangs Bayou.

17 Here is a picture of Point Aux Chenes Bay where
18 the subtidal reefs will be deployed, and this is a diagram
19 depicting the dimensions.

20 There will be a minimum clearance at mean lower
21 low water of two feet from the top of any of these
22 structures.

23 To give an undulating and varied water depth of
24 the reef, they will be built in ridges and vary from zero
25 point two feet to a maximum of three feet in height from

1 the bottom.

2 Here is Bangs Bayou where the intertidal reefs
3 will be constructed, and here is a diagram showing how
4 they will be constructed. As you see, it will be where
5 the tide range between low tide and high tide will cover
6 and uncover portions of that reef on a daily basis.

7 The applicant has requested variances to the
8 Coastal Program and Mississippi Code Title 22, Part 23 for
9 permanent filling of Coastal Wetlands.

10 They have justified these variances stating that
11 the impacts on Coastal Wetlands would be no worse than if
12 the guidelines were followed.

13 This is because these are ultimately beneficial
14 projects expected to improve the environment and habitat
15 where they take place.

16 Notification appeared in The Sun Herald as
17 required. There were no public comments received on this
18 proposed project.

19 401 Water Quality Certification was issued by
20 DEQ on August 19th, 2019.

21 Archives and History stated for this project
22 they have no objections.

23 Secretary of State stated that the project will
24 require a rent exempt Tidelands lease.

25 wildlife, Fisheries and Parks has submitted no

1 comments to date.

2 DMR's Bureau of Coastal Preserves stated that
3 the Coastal Preserves Program has no objection to the
4 proposed reef projects, provided the applicant requests
5 and receives authorization from the riparian property
6 owners.

7 This area includes both Coastal Preserves and
8 the Grand Bay NERR. So some discussions occurred to
9 decide whether permission was needed from both of those
10 parties, or just one, and it was decided that as long as
11 the Grand Bay NERR approved the project, no additional
12 approval would be needed from Coastal Preserves for this
13 particular project, and that approval was provided on
14 September 5th, 2019.

15 Based upon departmental review and evaluation,
16 we determined that the project will have a significant
17 public benefit. Therefore, we recommend that the
18 Commission approve the variance request and issue the
19 requested permit with a few conditions; that the project
20 area should be rechecked for the presence of SAV during
21 the growing season prior to implementation of the project,
22 that that survey report be submitted to the Bureau of
23 Wetlands Permitting at least thirty days prior to project
24 commencement and that if SAV is found in the proposed
25 project area, a final review and approval by permitting

1 staff should be required prior to project commencement.

2 Are there any questions?

3 COMMISSIONER BOSARGE: Yes. I have a couple, of
4 course, willa.

5 In Bangs Bayou, there are already oysters along
6 the banks which is where this is going.

7 Now, is this to enhance what is already there?

8 I mean, all along and even in Point Aux Chenes
9 Bay, there are already oysters there.

10 WILLA BRANTLEY: Yes, sir. It is intended to
11 enhance and replace any productively, secondary
12 productively that might have been damaged by the oil spill
13 whether it was specifically in that location, or in a
14 nearby location.

15 COMMISSIONER BOSARGE: I guess my only concern
16 would be that we are not going to do any harm to what is
17 already there because those oysters in that Bangs Bayou,
18 the oysters are on the breaks, up in the edges which is
19 where you are putting all this.

20 WILLA BRANTLEY: This project has been
21 extensively discussed and reviewed by our Fisheries
22 Department and Grand Bay NERR, Coastal Preserves.

23 We have a restoration team made up of all the
24 different offices and bureaus at DMR and we discussed
25 these over the last several years heavily. They have been

1 carefully planned not to cause problems to any existing
2 resources.

3 COMMISSIONER BOSARGE: I think I saw where some
4 of that material will be -- in my mind, I'm trying to keep
5 them all straight.

6 Is this where some of that material is going to
7 be put out in wire cages?

8 WILLA BRANTLEY: Yes, sir.

9 COMMISSIONER BOSARGE: It is great. I am glad
10 to see it. We need all the help we can get. We just need
11 to be sure that we don't mess up what is naturally there.

12 WILLA BRANTLEY: Yes, sir.

13 COMMISSIONER BOSARGE: Thank you.

14 COMMISSIONER DANIELS: Have we got any more
15 questions on that one?

16 (No response.)

17 COMMISSIONER DANIELS: Do we have a motion to
18 approve?

19 COMMISSIONER GUESS: I'll make the motion to
20 approve the variance request and issue the requested
21 permit with the conditions listed.

22 COMMISSIONER DANIELS: Do we have a second for
23 that motion?

24 COMMISSIONER BOSARGE: I'll second her motion.

25 COMMISSIONER DANIELS: All those in favor say

1 aye.

2 (All in favor.)

3 COMMISSIONER DANIELS: Opposed?

4 (None opposed.)

5 COMMISSIONER DANIELS: Motion passes.

6 WILLA BRANTLEY: Thank you.

7 The second presentation is also a request by the
8 Department of Environmental Quality. This project is
9 along the southern shoreline of Graveline Bay in Jackson
10 County. It is within a Preservation District, and it is
11 also a NRDA Early Restoration Project to support secondary
12 productivity. Alane Young is also the agent for this one.

13 This one will involve ten acres of subtidal reef
14 creation and two acres of intertidal reef creation.

15 Here is a diagram. It is kind of hard to see
16 that red, but the red outlines are where the intertidal
17 and subtidal reefs will be deployed. They will be
18 integrated together.

19 This is a diagram. So you see up here on this
20 end it is showing the intertidal where they will be
21 exposed by the daily fluctuation of the tide, and, then,
22 there will be some further out that will remain submerged
23 at all times, except for in extreme tide events.

24 They have also requested the same variances as
25 the previous project for permanent filling of Coastal

1 wetlands and they were justified the same way, that
2 impacts to Coastal wetlands would be no worse than if the
3 guidelines were followed, based on the positive hopeful
4 impacts of the projects.

5 Notification appeared in The Sun Herald as
6 required, and we did receive two public comments.

7 One was from an adjacent property owner who just
8 simply did not understand the mail out that we send. We
9 send a copy of the full application to all of the adjacent
10 property owners to see if they have any comments. She was
11 an older woman and did not understand. She thought the
12 reference to a fifty dollar application fee was asking her
13 to submit fifty dollars.

14 I spoke with her on the phone and assured her we
15 were not asking for any money. We just wanted to know her
16 opinion of the project, and she was satisfied. She
17 submitted no further comments after that.

18 One member of the public did submit comments
19 concerning water level calculations, that the calculations
20 in the plan were not realistic and would lead to problems
21 both in construction and in the overall success of the
22 reef.

23 The applicant has responded stating that the
24 construction schedule will take into account seasonal wind
25 patterns and tidal fluctuations and contemplates that both

1 the subtidal and intertidal portions of the reef will be
2 periodically exposed by those fluctuations.

3 The subtidal reef is expected to be covered by
4 water at all times under average meteorological
5 conditions.

6 They did plan it based on the average conditions, but they
7 do know that there will be some conditions that do expose
8 portions of that subtidal reef.

9 The intertidal reef will be constructed so that
10 a portion will fall between the mean high water mark and
11 the mean lower low water lines, and they do understand
12 that those are mean levels and that they will change
13 seasonally in some cases.

14 The biological performance criteria is
15 invertebrate fauna and will be used to calculate secondary
16 productivity, and these periodic reef exposures are not
17 expected to impact the overall success of the project.

18 Second comment is that the monitoring plan is
19 still inadequate and will not allow a reasonable test of
20 the success of the reef in improving secondary
21 productivity.

22 The applicant has responded that the NRDA Phase
23 IV Restoration Plan has a very specific definition of
24 secondary productivity.

25 I am not going to read that whole definition,

1 but if you have any questions, I will be happy to explain
2 it.

3 They did provide it, and they stated that the
4 biomass will be measured using established methods and
5 will be used to calculate that secondary productivity.

6 They have also responded that oysters will be
7 good, if they come in and populate these reefs, but they
8 are not required for the success under the NRDA program.

9 The third comment is that concrete is an
10 objectionable material to use for reef construction in a
11 Coastal Preserve.

12 The applicant responded that the Coastal
13 Preserves Bureau has approved the project as proposed in
14 the permit application.

15 The fourth comment was that no provision is made
16 for marking the reef as a navigational hazard.

17 The applicant responded that as part of the Army
18 Corps of Engineers permitting process navigational hazards
19 are assessed and an aids to navigation plan may be
20 required by the Coast Guard.

21 If so, the permit will be submitted to the Coast
22 Guard for their analysis and determination, and they will
23 decide if any markings will be required.

24 They have made a request to the NOAA mapping
25 group to include the subtidal and intertidal reef

1 locations on navigational charts.

2 continuing on with our agency comments:

3 DEQ has issued 401 Water Quality Certification
4 on August 19th, 2019.

5 Department of Archives and History requested a
6 cultural resources survey be conducted. That survey has
7 been completed and submitted to Archives and History, and
8 they are waiting on clearance.

9 Secretary of State stated that the project will
10 require a rent exempt lease.

11 Wildlife, Fisheries and Parks submitted no
12 comments to date.

13 Coastal Preserves, again, stated that the
14 Coastal Preserves Bureau has no objections to the project,
15 but stated that a request from the applicant for work
16 within the riparian zone of Coastal Preserves would be
17 needed.

18 The approval from the Bureau of Coastal
19 Preserves was provided on August 27, 2019, with some
20 conditions; that the applicant possess all necessary
21 Federal and State permits, that they conduct all
22 activities in compliance with those permit conditions and
23 that the Coastal Preserves office is provided with a final
24 as-built diagram of the project.

25 These are the same conditions you saw a few

1 months ago with the Deer Island project.

2 Based upon departmental review and evaluation,
3 again, we determined that this project will have a
4 significant public benefit. Therefore, we recommend
5 approval of the variance request and issuance of the
6 requested permit with the following conditions:

7 The same ones regarding SAV, that the project
8 area should be rechecked during the growing season prior
9 to implementation.

10 The survey report should be submitted to
11 permitting staff at least thirty days prior to project
12 commencement.

13 If SAV is found in the area, a final review and
14 approval by DMR staff should be required prior to project
15 commencement.

16 Also, the previously mentioned conditions for
17 Coastal Preserves, that a final as-built diagram should be
18 provided within ninety days of construction completion to
19 the Bureau of Coastal Preserves.

20 Also, that clearance from the Department of
21 Archives and History should be provided to Wetlands
22 Permitting prior to commencement of construction.

23 COMMISSIONER DANIELS: Do we have any questions
24 on this?

25 COMMISSIONER BOSARGE: Yes, I do. I have a

1 couple.

2 when you say MDEQ 401 Water Quality
3 Certification, we have always had problems with the water
4 and that being the reason we could never really harvest
5 oysters out of Graveline, or relay, or anything.

6 what is this 401 Water Quality Certification?

7 WILLA BRANTLEY: That certification is saying
8 that this particular project will not cause the water
9 quality to fail the standards that are set.

10 It doesn't necessarily mean it will make them
11 pass. The hope is that it will improve water quality, but
12 it means that this project won't cause it to fail.

13 COMMISSIONER BOSARGE: And some more of this
14 material will be placed in the wire baskets?

15 WILLA BRANTLEY: Yes.

16 COMMISSIONER BOSARGE: Is this wire designed to
17 disintegrate over time?

18 WILLA BRANTLEY: Yes. It is eaten away by the
19 saltwater over time.

20 COMMISSIONER BOSARGE: Good deal. All right.
21 Thank you.

22 COMMISSIONER DANIELS: Any more questions?

23 COMMISSIONER BOSARGE: No, sir.

24 with that, I will make the motion that we accept
25 the staff's recommendation.

1 COMMISSIONER DANIELS: Do we have a second for
2 that motion?

3 COMMISSIONER DANIELS: I'll second it.
4 All those in favor aye?
5 (All in favor.)

6 COMMISSIONER DANIELS: Opposed?
7 (None opposed.)

8 COMMISSIONER DANIELS: Motion passes.

9 WILLA BRANTLEY: Thank you very much.

10 COMMISSIONER DANIELS: Next up with be Dr. Paul
11 Mickle and Chris Wells.

12 PAUL MICKLE: Good morning Commissioners,
13 Director Spraggins, legal counsel.

14 I appreciate the time. This will be a dual
15 presentation by MDMR and MDEQ, specifically myself as well
16 as Chris Wells who is Chief of Staff and Restoration
17 Director of DEQ.

18 We are going to give you backgrounds of the
19 projects a little bit and also present two proposed
20 agreements for you to consider. These agreements go along
21 with the projects themselves.

22 You just approved the permits, but the
23 agreements were requested by both the TIG which is the
24 funding body for NRDA which are three of the projects
25 presented here today, and, then, the board of NFWF are

1 requesting these agreements.

2 I will let Chris delve into the information as
3 far as the agreements, and, then, I will provide some
4 information about the projects specifically and answer any
5 questions that y'all have.

6 CHRIS WELLS: Good morning, and thank you for
7 the opportunity to address you again today.

8 If you will recall, the last time I was before
9 you was back in July and we discussed and you-all approved
10 an interagency cooperative agreement like the two that are
11 being presented to you today.

12 That agreement covered one component of the
13 Natural Resources, or the NRDA Phase IV Early Restoration
14 Project.

15 If you will recall, part of the discussion was
16 that that was going to be the first in a series of these
17 types of agreements that we would be asking your approval
18 for over a period of time, throughout the course of this
19 program.

20 It also covered one of the multiple components
21 of that Phase IV Project.

22 The first agreement that we are presenting to
23 you today has to do with three additional components of
24 that same project.

25 Those permits that you just approved were for

1 the Grand Bay and the Graveline Bay components of the
2 Phase IV Project.

3 There was also a Wolf River component that you
4 issued a permit for at a previous meeting.

5 This agreement covers all three of those
6 components.

7 The second one we will get to in a little while
8 has to do with the NFWF project.

9 I want to emphasize and Ms. Brantley just eluded
10 to this in the discussion of those two permits. The
11 purpose of this NRDA project is not oyster restoration per
12 se. It was for the restoration of benthic secondary
13 productivity.

14 Now, obviously, oysters are a big part of that,
15 but not the only component of that productivity.
16 Therefore, the purpose of the project was not just
17 oysters.

18 Now, I want to pause here and give Paul an
19 opportunity. I don't need to be talking to you about the
20 science. I am going to give him an opportunity to talk in
21 some detail about the science behind this project.

22 PAUL MICKLE: Just a little background about the
23 -- with NRDA and these Phase IV projects. I am going to
24 go into each one and answer any questions y'all might
25 have.

1 I will start with Grand Bay. Like willa
2 presented when the permit was presented to y'all, it is
3 secondary production. It is NRDA, so it meets certain
4 criteria for the plan.

5 All of these are NRDA Phase IV.

6 Grand Bay itself, the intertidal sites and the
7 subtidal sites are in our restricted area designated by
8 our agency in our Tidal and Parks, as far as harvest
9 potential, as being restrictive and meeting that secondary
10 production.

11 That was a very pointed question, Commissioner
12 Bosarge, about the intertidal oysters that are already
13 there.

14 If you know Bangs Bayou real well and know that
15 area, the sides of the bayou and most of the area and
16 substrates there are very soft and are substrate limited
17 on catching -- what intertidal oysters are there are
18 struggling when they spawn to have nice hard substrate to
19 attach to.

20 These projects are built for secondary
21 production, but, when I say there has been a lot of time
22 and design put into these, it is an understatement with
23 our RCT Restoration Group involving DMR and DEQ talking
24 about these areas that give us the best chance for these
25 intertidal oysters and our overall secondary production.

1 Graveline. Our intertidal subtidal reefs that
2 the permit was presented is very similar to Grand Bay.
3 They are presently in restricted areas designated by this
4 agency.

5 Secondary production is the overall goal, but,
6 again, those are intertidal areas within the substrate
7 limited areas where the oysters are there, but they have
8 just become so slushed over with soft substrate over the
9 years of lack of tidal flushing and overall that this
10 increased substrate will provide that ability for oysters
11 to really take foothold in what we saw fifty, sixty, a
12 hundred years ago in these areas of intertidal oysters.

13 Then, the last one is the Wolf River Living
14 Shoreline which you approved the permit a good bit ago,
15 but we are including in the agreement here.

16 This is a little bit different. This is in a
17 prohibited area, as we all know up in the top level of Bay
18 St. Louis. It is northeast of a current reef done by the
19 Nature Conservancy, and it is designed to protect and
20 enhance existing shoreline as well as provide that
21 secondary production.

22 Are there any questions about these specific
23 projects that are Phase IV that I can answer here at this
24 point?

25 COMMISSIONER BOSARGE: Yes, Paul.

1 You are talking about how the oysters are
2 silting over and what have you. It is kind of like what
3 Jennifer was talking about with the burns. As things grow
4 in and they grow over and the brush gets so thick that it
5 chokes out different things, it is kind of the same way
6 with those areas, Graveline Bayou and Bayou Cumbest where
7 we prohibited any interaction with oysters in those areas,
8 and it has all got to do with water quality.

9 You were talking about the soft substrate in
10 Bangs Bayou. You don't really know the fishery because
11 you are not old enough. You are not gray headed like me,
12 but that fishery, they used nippers.

13 PAUL MICKLE: Joe Jewell was telling me about
14 that. It was really interesting how they were harvesting.

15 COMMISSIONER BOSARGE: Those guys would go out
16 there and they would only fish on the days when the water
17 was clear because all they see is the bill of the oyster
18 sticking out of the mud. I mean, just as clean a fishery
19 as you could ever get, and those guys didn't catch many
20 oysters, but they were good.

21 Anyhow, my point is we don't get to work any of
22 that anymore, whether it be as an effort just to enhance
23 it, or an effort to try to get water quality.

24 I mean, I have preached it. You would think
25 Grand Bay NERR would have the best water quality of

1 anywhere, but we can't seem to get water quality in our
2 most pristine place in the whole State of Mississippi to
3 do anything.

4 I still don't want to see us -- I want to see us
5 do our projects, but like the yellow box you've got drawn
6 down there at the Grand Bay NERR, we've got three areas
7 where we are doing work and yet we are going to take in
8 that whole area and make it for -- we haven't decided yet
9 -- three to five years and up to as many as ten years
10 where there will be no chance of ever doing anything for
11 those guys, and you don't realize the calls I get.

12 My dad, for instance, this was part of their
13 coming up and coming up in the seafood industry. They
14 don't have 401k's.

15 You see what I'm saying?

16 So part of their retirement plan was to sell
17 their bigger vessels. My dad did.

18 Graveline Bayou the last time it was open with a
19 little old plywood skiff, he would get up in the morning,
20 mom would fix his lunch and his thermos of coffee. He
21 would go to Graveline Bayou oysters. If he caught three
22 sacks, or four sacks, whatever, that was the happiest I
23 have seen him in a long time.

24 They don't have that opportunity anymore, and I
25 know there are certain parts of it we can't control.

1 water quality, we can't control water quality, but I would
2 love to see -- I want to see these projects go, but I want
3 to see them take shape. Let's try to learn what we can
4 from it, do the best we can for the environment, but
5 please try to keep these areas that we are going to say
6 put moratoriums on to the area that we are working in, not
7 this whole big giant area.

8 That is my only concern because we don't know
9 what tomorrow brings. Hopefully, in that Grand Bay NERR
10 area where there are no more homes, this should be a
11 pristine area.

12 I would love to see, at some point in time, that
13 little small nippers, these guys go out in clear water.
14 That is part of their 401k.

15 PAUL MICKLE: Yes, sir.

16 Grand Bay, it is definitely a jewel of our
17 state. It is where our research reserve is and we have
18 had meetings out there. It something that we are real
19 proud to have and it is a great State and Federal
20 partnership.

21 we focus a lot of our intent and discussions and
22 research objectives to this area incorporating oyster
23 production projects.

24 DEQ does not have to do oysters. The legal
25 intent of NRDA is not for oysters, like Chris was saying,

1 but they have been listening to what the staff at DMR is
2 saying and believe me oysters is the intent, at least from
3 the DMR perspective, of first intent as well and DEQ has
4 been very wonderful to accommodate.

5 COMMISSIONER BOSARGE: I appreciate everything
6 they are doing. I hope that we can learn from these
7 projects and adapt it into different places.

8 Just keep in mind that let's don't make it too
9 restrictive.

10 PAUL MICKLE: We are about to present the
11 agreements, and they only apply to the permitted areas,
12 not these giant boxes.

13 COMMISSIONER BOSARGE: Good.

14 PAUL MICKLE: This was just a process from which
15 projects are selected areas. These are not the permitted
16 areas. The permitted areas were presented by Willa
17 previously. The agreements apply only to those.

18 That was a great point as far as understanding
19 the research here.

20 I am sorry to be long-winded. I'm going to try
21 to be quick and brief, but the Grand Bay, they actually
22 have a research component added on top of it and NRDA was
23 fine with it of looking at different substrate types,
24 those oysters in the cages, as well as the crushed
25 concrete and doing nice experimental design to really

1 understand intertidal restoration because the literature
2 out there on the international scale is just not
3 comparative to our Mississippi Coast.

4 We have very weak tides. We all know that. We
5 have identified that it is just incomparable on a
6 scientific plane. So we want to do research in our
7 backyard and really Grand Bay is where it needs to be
8 done.

9 It is going to lead to water quality
10 understanding exactly to your point, and that is part of
11 the research as well. We are very excited about that. It
12 sounds like we are all on the same page which is great to
13 see.

14 Although these projects are Phase IV and they
15 have similar goals from a legal perspective, the research
16 is ingrained in these and the NFWF presentation that is
17 inside of what we are about to present is on the exact
18 same lines, but, again, NFWF is a different group. It is
19 a board instead of a TIG.

20 There are differences there, but, again, the
21 overall goals as far as the interagency works and things,
22 it is all there and we are very excited about it.

23 Are there any other questions?

24 (No response.)

25 CHRIS WELLS: I want to emphasize that the

1 moratorium that we are asking for that is incorporated in
2 this agreement applies only to the reefs that we are using
3 this particular funding to construct.

4 COMMISSIONER BOSARGE: Good because that wasn't
5 clear in what I read in the presentation.

6 CHRIS WELLS: I apologize, and I'm glad you
7 asked that question to clear that up.

8 with all that, the first agreement that is being
9 presented to you today, like the one that you approved in
10 July, allows for a moratorium on the harvest of oysters to
11 allow us to do the monitoring that is required by the
12 consent decree to obtain the data that we need on the
13 secondary benthic productivity for a minimum of five
14 years.

15 There are specific goals set forth in the
16 project that if they aren't met, then, we are required to
17 monitor for an additional two years. That is where the
18 maximum of seven comes in. Minimum of five. Maximum of
19 seven.

20 with that, I will yield to the Commission for
21 any questions you may have of me.

22 COMMISSIONER BOSARGE: Just to be clear, in the
23 restrictive -- back up a couple of slides, I think, to
24 where -- maybe it was in a different presentation, but in
25 the Bangs area where you had the areas in blue, it will be

1 nothing but those areas?

2 In other words, it won't be the surrounding
3 bayou, or...

4 CHRIS WELLS: The yellow boxes on this map are
5 the total area that are approved under the NRDA process
6 for us to work within.

7 The more specific maps that you saw earlier in
8 relation to the specific permits, even those areas are the
9 areas within which we are going to build a certain acreage
10 of reef.

11 COMMISSIONER BOSARGE: Correct.

12 CHRIS WELLS: And that is where the moratorium
13 would apply and only to the reefs that are built within
14 that area.

15 COMMISSIONER BOSARGE: Can we do something to
16 make that clearer?

17 COMMISSIONER DANIELS: Will there be any types
18 of markings around these areas that would possibly let
19 people identify the area that is restricted with a
20 moratorium?

21 CHRIS WELLS: That is going to be an enforcement
22 issue, I guess. I don't really know.

23 COMMISSIONER BOSARGE: I guess my suggestion is
24 if nothing else, at least in the permit paperwork however
25 spell it out where this moratorium -- you see what I'm

1 saying Paul?

2 Just keep it a little clearer for everybody
3 because I know once word gets out, then, there is going to
4 be this big uproar about, well, they closed it all and it
5 will never be open again.

6 PAUL MICKLE: Yes. We can add clarity to the
7 potential permit moving forward and, also, we can look
8 into the signage.

9 I don't want to speak when I don't know what the
10 capabilities are of how to do it.

11 JOE SPRAGGINS: What willa talked about a few
12 minutes ago, that is the area that we are talking about
13 permitting only.

14 Right?

15 PAUL MICKLE: Yes, sir.

16 JOE SPRAGGINS: Is that not in the permit that
17 that area is the only area being permitted?

18 PAUL MICKLE: That's correct. That is the only
19 area.

20 JOE SPRAGGINS: I think that the thing that is
21 causing the problem which I see what you are saying, when
22 you put a big box out here and they look at it and they
23 say, you are going to take all of that, but no. It is
24 only those things, and the permit itself is only about
25 that small little area, like, ten acres, or four acres, or

1 two acres, or whatever it is.

2 PAUL MICKLE: That's correct.

3 JOE SPRAGGINS: Is that correct?

4 PAUL MICKLE: Yes.

5 COMMISSIONER BOSARGE: And it only makes sense.

6 PAUL MICKLE: Sure.

7 This slide is misleading in that these are
8 project selection sites, and this is an early restoration.
9 This is years ago before I was here; even Kelly was here
10 before me. That is how old these maps are.

11 They just drew some boxes around these big areas
12 and said, BP agreed we are going to do restoration here.

13 The permitted sites are very small.

14 JOE SPRAGGINS: Do we have the permits already?

15 I mean the agreement that we are going to do
16 with DEQ, is it already prepared?

17 PAUL MICKLE: Yes, sir. It was given out to the
18 Commissioners in their packets, the full agreements.

19 JOE SPRAGGINS: We are not asking them to sign
20 it today?

21 PAUL MICKLE: If you so agree with this
22 agreement that was sent out to the Commissioners, then,
23 there would need to be a motion made to accept the
24 agreement.

25 If you feel that some information needs to be

1 added, or some clarity in that, there is no problem with
2 bringing it back, or there is no threat of losing this
3 project, or there is not a tight timeline. I would inform
4 you, if there was.

5 CHRIS WELLS: If I may, on page two of the
6 agreement, the draft agreement that we are asking you to
7 approve, the agreement is tied specifically to -- and this
8 is in the whereas paragraphs. It is tied specifically to
9 those specific small permitted areas.

10 Again, the map that we threw up there a minute
11 ago, as Paul says, is a little misleading in terms of the
12 agreement because those are the overall project areas that
13 are allowed for us to work within for the project.

14 The permits and the agreement are specific to
15 those small acres, six-and-a-half acres, three acres, ten
16 acres, two acres and thirty acres that were specifically
17 permitted in the action that you just took a few minutes
18 ago.

19 Those maps that Ms. Brantley had on the screen
20 are the accurate maps to where the moratorium would apply,
21 as referenced in those whereas paragraphs.

22 JOE SPRAGGINS: Paul, I don't think they have
23 any of those in that packet.

24 PAUL MICKLE: The agreements were given to the
25 Commissioners, the full agreements.

1 COMMISSIONER BOSARGE: Yes. I read it.

2 JOE SPRAGGINS: Okay.

3 PAUL MICKLE: Thank you Karen and Willa.

4 This is what Willa presented previously and, as
5 Chris pointed out, the size and the acreages are in the
6 formal agreement, but, obviously, there needs to be some
7 promotion and clarification for our management needs in
8 those specific areas.

9 Just to point out, these are restricted areas,
10 currently restricted areas. So there would not be an open
11 season in the near future within these areas.

12 COMMISSIONER BOSARGE: Correct. Seven years
13 from now, we don't know where we will be.

14 PAUL MICKLE: I hope we are in a good place.

15 COMMISSIONER BOSARGE: I do, too.

16 PAUL MICKLE: The first agreement is what we are
17 proposing. If the Commission supports, then, a motion
18 would need to be made to accept that agreement.

19 COMMISSIONER BOSARGE: I'll make the motion to
20 accept your agreement.

21 COMMISSIONER GUESS: I'll second it.

22 PAUL MICKLE: Just to be specific, this is an
23 agreement for NRDA Phase IV sites only that we just
24 presented.

25 COMMISSIONER DANIELS: I think there are two

1 different specific motions that need to be made.

2 Correct, Paul?

3 PAUL MICKLE: Yes. We are about to jump into
4 NFWF which is different from NRDA.

5 This is the first agreement that is in your
6 packet that we presented background to and the agreement
7 itself, just to reiterate, is a five-year harvest
8 moratorium with a potential additional two years for
9 adaptive management so that NRDA feels comfortable that it
10 meets that requirement of eighty-four grams weight of
11 secondary production per square meter. That is what they
12 are legally trying to get to, and we want that to be
13 oyster secondary production. That is why these sites are
14 presented.

15 COMMISSIONER DANIELS: So do we need to do one
16 now, or do you want to wait a do them both after the next
17 presentation?

18 PAUL MICKLE: I respectfully request we do the
19 first one now, just to keep them separate enough. Because
20 NFWF is so different from NRDA, I recommend we separate
21 them.

22 COMMISSIONER BOSARGE: I believe Karen has a
23 slide of what the motion should exactly be because these
24 are so intertwined.

25 That would be our motion. There are a lot of

1 acronyms in this and we have got to get it right to make
2 sure that everything is on track here.

3 COMMISSIONER GUESS: Do we have to add the
4 agreement number, 49981?

5 PAUL MICKLE: I think it is specific enough, as
6 far as having NRDA in there. MDEQ NRDA Phase IV, that
7 directly links to these projects specifically.

8 COMMISSIONER DANIELS: Would someone like to
9 make this motion?

10 COMMISSIONER BOSARGE: Yes. I will continue on
11 with the motion.

12 Motion to accept the agreement between MDEQ,
13 MCMR and MDMR for MDEQ NRDA Phase IV projects located in
14 Grand Bay, Graveline Bayou and Wolf River.

15 COMMISSIONER DANIELS: Do we have a second?

16 COMMISSIONER GUESS: I'll second it.

17 COMMISSIONER DANIELS: All those in favor say
18 aye.

19 (All in favor.)

20 COMMISSIONER DANIELS: Opposed?

21 (None opposed.)

22 COMMISSIONER DANIELS: Motion passes.

23 CHRIS WELLS: Thank you for that.

24 I know you have a packed agenda today, so I am
25 trying to make my comments brief, but I want to make sure

1 we answer all the questions that you have. Thank you for
2 that exchange.

3 As Paul eluded to, NFWF is a completely
4 different animal.

5 If you will recall, there were three restoration
6 funding streams that came out of the settlements with BP,
7 and NRDA was one of them.

8 The Gulf Environmental Benefit Fund for which
9 NFWF is the trustee was a second one, and, then, the
10 Restore Act Civil Penalties was the third funding stream.

11 We are doing oyster work under all of those, and
12 they each have their process and procedure and
13 limitations, restrictions and requirements.

14 In this particular case, unlike the NRDA Project
15 that we just talked about where the goal was not per se
16 oyster restoration, the NFWF project is an oyster
17 restoration project, but it is also a scientific project,
18 and the purpose of the project was to allow us to do a
19 differential comparative analysis, if you will, between
20 the productivity success, or compare substrates to see if
21 one works better than the other, and collect data
22 regarding that, and, also, the way that the reefs are
23 constructed with relief.

24 The idea behind this project was to construct
25 three ten-acre reefs and within each of those ten-acre

1 reefs, we would place five acres of crushed limestone and
2 five acres of crushed concrete with relief, and, then,
3 monitor those reefs for oyster productivity specifically
4 and to compare the two and see what if any difference
5 there is between the two types of substrate, and that will
6 provide data for us to use in making future restoration
7 decisions, but also for you-all to have in managing the
8 fishery as a whole.

9 That is the purpose of this project and, again,
10 I am going to pause there and give Paul an opportunity to
11 comment further on the science behind this, but I just
12 wanted to make sure and emphasize the difference in the
13 purposes of the project here.

14 PAUL MICKLE: I apologize. Chris and I are
15 trying to start a mini wave in the room, up and down over
16 and over.

17 Just to give a little background real quick very
18 brief, this NFWF project has a scientific base to it to
19 understand.

20 Really when we get into this restoration, we are
21 going to have a lot of restoration in the future with this
22 agency hopefully with some potential Bonnet Carre monies
23 and things like that.

24 These scientific questions of understanding the
25 substrate type, size, levels of high relief, low relief,

1 these are the scientific questions that we need to move
2 forward to lower the risk of uncertainty and get our
3 oysters back as fast and as efficiently as we can for all
4 the services that oysters provide both commercial and
5 recreational.

6 Then, just to point out, these are the sites
7 right here. These are the three sites that Chris was just
8 talking about.

9 Here is Ocean Springs up here, here is Biloxi,
10 there is the Point and this site, this research site is
11 right here which is currently in the restricted area.

12 Here is our conditionally approved area that we
13 have had the past seasons recently, and it is very
14 exciting to see a high relief, a very expensive high
15 relief deployment of cultch types right here where oyster
16 larvae can spawn and be transported into a harvestable
17 area.

18 If you remember, a couple of months ago you
19 approved an agreement of Deer Island, a ninety-acre NRDA
20 site, which is Phase IV just like what we dealt with just
21 a minute ago right here in a restricted area, and that is
22 high relief as well, ninety acres. Large areas of high
23 relief high productivity of oysters of hopefully multiple
24 age classes of oysters at different levels on this relief
25 reef where if bad water quality comes in, there is

1 survivorship because of the different levels of relief,
2 and you have high resiliency reefs adjacent to harvestable
3 areas pumping larvae in over time.

4 The hydrodynamic models are starting to show
5 that when the tides change the larvae bounces around here
6 and moves its way out.

7 When Biloxi Bay comes out, every tide, with the
8 tide it slurps this water with it potentially pulling
9 oyster larvae into these areas.

10 It is very exciting to see potential oyster
11 management scenarios as to see if we can take this
12 potential model of some high relief reefs in restricted
13 areas adjacent to harvestable areas. We get to check all
14 those boxes. We have water quality increases. These eco
15 systems services the larval transport into the harvestable
16 areas. It gets me excited. It gets the agency excited.

17 Marine Fisheries has provided a lot of
18 information and a lot of support on these projects, and I
19 just wanted to emphasize the science behind this, that
20 there is a lot of thought that is going into these
21 projects and it is a great interagency endeavor to really
22 see it hit the ground.

23 The board from NFWF has approved funding for
24 this project. NRDA has approved the funding for the NRDA
25 projects. These are real things. These are not just talk

1 anymore. These are happening.

2 We certainly want to bring them to you and have
3 your full support, if possible, not just the agreements
4 and the permits, but helping us get the word out of how
5 important these are.

6 When you think about it, the agency has never
7 had funds to this level to do high relief. It costs a
8 lot.

9 In management practices, we put cultch out for
10 oyster harvest purposes and we put cultch out and build
11 artificial reefs and things like that inshore, but this is
12 new. This is really interesting. I just want to
13 emphasize that.

14 That is the background behind these projects. I
15 appreciate the time. I tried to be brief.

16 I will let Chris bring us home, finish up.

17 CHRIS WELLS: Thank you.

18 Again, the idea here is to place a moratorium on
19 the harvest of oysters for a period of time to allow us to
20 collect the data that we need.

21 NFWF, is approving this project. They recognize
22 that what we are trying to do with the project is to add
23 to our knowledge base and, in order to make sure that we
24 are able to do that and that their funds are being
25 invested wisely, we need this moratorium for a period of

1 time.

2 The good news is, again, the requirements being
3 different. NFWF is only insisting on a minimum of three
4 years. So this agreement, unlike the other two that you
5 have approved, would provide a moratorium for three years
6 on oyster harvest on these three ten-acre reefs under this
7 project.

8 with that, any questions you may have, I will be
9 glad to try to answer.

10 COMMISSIONER DANIELS: Do we have any questions?

11 COMMISSIONER BOSARGE: I don't have any. I
12 think you have done a very good job of explaining it to
13 us.

14 CHRIS WELLS: Thank you.

15 COMMISSIONER GOLLOTT: I have one question.

16 CHRIS WELLS: Yes, sir.

17 COMMISSIONER GOLLOTT: What happens if we get a
18 three-inch oyster in eighteen months and our fishermen
19 could go in there and make a living?

20 We are locking ourselves off of these areas for
21 three years?

22 CHRIS WELLS: Under this agreement, yes, sir.
23 It is to allow us to collect the data. I mean, that would
24 be good data to collect. If one of these substrates grew
25 a three-inch oyster in eighteen months, that would be good

1 information to have going forward on how we could do
2 future restoration work not only under these funding
3 streams, but other funding streams that you-all manage.

4 COMMISSIONER GOLLOTT: Wouldn't it be better to
5 make it two years instead of three, and, then, that way we
6 could make a decision in three years whether to open it, or
7 keep it closed?

8 CHRIS WELLS: I understand your logic behind
9 that. I can only tell you what NFWF is requiring.

10 JOE SPRAGGINS: Commissioner, I think the
11 biggest issue here is they are requiring some research to
12 be done and because of the testing, it is going to take a
13 minimum of three years, and they are saying to give us the
14 money to do any of this at all that we have to stand up
15 and say, we will give them three years that we won't touch
16 a reef so that they can have that research that they are
17 looking at.

18 Is that correct, Chris?

19 CHRIS WELLS: Yes, sir.

20 COMMISSIONER GOLLOTT: Well, the only thing I am
21 remembering is the reef we did this to in the western
22 Sound and we had oysters that our fishermen could have
23 gone in -- I mean, a lot of oysters our fishermen could
24 have gone in and harvested. They made us wait another
25 year and they all died. Anything could happen in the Bay.

1 CHRIS WELLS: If I'm not mistaken, I believe
2 that there are provisions in the agreement to allow some
3 decision making along those lines.

4 I will have to look and make sure it is in this
5 agreement, but I understand the concern you are expressing
6 is if we know that there is another Bonnet Carre coming
7 our way and we can salvage those oysters, then, we would
8 want that flexibility.

9 COMMISSIONER DANIELS: Just briefly while you
10 are looking for that, I believe Paul Mickle wants to
11 speak.

12 PAUL MICKLE: Sure. I moved my feet. I
13 apologize.

14 I agree with you, Commissioner Gollott. There
15 are risks when you go with three years and if, in two
16 years, you have oysters that are of legal size, then, you
17 have to wait that year.

18 There is one year in question, but what has
19 really happened recently is Marine Fisheries has done a
20 large amount of cultching in that conditionally-approved
21 area just to the west of it.

22 If you want to have that production capacity,
23 you do lose that one year on that restricted in the
24 current agreement, but, if you want multiple age classes
25 to be pumping larvae into that brand new cultched area,

1 you do lose a year and there are risks and water quality
2 issues with that. It is a high relief reef providing that
3 survivorship, if that happens, a bad water quality and
4 mortality event.

5 We are doing our best to provide that three-
6 dimensional high relief strategy to lower the risks.

7 I know we are putting that year on the table,
8 but it is that one year risk that I think is worthwhile to
9 take because of what is going on in the area, as far as
10 new cultching, high relief and having multiple age classes
11 in that high relief.

12 That three-inch oyster would be that first age
13 class reaching maturity to reproductive level and we lose
14 one year, but, again, that is an ability for it to pump
15 larvae into those newly cultched areas where Marine
16 Fisheries has literally just completed the last couple of
17 months.

18 COMMISSIONER GOLLOTT: But, Paul, why are you
19 willing to give up that year, when you don't have to, or
20 do you have to?

21 CHRIS WELLS: I think that is the bottom line.
22 In order to get this funding, that is the requirement.

23 COMMISSIONER GOLLOTT: Who is controlling the
24 funding?

25 CHRIS WELLS: The National Fish and wildlife

1 Foundation board of directors.

2 COMMISSIONER GOLLOTT: Federal, or State?

3 CHRIS WELLS: It is a federally approved --
4 congressionally approved, if you will. There is a term
5 for it, but it is a nonprofit board, or organization, that
6 is federally authorized to receive funding through things
7 like this criminal plea agreement with BP, and they do a
8 lot of different types of habitat and restoration and
9 ecological work across the country.

10 COMMISSIONER GOLLOTT: Does this money belong to
11 the State of Mississippi?

12 CHRIS WELLS: It does not.

13 COMMISSIONER GOLLOTT: It does not?

14 CHRIS WELLS: No, sir.

15 COMMISSIONER GOLLOTT: Okay.

16 CHRIS WELLS: It is the Gulf Environmental
17 Benefit Fund which is a trust fund that was established by
18 the plea agreement with BP over the criminal allegations,
19 and NFWF was appointed as trustee of that fund.

20 Not to get into too much detail, but under the
21 plea agreement their obligation is to fund projects to
22 remedy harm, or prevent future harm, to resources that
23 were injured by the spill, and they are to consult with
24 the State in determining which projects that they will
25 fund, and DEQ is the consulting agency.

1 COMMISSIONER DANIELS: Like a lot of things in
2 life, I think this all comes down to risk and reward.

3 We are obviously going to possibly get a huge
4 benefit in learning more about the cultch materials and,
5 if they are willing to fund our research on that and
6 putting this in, I personally think that it is worth the
7 risk.

8 COMMISSIONER GUESS: Can we get the possible
9 motion up on the board?

10 COMMISSIONER DANIELS: Would anyone like to make
11 a motion to accept?

12 COMMISSIONER GUESS: I'll make a motion to
13 accept the agreement between MDEQ, MCMR and MDMR for MDEQ,
14 NFWF, GEBF Phase I Project located in Biloxi Bay.

15 COMMISSIONER DANIELS: Do we have a second?

16 COMMISSIONER BOSARGE: I'll second the motion.

17 COMMISSIONER DANIELS: All those in favor say
18 aye.

19 (All in favor.)

20 COMMISSIONER DANIELS: Opposed?

21 (None opposed.)

22 COMMISSIONER DANIELS: Motion passes.

23 CHRIS WELLS: I can't thank you enough for
24 working with us on this and for the opportunity to address
25 you today. Thank you.

1 COMMISSIONER GUESS: Thank you.

2 COMMISSIONER DANIELS: Thank you for your
3 presentation.

4 If it is all right with everybody, we are going
5 to take a quick recess before we get into the last part of
6 our agenda. Ten minutes, and we will reconvene.

7 MEETING STANDS IN RECESS

8 COMMISSIONER DANIELS: Let's reconvene the
9 meeting now.

10 No presentation from Office of Coastal
11 Restoration.

12 Next up will be Finance and Administration,
13 Leslie Brewer.

14 LESLIE BREWER: Good morning Director,
15 Commissioners and legal.

16 My name is Leslie Brewer, CFO. I will be
17 presenting the agency's financial statements for the month
18 of September 2019.

19 At the end of September, our State Revenue was
20 three point three million. Our Total Agency Revenue was
21 four million.

22 Our State Net Income was one million and our
23 Total Agency Net Income was a negative one million.

24 After three months of fiscal year 2020, we have
25 ninety point seven percent of the Operating Budget

1 remaining, while the Tidelands Budget was ninety-four
2 point one percent.

3 Does anybody have any questions?

4 (No response.)

5 COMMISSIONER DANIELS: Thank you.

6 LESLIE BREWER: Thank you.

7 COMMISSIONER DANIELS: Ms. Charmaine with Public
8 Affairs.

9 CHARMAINE SCHMERMUND: Good morning
10 Commissioners, Director Spraggins, counsel.

11 The Mississippi Department of Marine Resources
12 was mentioned fifty-seven times in local, state and
13 national media since the September CMR meeting.

14 Popular news items included the impact of the
15 spillway opening on Mississippi's seafood, the
16 announcement of GOMESA projects and the Federal Fisheries
17 Disaster Declaration.

18 Marine Patrol taught one boat-and-water safety
19 class and certified thirty-five students. So far in
20 fiscal year 20, officers have taught four classes and
21 certified one hundred and eight students.

22 Marine Patrol took part in the Biloxi Police
23 Department's Community Festival Against Crime, the East
24 Hancock Elementary School's Career Fair, the Situational
25 Awareness Event at Vancleave High School and National

1 Night Out events at both St. Clare Church in Diamondhead
2 and National Estuaries Day at the Grand Bay NERR.

3 The Office of Information Technology
4 participated in the Disaster Response Exercise with
5 Chevron in September where they demonstrated the agency's
6 UAS response capabilities and participated in a tabletop
7 exercise with first responders from across the Coast and
8 Federal partners.

9 Information Technology also organized and co-
10 hosted the Mississippi Geospatial Conference October 3rd
11 through the 4th where Karen Clark presented on advances in
12 vegetation mapping using machine learning.

13 In the Office of Marine Fisheries, Shellfish
14 Bureau's Kristina Broussard and Finfish Bureau's Megan
15 Fleming participated in Fuel Spill Training at Keesler Air
16 Force Base in September.

17 Kristina also took part in the Gulf of Mexico
18 Alliance Marine Debris Cross-Team Initiative meeting in
19 Corpus Christi, Texas, October 8th through the 9th. The
20 meeting addressed marine debris impacts on the Gulf of
21 Mexico and included a special hurricane panel discussion.

22 Office of Marine Fisheries Joe Jewell, Rick
23 Burris, Ruth Posadas, Erik Broussard and Jason Rider
24 represented the State of Mississippi by attending and
25 participating in the Interstate Shellfish Sanitation

1 Conference biannual meeting in San Diego, California,
2 October 5th through the 10th.

3 The Fisheries staff considered numerous
4 proposals and served on multiple ISSC Task Forces
5 dedicated to assuring safe shellfish for the consuming
6 public.

7 Finfish Bureau's Carly Somerset and Trevor
8 Moncrief, as well as myself, participated in the Gulf of
9 Mexico Fishery Management Council's Release Mortality
10 Symposium October 7th through the 9th in St. Pete Beach,
11 Florida.

12 The meeting objective was to create an action
13 plan to promote barotrauma mitigation tools, assess data
14 collection efforts for discard mortality and incorporate
15 results into stock assessments and management.

16 On October 10th, the Shellfish Bureau held oyster
17 harvester training sessions as required by the ISSC. The
18 seminar covered basic oyster handling, hygiene and
19 regulations involving oyster harvesting practices.

20 John Barr and Katya Jagolta of the Finish Bureau
21 presented at West Harrison High School's Career Day on
22 Friday, September 20th, and shared insight on their
23 profession and steps taken to becoming marine scientists.

24 Jessica Rankin represented Fisheries at the
25 NERR's National Estuaries Day on September 28th for their

1 feature "Seaside with Scientists" which encouraged the
2 public to join scientists in the estuary by boat for an
3 educational experience.

4 During the August meeting, the Commission made a
5 motion for DMR staff to report on the possibility of
6 working with a waste management company for a recycling
7 program at harbors and boat launches along the Mississippi
8 Gulf Coast.

9 After checking with the two primary waste
10 recycling companies on the Coast, we found that Waste Pro
11 does not offer any commercial recycling services and Waste
12 Management only offers cardboard recycling in commercial
13 capacity.

14 COMMISSIONER DANIELS: Sounds like it was a busy
15 month.

16 CHARMAINE SCHMERMUND: Yes.

17 COMMISSIONER DANIELS: Thank you, Charmaine.

18 JOE SPRAGGINS: Commissioners, on that deal that
19 she just briefed, the only thing that we could do if we
20 put any type of dispensers out, or any type of containers,
21 is get cardboard only and that would be at a price that we
22 would have to pay, and it is not going to do what I think
23 that y'all were looking at.

24 I'm not sure which one of you brought it up, but
25 it is not going to do what we would like. We couldn't get

1 anyone to participate with us, to say that they will take
2 recyclables at a boat launch.

3 COMMISSIONER DANIELS: well, we tried. we maybe
4 can look into it more later.

5 Thank you, Charmaine.

6 CHARMAINE SCHMERMUND: Thank you.

7 COMMISSIONER DANIELS: Moving on to Marine
8 Fisheries, I see that Mr. Joe Jewell is not here today.

9 RICK BURRIS: No, sir.

10 Rick Burris. I will be filling in for Joe
11 Jewell.

12 Good morning Commissioners, Director, counsel.
13 we have four agenda items for your
14 consideration. I would like to mention, as Charmaine
15 said, we were at the ISSC meeting last week, and I just
16 wanted to let you know that Erik Broussard was voted in as
17 a Region Five Delegate on the Executive Board. Region
18 Five is the entire Gulf of Mexico. So Mississippi now has
19 a seat on the Executive Board for the ISSC. That is a
20 very big honor for this State and this agency.

21 Up first if Trevor Moncrief. He will have the
22 first two agenda items.

23 TREVOR MONCRIEF: Good morning Commissioners,
24 Director, legal.

25 As Rick said, I will be going over the exempted

1 fishing permit for Red Snapper.

2 This was the second year of the exempted fishing
3 permit which allowed Mississippi to manage Red Snapper
4 from state waters out to two hundred nautical miles.

5 The 2019 allocated allowable catch limit was a
6 hundred and fifty-one thousand five hundred and eighty-
7 four for Mississippi's recreational sector. This is an
8 increase from last year's ACL. That equated to a hundred
9 and forty-eight thousand five hundred and seven pounds for
10 the private recreational component. Two thousand six
11 hundred and forty-two pounds for the State for-hire
12 component, after a 2018 over production of four hundred
13 and thirty-five pounds.

14 Both were managed with an annual catch target of
15 ten percent below the ACL.

16 To go through our portion of the season, for the
17 private recreational component, the season started on May
18 24th and ran through July 7th. It was, then, closed for a
19 mid season closure from July 8th through July 28th. It
20 reopened July 29th to August 25th. Reopened for Labor Day
21 August 31st to September 2nd. Then, the final opening was
22 September 6th through the 8th.

23 The State for-hire component was open from May
24 25th through June 10th.

25 If you look here at the table on the right, we

1 can see the specific days associated with each component.

2 Private recreational component was seventy-nine
3 total days. State for-hire was twenty total days. The
4 Federal for-hire component which was managed by NOAA,
5 again, during this season was sixty-two days.

6 We had Finfish staff out that were conducting
7 site interviews across the State. In total, Finfish staff
8 collected over four hundred otoliths and nine hundred and
9 seven lengths and weights from Red Snapper this year.

10 Our otoliths are currently undergoing processing
11 and, as you all know, age data and also length data is
12 vital to management of the fishery, and length-at-age data
13 are direct inputs into stock assessments.

14 When we look at our age and length distribution
15 of our catch, it gives us a good idea of what is being
16 harvested.

17 Here we have the length distribution for Red
18 Snapper for 2019. Like I said, the otoliths are still
19 undergoing processing. As you can see, our highest count
20 was around twenty inches, but you can see it starts out
21 around sixteen, and, then, tapers off gradually as you get
22 into those larger fish which is expected in a fishery that
23 is focused around artificial reefs.

24 As you can see here on the bottom, around sixty-
25 four percent of all trips designate artificial reefs as

1 their primary habitat fished.

2 If we go into our final season results, some of
3 you will recall Joe read these into the record last month,
4 but here they are in a table format.

5 For our private recreational component, the ACL
6 was once again a hundred and forty-eight thousand five
7 hundred and seven pounds. We harvested a hundred and
8 forty-seven thousand seven hundred and forty-eight pounds
9 of that which is ninety-nine and a half percent which is
10 pretty close.

11 The State for-hire component was two thousand
12 six hundred and forty-two pounds. We harvested two
13 thousand five hundred and thirty-one pounds which is
14 ninety-five point eight which leads us to a total of a
15 hundred and fifty thousand two hundred and seventy-nine
16 pounds harvested and ninety-nine point one percent of our
17 overall annual catch limit.

18 On closer comparisons like we always do, if we
19 look at our finalized results, 2019 over here, we have the
20 days for each component compared to 2018.

21 Our harvest was higher this year because we had
22 an increase in our ACL, a hundred and fifty thousand two
23 hundred and seventy-nine, an increase in the number of
24 fish. Our average weight dropped only a small amount.
25 The average length remained around the same.

1 We had more trips because we had more quota to
2 harvest this year. Our fish per angler per trip stayed
3 relatively consistent with what we saw in 2018.

4 We always like to end on our compliance. This
5 year we saw, once again, an increase in compliance from
6 ninety to around ninety-five percent for the private
7 recreational component, and our Federal for-hire component
8 remained around one hundred percent.

9 These increases in compliance really represent
10 success of this program overall and the cooperation
11 between all the different offices within the department.

12 With that, I will take any questions.

13 COMMISSIONER BOSARGE: I don't have any
14 questions, Trevor, but kudos to you and your staff. Good
15 job.

16 TREVOR MONCRIEF: Thank you.

17 COMMISSIONER DANIELS: To have a better managed
18 snapper than any other state in the Gulf, that is saying
19 something.

20 TREVOR MONCRIEF: We appreciate that.

21 COMMISSIONER DANIELS: It looks like you are
22 going to be at the podium for K2.

23 TREVOR MONCRIEF: Yes. K2 is going to be
24 sharks. This is ongoing from previous presentations this
25 year.

1 I will just go through a Notice of Intent for
2 the Commercial Shark Fishery.

3 At the September CMR meeting, the following
4 motion was passed regarding a commercial shark fishery.
5 The motion was for staff to come back at the October CMR
6 meeting with proposed regulatory changes for a commercial
7 shark fishery to go out for Notice of Intent.

8 In this presentation I will outline potential
9 requirements for the commercial shark fishery participants
10 and modifications to regulatory language.

11 Before I go through it, a lot of this was in
12 what Steve read into the record in the last meeting and we
13 had some additions in here.

14 It will be to establish endorsement to allow
15 commercial shark fishing in State territorial waters which
16 goes out to three miles south of the barrier islands, and
17 the purpose of this endorsement will be to monitor the
18 number of fishery participants and will ensure that all
19 participants attend an approved shark identification/safe
20 handling practices course prior to issuing said
21 endorsement.

22 Some additional potential eligibility
23 requirements will be that they would have to be a resident
24 of Mississippi and this is largely because we are not sure
25 of the universe of anglers that we will have, we are not

1 sure of the participation from outside states, or in our
2 state. So we would like to keep it small to start, and,
3 then, expand it from there.

4 Individuals and vessels engaged in commercial
5 harvest of sharks must be properly licensed as they are in
6 all fisheries. They must pass an MDMR approved shark
7 identification exam and protected species safe handling
8 workshop, and anglers must report species specific shark
9 landings for Federal quota monitoring through trip ticket.

10 For the season, it will be established open
11 shark season in Mississippi territorial waters to run
12 concurrent with the Federal shark season in the Western
13 Gulf of Mexico Sub-Region.

14 Once again, all landings will be deducted from
15 the established Federal quotas and we will gather that
16 through trip ticket.

17 Just to remind the Commission, when we are
18 talking about small and large Coastal sharks which will be
19 in the regulatory changes coming up, these are the lists
20 here. Each different section has prohibited sharks that
21 are already in regulation, but here are the sharks that
22 are to be included in those large and small Coastal
23 designations (indicating slide).

24 The regulatory changes that will kind of mirror
25 what we said in the requirements will occur in Title 22,

1 Part 7, Chapter 9, which is the Commercial Size,
2 Possession and Catch Limit, Section 100.

3 We will be adding in 100.28:

4 "Small Coastal sharks twenty-five
5 inches total length."

6 And 100.29:

7 "Large Coastal sharks thirty-
8 seven inches total length."

9 We will also make some changes in the following
10 sections:

11 We strike out 102, and, then, that will renumber
12 all the sections down to 113 where we have added in the
13 endorsement language which will read:

14 "113. Beginning January 1st, 2020,
15 any individual, or vessel, commercially
16 harvesting small Coastal, or large
17 Coastal, sharks in Mississippi's
18 territorial waters must possess a
19 MDMR shark endorsement, ten dollars,
20 in addition to a current applicable
21 harvester license.

22 "In addition, all individuals
23 applying for a shark endorsement
24 must be a Mississippi resident and
25 present documentation of the successful

1 completion of a MDMR approved shark
2 identification exam and protected
3 species safe handling workshop.
4 “The open season in Mississippi
5 territorial waters for the
6 commercial harvest of sharks shall
7 run concurrent with Federal shark
8 seasons for the Western Gulf of
9 Mexico Sub-Region.”

10 Here in 113.01, the part that was struck
11 through, we added in, and, then, provided some additional
12 language. 113.01 reads:

13 “The practice of “finning”, that is
14 removing only the fins and returning
15 the remainder of the shark to the
16 sea is unlawful. All sharks
17 commercially harvested in Mississippi
18 state territorial waters must be
19 landed in whole form with fins
20 naturally attached by at least some
21 portion of uncut skin. Sharks may
22 be gutted prior to landing.”

23 Then 113.02:

24 “It shall be unlawful for any
25 commercial fisherman to possess a

1 daily bag limit of more than twenty-
2 five small and large Coastal sharks
3 in aggregate per vessel per day.”

4 what will be required, if you approve all of
5 these, is a motion to proceed with a Notice of Intent for
6 regulatory changes to Title 22, Part 7, Chapter 9, for a
7 commercial shark fishery.

8 COMMISSIONER DANIELS: One question I've got is
9 we are saying twenty-five small and large Coastal sharks.
10 what is the Federal season on that?

11 Are we going off of the Federal quotas with
12 that?

13 TREVOR MONCRIEF: Yes. It would match with the
14 Federal season as designated, and the Federal bag limits
15 as they are written right now are forty-five up to, I
16 believe, fifty-five, and they have the ability to change
17 that throughout the season. So ours will be a little bit
18 lower than that at twenty-five.

19 COMMISSIONER DANIELS: Okay.

20 COMMISSIONER BOSARGE: I'll make the motion,
21 then. A motion to proceed with Notice of Intent for
22 regulatory changes to Title 22, Part 7, Chapter 9,
23 regarding the development of a commercial shark fishery.

24 COMMISSIONER DANIELS: Do we have a second for
25 that motion?

1 COMMISSIONER GUESS: I'll second it.

2 COMMISSIONER DANIELS: All those in favor aye.
3 (All in favor.)

4 COMMISSIONER DANIELS: Opposed?
5 (None opposed.)

6 COMMISSIONER DANIELS: Motion passes.

7 TREVOR MONCRIEF: Thank you.

8 COMMISSIONER DANIELS: Next up will be Rick
9 Burris, Troutline Regulations, K4.

10 RICK BURRIS: If you recall, at the September
11 Commission meeting the following motion was passed, to
12 proceed with a Notice of Intent for regulatory changes to
13 Title 22, Part 7, Chapter 13, to add Section 101 as
14 recommended by the Gear Type Task Force.

15 That Notice of Intent was passed on September
16 17th. It was filed with the Secretary of State's office on
17 the same day. On September the 18th, we posted it on the
18 DMR's web page. The legal notice appeared in The Sun
19 Herald on September 20th.

20 There is all of that documentation (indicating
21 slide).

22 The public comment period ran from September
23 18th, 2019, through October 14th, 2019, a total of twenty-
24 seven days, and no public comments have been received to
25 date.

1 The changes would be to Title 22, Part 7,
2 Chapter 13, Troutline Regulations. As you recall, in
3 Section 100, we removed the word "metal" and replaced it
4 with "corrosion resistant".

5 We, then, added Section 101 to read:

6 "From and after January 1, 2020,
7 both recreational and commercial
8 troutline tags shall be renewed on
9 an annual basis. Troutline tags
10 will be valid from January 1st through
11 December 31st of each year."

12 Those are the changes, and what will be required
13 is a motion to proceed with final adoption of the
14 regulatory changes to Title 22, Part 7, Chapter 13, to add
15 Section 101 as recommended by the Gear Type Task Force.

16 COMMISSIONER DANIELS: I'll make the motion for
17 final adoption.

18 Do we have a second?

19 COMMISSIONER GUESS: I'll second it.

20 COMMISSIONER DANIELS: All those in favor say
21 aye.

22 (All in favor.)

23 COMMISSIONER DANIELS: Opposed?

24 (None opposed.)

25 COMMISSIONER DANIELS: Motion passes.

1 RICK BURRIS: Thank you.

2 COMMISSIONER DANIELS: This is always a fun one.
3 I like seeing these.

4 We are going to move on to K5 which is saltwater
5 Fishing Records, Matt Hill.

6 MATT HILL: We also enjoy seeing these
7 Commissioners, especially when we have some youth records
8 involved.

9 COMMISSIONER DANIELS: That's the best.

10 MATT HILL: I will be presenting the State
11 Saltwater Finfish records.

12 The first is a Youth Division conventional
13 tackle record. It is an Atlantic Bumper with the old
14 record of three point four five ounces. A new record of
15 four point five two ounces. The angler is Mr. Rinlee
16 Armes.

17 I do want to point out to the Commission this
18 also qualifies as the all tackle and conventional tackle
19 record. If those are broken at some point, he will still
20 be able to retain the youth record until that it broken,
21 or in that category.

22 Here is a picture of the Bumper. Here is a
23 picture of Mr. Rinlee with the fish.

24 Our next is also a Youth Saltwater record. It
25 is a Hardhead Catfish with the old record of one pound

1 twelve point nine seven ounces. The new record of two
2 pounds ten point one six ounces. The angler is Mr. David
3 Kuehn, III.

4 Here is a picture of the catfish, and he looks
5 real excited. Here is a picture of Mr. Kuehn holding the
6 catfish.

7 what will be required from the Commission is a
8 motion to adopt these new State Saltwater records.

9 COMMISSIONER GOLLOTT: Mr. Chairman, I would
10 like to make that motion to approve these.

11 COMMISSIONER DANIELS: Do we have a second?

12 I'll second the motion.

13 All those in favor say aye.

14 (All in favor.)

15 COMMISSIONER DANIELS: Opposed?

16 (None opposed.)

17 COMMISSIONER DANIELS: Motion passes.

18 MATT HILL: Thank you.

19 COMMISSIONER DANIELS: Moving on to other
20 business, at this time, I would like to make a motion --

21 JOE SPRAGGINS: (Interposing) Before we do
22 that, can I real quick mention one thing on other
23 business?

24 COMMISSIONER DANIELS: Yes, sir.

25 JOE SPRAGGINS: I forgot to tell y'all the

1 Secretary of State is going to issue us a check tomorrow.
2 It is at 11:00 o'clock and it will be at the Secretary of
3 State's office in Gulfport, but it for our Tidelands check
4 this year. I just wanted to let the Commission know that
5 it is being issued tomorrow. Any of you are welcome to
6 come, if you would like to.

7 COMMISSIONER DANIELS: Great.

8 At this time, I would like to make a motion that
9 we go into closed session to determine the need to go into
10 executive session to consider pending litigation.

11 Do we have a second for that motion?

12 COMMISSIONER GUESS: I'll second it.

13 COMMISSIONER DANIELS: All in favor say aye.

14 (All in favor.)

15 COMMISSIONER DANIELS: Opposed?

16 (None opposed.)

17 COMMISSIONER DANIELS: We are into closed
18 session.

19 MEETING STANDS IN RECESS

20 COMMISSIONER DANIELS: We have everybody back in
21 here now.

22 At this point, we are going to ask legal to give
23 a rundown of what just happened.

24 KIM PAPANIA: At 11:05, a motion was made by
25 Commissioner Daniels to go into closed session to discuss

1 the need for executive session to discuss pending
2 litigation. That motion was seconded by Commissioner
3 Guess.

4 At 11:10, a motion was made by Commissioner
5 Daniels to go into executive session to discuss pending
6 litigation. That motion was seconded by Commissioner
7 Guess.

8 At 11:26, a motion was made that at the special
9 session on October 8, 2019, the Commission voted not to
10 appeal the Starr decision rendered by Judge Schloegel on
11 September 26, 2019.

12 However, based upon the judge's ruling, in order
13 to be in compliance with the court order the MDMR will
14 require a professional mean high water survey for any
15 projects involving fill of Coastal wetlands. These
16 requirements will be in affect until such time as the
17 current statutes are revised by the legislature.

18 At 11:26, a motion was made by Commissioner
19 Daniels to end the executive session and that motion was
20 seconded by Commissioner Bosarge.

21 COMMISSIONER DANIELS: I don't think anybody has
22 any questions.

23 At this point, do we have any other business for
24 the meeting?

25 (No response.)

1 COMMISSIONER DANIELS: Any public comments?

2 (No response.)

3 COMMISSIONER DANIELS: I would like to make a
4 motion that we close the meeting.

5 COMMISSIONER BOSARGE: So moved, Mr. Chairman.

6 COMMISSIONER DANIELS: All in favor say aye.

7 (All in favor.)

8 COMMISSIONER DANIELS: Thank you.

9 (Whereupon, at 11:33 o'clock, a.m., the October
10 15, 2019, meeting of the Commission on Marine Resources
11 was concluded.)

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the October 15, 2019, meeting of the 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.

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