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MISSISSIPPI ADVISORY COMMISSION ON MARINE RESOURCES  
COMMISSION MEETING

Tuesday, April 20, 2021

9:00 a.m.

Bolton Building Auditorium  
1141 Bayview Avenue  
Biloxi, Mississippi 39530



COMMISSION MEMBERS:

- Ronnie Daniels, Chairman
- Natalie Guess, Vice Chairman
- Cam Roberds

Also Present:

- Joe Spraggins, Executive Director DMR
- Sandy Chesnut, Assistant Attorney General

1 COMMISSIONER DANIELS: Good morning everyone.  
2 welcome to our Tuesday, April 20<sup>th</sup> meeting.

3 At this time, we would like to call the meeting  
4 to order.

5 I would like to ask our newest member, Cam  
6 Roberds, to lead the Pledge of Allegiance.

7 (Pledge of Allegiance was recited.)

8 COMMISSIONER DANIELS: Thank you, Cam.

9 At this time, I am going to ask Director  
10 Spraggins to lead us in a prayer.

11 JOE SPRAGGINS: Heavenly Father, we thank you  
12 for the opportunity to be able to come back together and  
13 meet again in open public forum. We know this has been a  
14 long year that we have not been able to do this.

15 I know you gave us the ability, Lord, to do it  
16 other ways, but we thank you so much to be able to sit  
17 here and look at each other and shake hands and talk and  
18 be able to meet in person, Lord.

19 We ask you to take this Commission and give them  
20 the wisdom to do what you would have them to do and  
21 everyone in this department, give them the wisdom to do as  
22 you would have it done.

23 We ask this in Jesus Christ's name. Amen.

24 COMMISSIONER DANIELS: Amen.

25 It is. It is great to be back in here and get

1 to see everybody's faces and move around a little bit.

2 we would also like to thank Biloxi Councilman  
3 Paul Tisdale and Jackson County Administrator Brian Fulton  
4 for joining us this morning. Thank y'all for coming out.

5 At this time, if we could get approval of the  
6 minutes from the March 16<sup>th</sup> meeting.

7 Do we have any discussion for that?

8 COMMISSIONER GUESS: I'll make a motion to  
9 approve the minutes.

10 COMMISSIONER DANIELS: I'll second the motion.

11 All those in favor aye.

12 COMMISSIONER ROBERDS: Aye.

13 COMMISSIONER GUESS: Aye.

14 COMMISSIONER DANIELS: Aye.

15 Motion passes

16 Approval of the agenda.

17 Do we have a motion to approve the agenda?

18 COMMISSIONER GUESS: I'll make a motion.

19 COMMISSIONER DANIELS: I'll second it.

20 All those in favor say aye.

21 COMMISSIONER GUESS: Aye.

22 COMMISSIONER ROBERDS: Aye.

23 COMMISSIONER DANIELS: Aye.

24 Motion moves.

25 Mr. Joe, we are going to turn it over to you.

1           JOE SPRAGGINS: I feel kind of weird sitting in  
2 these little cubicle things here. It looks like I'm back  
3 in the third grade, or something. It is better than being  
4 on zoom, or whatever we have been on the last few months.

5           Employment contracts. We have had quite a few  
6 new employment things change over the last few months and  
7 last month.

8           We had Megan Fleming who is our Biological  
9 Program Coordinator from Finfish Bureau and she was an  
10 internal move up.

11           We had Matt Murphy who is a Permitter IV and he  
12 is with Coastal Wetlands and Mitigation Compliance Bureau  
13 and he is also a move up into the agency.

14           Todd Curry, a new Master Sergeant with our  
15 Marine Patrol, a move up.

16           Wyatt Webb, a Corporal in Marine Patrol is also  
17 a move up in the agency.

18           Rachel Kistler, Permitter II, Coastal Wetlands  
19 and Mitigation Compliance. I'm not sure if that is a move  
20 up, or not.

21           I've got to look. I would probably know that,  
22 if I would look at it the right way.

23           Wouldn't I, Crystal?

24           CRYSTAL MATTA: Yes, sir.

25           JOE SPRAGGINS: Crystal probably put it in front

1 of me and I just don't remember.

2 I bet nobody is going to help me either.

3 Are they?

4 She is a new hire. Here we go.

5 Then, we've got Yvette Timmons also a Dispatcher  
6 I and she is in Marine Patrol, a new hire there.

7 We've got quite a few people that have come  
8 onboard and we've got some more new ones coming on this  
9 month. We will have an update for you next month on that.

10 Any questions on that?

11 (No response.)

12 JOE SPRAGGINS: How about Agency Update?

13 The session is over and we got a budget and it  
14 is signed by the Governor. FY22, we are going to be  
15 working, I believe, July the 1<sup>st</sup>. That is a blessing any  
16 time that happens.

17 We got a good budget this year and it worked  
18 out. Everything was pretty much level, except for we did  
19 get some additional.

20 Our total budget this year is a little over  
21 ninety-two million dollars, which is a good budget to  
22 operate with.

23 We got Tidelands and we got the funds to operate  
24 Tidelands with in the agency so that is great, too.

25 Then, we also have the GOMESA Funds and we have

1 some new GOMESA Funds that the Governor and the  
2 legislature have passed. There are about twenty million  
3 dollars in those funds that we are going to spend this  
4 year and we will be working with them.

5 Russell is working with the different counties  
6 and cities and others to be able to get the proper  
7 paperwork put together to get things kicked off.

8 we do have another seventeen million that the  
9 legislature gave me authority and the Governor to be able  
10 to spend in GOMESA this year. We will be looking at other  
11 GOMESA projects, also, that are out there.

12 If anyone has any, feel free to get with  
13 Russell, or myself, and we will look at it, and I will  
14 take them to the Governor and we will sit down and look at  
15 it and try to see what we can do with that, if he wants to  
16 spend that part of that money. It worked out pretty good.

17 we also had a very intense, but great council  
18 meeting, Gulf Counsel, last week. It was a very  
19 interesting meeting, but we came out of it on Thursday  
20 afternoon at the very end with a vote of, I think, eleven  
21 to four that we passed where the Red Snapper allocations  
22 for each state would basically stay the same until 2023.

23 That would mean that we can start our Red  
24 Snapper season, and Rick and them are going to talk about  
25 that later in the meeting, so I won't go into it, but it

1       Looks like we won a great battle there and we will be able  
2       to keep our Red Snapper season going.

3               I know that is great for all of our fishermen  
4       that like to go out and enjoy those days of catching the  
5       snapper.

6               That will be until 2023, unless we -- the SSC is  
7       going to meet again and between them and the Greater Red  
8       Snapper Count if we can some kind of better understanding  
9       of what we are going to do and understand that it might  
10      change before then.

11              I met with the Mississippi River Commission last  
12      week, a great meeting with them. So far -- I don't want  
13      to say anything to jinx anything. If I could find some  
14      good solid wood -- it is looking like the Bonnet Carre may  
15      not have to open.

16              Now, that is great news. Here we are at the  
17      middle of April, toward the end of April, and we haven't  
18      had any issues so far, but we also keep our guard up  
19      because remember in 2011 and 2019 we had a late May  
20      opening, too.

21              We will just our guard up and keep praying that  
22      it will happen and we won't have anything happen to it.

23              I did brief them a couple of new diversions. We  
24      keep talking about the Barataria and Mid-Breton Sound, and  
25      I briefed them about the Union and the Ama, and they did

1 not know about this.

2 This was put together by a university of  
3 Louisiana and I think it was Tulane University. A couple  
4 of professors there put together a study and felt that if  
5 we could open up some diversions north of the Bonnet Carre  
6 and be able to move those diversions to the east and to  
7 the west it could basically slow down the rate of the flow  
8 of the water and, also, the amount of time we would have  
9 to open up.

10 Just to give you an idea, it could stop the flow  
11 of the water about fifty-plus percent, as far as the  
12 pressure on it.

13 This is something that they are going to look at  
14 and Joey Windham, Chief of Watershed Division for the area  
15 for the Corps, said he was very interested and to send him  
16 the information.

17 Hopefully, we will get something done there.  
18 That may be the silver lining because we have to do  
19 something to be able to make this work.

20 They are dredging the Mississippi River. They  
21 are dredging at the mouth some. They are working on  
22 things to try to help us.

23 I know that is a big concern for everyone here  
24 about what we are going to do in 2021, 2022 and after  
25 about the Bonnet Carre because we are planting oysters and



1 oysters are growing and shrimp and everything is working  
2 great right now, but, if that opens back up, it could  
3 cause a lot of issues.

4 We are going to talk about the CARES Act in a  
5 minute and the Bonnet Carre 2019.

6 We did get another second round of CARES Act  
7 COVID money that is coming in somewhere in the  
8 neighborhood of three million dollars and we do not have  
9 the criteria of how to use it yet. I don't want you to  
10 get upset that we are not telling you, but they are  
11 telling us that it has to be spent by September. At  
12 least, they are pushing this and we will be able to move  
13 forward with it.

14 Any questions on the agency?

15 JOE SPRAGGINS: If not, I am going to go into  
16 the CARES Act.

17 I just want to make sure y'all are okay with  
18 this.

19 (No response.)

20 JOE SPRAGGINS: CARES Act.

21 Traci, could you come up and brief us real  
22 quick?

23 TRACI FLOYD: Yes, sir.

24 Good morning. I'm Traci Floyd, Deputy Director  
25 in the Fisheries Office.

1           We completed our first round, and we received  
2 notification at the end of March that we will receive  
3 another round, twice as much money, three million dollars.

4           I am of the understanding that we will use the  
5 same percentages for payout, if we go that route, but we  
6 can look at other projects.

7           A lot of the projects we could do are being  
8 covered already with our Bonnet Carre 2019 proposal.

9           My understanding is we are looking at another  
10 direct payment, direct assistance.

11           JOE SPRAGGINS: Did you see what I sent out  
12 yesterday?

13           TRACI FLOYD: Yes, sir.

14           JOE SPRAGGINS: Any questions?

15           (No response.)

16           JOE SPRAGGINS: All of the payments are out.  
17 Right?

18           TRACI FLOYD: All the payments are out and our  
19 proposal for the next round will be before you hopefully  
20 before next month's meeting.

21           JOE SPRAGGINS: Good deal.

22           That first round was one point five million and  
23 this round is estimated to be three million. We don't  
24 know if there is going to be some of that taken away from  
25 NOAA, or whatever. We are still waiting on that answer, I

1 think.

2 TRACI FLOYD: Yes, we are waiting on that  
3 answer. I imagine it won't be much, though, from my  
4 experience.

5 JOE SPRAGGINS: Any questions for Traci?  
6 (No response.)

7 JOE SPRAGGINS: Thank you.

8 TRACI FLOYD: Thank you.

9 JOE SPRAGGINS: Next up is the Bonnet Carre  
10 2019.

11 Rick, will you come up and brief that?

12 RICK BURRIS: Yes, sir.

13 Good morning.

14 Since last month -- well, just to give you an  
15 overall, we submitted the scope of work back in November.  
16 It has since been through two rounds of review from NOAA,  
17 NOAA Fisheries, and we just got the last round of review  
18 back. We made all of the changes and we should be able to  
19 submit it to OMB this week.

20 Once we do that, then, it is up to Office of  
21 Management and Budget to make the final determination, and  
22 they may have some tweaks and changes to it, as well, but  
23 once that happens, then, it will be approved and we will  
24 be awarded the money.

25 We don't have a definitive time frame yet. It

1 is still kind of up in the air. There is still a lengthy  
2 review process, but that is currently where we are.

3 JOE SPRAGGINS: Rick, we are hoping by the  
4 summertime to be able to disperse money?

5 RICK BURRIS: I would hope so.

6 We put a hard date on there for internal  
7 purposes. Hopefully, they will get their review done by  
8 then, but I can't speak for the Federal government.

9 COMMISSIONER DANIELS: Rick, whenever you say  
10 made changes, are those changes to the spend plan that we  
11 submitted?

12 RICK BURRIS: No, sir. They asked for some more  
13 clarification on some things, more specificity on things,  
14 line item budget.

15 Instead of supplies, we had to get specific on  
16 what supplies we were buying and things like that, but  
17 there were not substantial changes.

18 COMMISSIONER DANIELS: So the payout to the  
19 actual fishermen and everything, all of that is still the  
20 same as what was submitted?

21 RICK BURRIS: Yes, sir.

22 COMMISSIONER DANIELS: Okay. Thank you.

23 JOE SPRAGGINS: Thank you, Rick.

24 RICK BURRIS: Thank you.

25 JOE SPRAGGINS: On other thing. We do have an

1 oyster plan that we have been working on and that plan has  
2 gone out, as far as us looking at it, and come back from  
3 the Governor's office.

4 Rick, I think this week we will send it out.  
5 Is that correct?

6 RICK BURRIS: Yes, sir.

7 JOE SPRAGGINS: It will go out public notice  
8 this week. Be looking for it. It is a good twenty-year-  
9 type oyster plan to be able to try to rebuild the oysters  
10 in the Gulf of Mexico.

11 Anything else on that?

12 (No response.)

13 JOE SPRAGGINS: If not, we will move on to the  
14 Action Update from the prior meeting, Sandy.

15 SANDY CHESNUT: Discussed at the March 20, 2021,  
16 meeting was MDEQ's request for a Permit Modification to  
17 modify an existing permit to construct subtidal reef  
18 habitat in Point Aux Chenes Bay in Jackson County,  
19 Mississippi, with the following additional conditions:

20 Marking of the reefs and the plan for  
21 maintaining the markings must be approved by the MDMR  
22 prior to the project completion.

23 Commission recommended approval of the request  
24 and the Director approved it, and that was it.

25 JOE SPRAGGINS: Just one quick last note. If

1 you want to make public comment, please raise your hand  
2 and TJ in the back will pick it up and he will make sure  
3 that he gets that information to us as to when you would  
4 like to do it.

5 We just ask you to put where on the agenda you  
6 would like to make public comment so we can make sure we  
7 get it in the correct spot.

8 Chairman Daniels, that is all I have, sir.

9 COMMISSIONER DANIELS: Thank you, Director.

10 Do either one of our other Commissioners have  
11 anything for the Commissioners Report today?

12 COMMISSIONER GUESS: No, sir.

13 COMMISSIONER ROBERDS: No, sir.

14 COMMISSIONER DANIELS: I've got one thing I  
15 would like to bring up just to get on record. Director  
16 Spraggins and I talked about this in the past and, again,  
17 recently.

18 Ship Island, or Gulf Islands requires a permit  
19 for any type of boats having any type of commercial  
20 activity within one mile of the islands. My interest in  
21 this is strictly for our charter boats.

22 I went through the process of trying to get that  
23 permit several years back and I tried again a year, or two  
24 ago, and I gave up.

25 I get several phone calls, or messages, each

1 year from these captains that are trying to get these  
2 permits.

3 Nobody has a problem with buying the permit. It  
4 is a reasonable price and it lasts for a while.

5 The problem is getting it is kind of like  
6 finding a Unicorn.

7 These guys are sending ten, or fifteen, emails,  
8 ten, or fifteen, phone calls, and getting zero response  
9 back on that.

10 I would like for us to look into seeing what we  
11 can do about that. If they are going to require us to  
12 have it, they need to make it accessible to us.

13 If they are not going to make it accessible,  
14 then, we need to do away with it; one of the two.

15 JOE SPRAGGINS: Commissioner, trying to get them  
16 to have a meeting with us which right now they will not  
17 meet in public pretty much, as far as the Federal  
18 government is still that way. We will continue to talk to  
19 them. We will continue to ask.

20 I don't think we are the ones that have the  
21 choice of whether we can take their permit in, or out.  
22 That is not ours. It is owned by the Federal government.

23 I have tried to hold off without having to get  
24 with Congressman Palazzo, or one of the senator's offices  
25 here, but we will with that, if we don't get an answer in

1 the next day, or two.

2 COMMISSIONER DANIELS: We would appreciate any  
3 help on that, Director.

4 Moving on, Office of Marine Patrol.

5 Chief, have you got a report for us today?

6 KYLE WILKERSON: I do. Good morning,  
7 Commissioners, Director, legal.

8 As you can see, the report is pretty self-  
9 explanatory.

10 There are a few that stand out. One may be  
11 possession of illegal oysters. That was a man walking on  
12 the seawall with a gallon of oysters. He was culling them  
13 off of the seawall itself. That is a no no, as we know.  
14 Actually, that is the only one that really stands out.

15 The guys and girls have been busy, and, once  
16 again, the stops are up -- not so much the stops. The  
17 contacts are up. They are staying busy, staying really  
18 proactive.

19 JOE SPRAGGINS: Chief, real quick. We have had  
20 a couple of issues with something to do with oysters in  
21 prohibited areas.

22 I know that y'all through Fisheries and Marine  
23 Patrol are working to get this straightened out.

24 Can y'all give the group an update and the  
25 Commission an update where we are on it?



1           KYLE WILKERSON: I think we are right on the  
2 cusp of having it out. We are still kind of going over  
3 and tweaking it. It is rather lengthy, but I would say  
4 within this month. I would hope.

5           JOE SPRAGGINS: What we are trying to do is we  
6 are trying to help out the fishermen that are trying to  
7 grow small oysters in a prohibited area, or something, to  
8 be able to move to an area that is cleared, but there is a  
9 lot of difference, folks, in a little bitty oyster about  
10 the size of your thumb and one that is two inches ready to  
11 eat. There is a lot of difference in that.

12           We are trying to make sure we get everything  
13 correct, and I know y'all are working hard at it.

14           KYLE WILKERSON: Yes, sir.

15           JOE SPRAGGINS: We want to get this out to  
16 everyone as soon as possible, so we can help them manage  
17 it..

18           Thank you.

19           KYLE WILKERSON: Yes, sir.

20           Any questions?

21           (No response.)

22           COMMISSIONER DANIELS: Keep up the good work,  
23 Chief.

24           KYLE WILKERSON: Thank you, sir.

25           COMMISSIONER DANIELS: I hear good things about

1 y'all all the time.

2 KYLE WILKERSON: well, thank you. we like that.

3 COMMISSIONER DANIELS: Ms. Willa.

4 WILLA BRANTLEY: Good morning Commissioners,  
5 Director, Sandy.

6 I have three items to present this morning.

7 The first one is a request for a permit by the  
8 Department of Environmental Quality.

9 All three of my items I am presenting you have  
10 seen at least the writeups for previously, but we put them  
11 off because we felt the need for either commenters, or the  
12 person they dealt with to have the chance to be here face-  
13 to-face.

14 This was originally presented in 2019, at the  
15 end of 2019, and was scheduled to be presented again in  
16 March of 2020.

17 It is a project near Big Island in the Back Bay  
18 of Biloxi. It is the General Use District. Alane Young  
19 with Covington Civil and Environmental is the agent.

20 The structure that we are looking at is an eight  
21 thousand linear foot breakwater. That is a total length.  
22 There are two breakwaters -- you will see on the diagram  
23 in a minute -- and they are not continuous. They will  
24 have breaks in them.

25 The purpose. This is a NRDA Early Restoration

1 Project.

2 The intent of this specific project is to  
3 accelerate restoration of injured natural resources and  
4 their services. These were damaged by the oil spill.

5 This one is to reduce erosion by diminishing the  
6 energy of the waves prior to their impact with the  
7 shoreline and, also, to support secondary Productivity by  
8 serving ad high-profile reefs that lots of bivalve  
9 mollusks, annelid worms, shrimp, crabs, et cetera, can  
10 populate.

11 This is a diagram of the breakwaters. There is  
12 an inner breakwater that goes on the east and the south  
13 sides. This inner breakwater is going to be made out of  
14 some type of innovative materials that will encourage more  
15 diversity in the population of the organisms that inhabit  
16 it.

17 The second breakwater will go all the way from  
18 the west side down across the south side and back up the  
19 east side. This is the one that will be more substantial  
20 and be made out of rock.

21 The reason for this is because of the navigation  
22 channel right here. There are a lot of large waves that  
23 impact the southern side of Big Island.

24 If you can notice right here, there are a lot of  
25 shrimp boats in this marina (indicating diagram).

1           They really just needed that larger high-profile  
2 reef on the outside to protect and make sure that they met  
3 the requirements that the NRDA process requires.

4           Here is a diagram showing the inner breakwater  
5 on the bottom. It is smaller and lower profile, but,  
6 again, it will be made out of innovative materials that  
7 encourage more habitat, and the outer breakwater is on the  
8 top. It will be above the mean lower low water line.  
9 Sometimes it will be visible and it is made out of rock.

10           This is another side view of one of the  
11 potential materials that the inner breakwater would be  
12 made out of. This is called oyster break, and you can see  
13 it would be right at the mean lower low water line, and,  
14 then these are called wave attenuation devices. You may  
15 have heard them referred to as WADS. They are pyramid  
16 shaped and they have triangular holes in them, and, again,  
17 they encourage more habitat diversity, and, again, they  
18 would be installed so that the tops would reach the mean  
19 lower low waterline.

20           The applicant has requested a change to the  
21 Coastal Wetlands Use Plan just for the footprint of the  
22 proposed project.

23           The request was justified under Title 22, Part  
24 23 because there is a significant public benefit in the  
25 activity, impacts to public access and adverse

1 environmental impacts have been minimized, the general  
2 public as well as governmental entities were notified of  
3 the project, and a public hearing was held on October 17<sup>th</sup>,  
4 2019.

5 This would change from the General Use District  
6 to a Special Use District for preservation and  
7 restoration.

8 They have also requested a variance to the  
9 Coastal Program for permanent filling of Coastal Wetlands  
10 below the mean high tide line.

11 They have justified this variance request by  
12 stating that the impacts on Coastal Wetlands would be no  
13 worse than if the guidelines were followed. The project  
14 does meet several goals of the Coastal Program, and it is  
15 expected to be overall a beneficial project.

16 Notification appeared in The Sun Herald as  
17 required in August, September and October of 2019. We did  
18 run that notice twice. We are only required to run it  
19 three weeks. We ran it a second time because the first  
20 time we did not think they were going to need the Use Plan  
21 change, but, then, we realized that they would want to ask  
22 for that. So we ran it a second time to advertise that  
23 Use Plan change.

24 we did receive several public comments. We held  
25 a public hearing in October of 2019. I have summarized

1 the comments here (indicating slide).

2 You did receive, on the portal, a complete copy  
3 of all of the public comments that we received and DEQ's  
4 detailed response to those comments.

5 If you have any questions about any of those in  
6 specific, I will try to answer those, and DEQ is here,  
7 their agent is here and their engineer is also here to  
8 answer any questions.

9 DEQ issued 401 Water Quality Certification  
10 February 25<sup>th</sup> of 2020.

11 Archives and History requested a cultural  
12 resources survey and, after reviewing that survey, they  
13 stated they have no objections.

14 Secretary of State has stated that the project  
15 will require a rent-exempt lease.

16 wildlife, Fisheries and Parks and the other  
17 offices and bureaus of DMR made no comments.

18 We did discuss this among DMR staff extensively  
19 in the Restoration Coordination Team meetings. Different  
20 offices and bureaus with DMR were involved in the planning  
21 and the design of the project.

22 Based upon our review and evaluation, which is  
23 based on the decision factors in the Coastal Program, it  
24 has been determined that the project will have a  
25 significant public benefit.

1           Therefore, we recommend approval of the variance  
2 request and the Use Plan change and that the permit be  
3 issued with the following conditions:

4           These are similar conditions to what we have put  
5 on all of the NRDA reef projects and breakwater projects,  
6 that the project area should be rechecked for the presence  
7 of SAV during the growing season prior to implementation  
8 of the project, that the survey report should be submitted  
9 to the Wetlands Permitting staff at least thirty days  
10 prior to project commencement and that if SAV is found in  
11 the project area, a final review and approval by DMR staff  
12 should be required prior to the project commencement.

13           Again, if you have any questions, we have  
14 several people here who can answer those.

15           JOE SPRAGGINS: I would like to thank everyone.  
16 This has been a going project for a long time and for the  
17 ones who want to speak for it, or against it, the reason  
18 we held this off all this time is we didn't want to do it  
19 on the virtual things where no one could really be able to  
20 express their opinion of what it was.

21           We are glad to have that today and that is  
22 exactly why we held it to the possibility that we could  
23 have an open meeting. We welcome any comments.

24           I do have one comment, sir.

25           COMMISSIONER DANIELS: We've got Mr. Andrew

1 Whitehurst.

2 ANDREW WHITEHURST: Good morning Director  
3 Spraggins and Commissioners.

4 I'm Andrew Whitehurst, Water Program Director  
5 for Gulf Restoration Network. We are now called Healthy  
6 Gulf.

7 We commented in October of 2019, along with  
8 Terez Collins, one of our members, who is also with the  
9 Gulf Islands Conservancy, and we join their comments. We  
10 commented on this project and supported the comments of  
11 the Gulf Islands Conservancy.

12 The people who also commented that day were  
13 residents who objected to having to live with and view  
14 another rock jetty project that was called a living  
15 shoreline. None of those objections have changed.

16 This project required an adjustment to the  
17 Coastal Wetlands Use Plan and required variances so that  
18 permanent filling of Coastal Wetlands could take place.

19 I will visit three of the decision factors:

20 D, precedence setting.

21 H, alternative sites.

22 J, the preservation of natural and scenic  
23 qualities as specified in Section 6.

24 The first two were brought in focus by an  
25 exchange that we received in a request of 2019, or 2020,



1 DMR Commission meeting, and it was an exchange between  
2 Commissioner Gollott and Willa Brantley.

3 Mr. Gollott asked, "Are there some alternatives  
4 out there that would be better?"

5 And this was the answer, "There are possible  
6 alternatives. They were looked at. Because this is a  
7 NRDA project, the credits have already been given to BP  
8 and DEQ is on the hook for creating a certain amount of  
9 positive impact to the area as far as erosion control and  
10 secondary productivity, and this is the project they came  
11 down with that they can guarantee these benefits from."

12 That is a fairly plain and open statement of  
13 what happened.

14 I think the precedent that this sets for another  
15 decade, or more, of NRDA projects is terrible. Public  
16 input is beside the point and, if there is only one  
17 alternative that can guarantee benefits to BP, then, it is  
18 impossible for DMR to follow its own procedures.

19 The basic conflict between NRDA and the Coastal  
20 Zone Program needs to be discussed and straightened out  
21 soon rather than later because there is another decade  
22 plus of this.

23 Many of the strongest objections in 2019 were  
24 about the scenic qualities, the look of another jetty  
25 project.

1           We wrote a comment letter and this is what we  
2 received in response to our comment about the scenic  
3 qualities. This is a quote:

4           “The entire surrounding area is commercially  
5 developed and it includes casinos, commercial seafood  
6 processing facilities and the I-110 bridge. Any impact of  
7 lighting for navigation would be minimal compared to  
8 casinos, billboards and bridge lighting.”

9           It needs to be emphasized that Factor J, the  
10 scenic review, is titled Preservation of Natural Scenic  
11 Qualities as specified in Section 6.

12           This is a marsh island we are talking about, and  
13 I couldn’t find, in Section 6, a paragraph that says  
14 preserving the scenic qualities is achieved by comparing  
15 the site under consideration with the disturbed  
16 surroundings nearby.

17           That is an easy out for whoever reviewed it,  
18 whether it was DEQ, or DMR, and, by that standard of  
19 analysis, not much would remain scenic on the Mississippi  
20 Coast.

21           Coastal Zone review doesn’t seem to be built to  
22 deal with NRDA projects like this one very well and, if BP  
23 restoration credits have to be guaranteed at the outset,  
24 then, your constitution here for the Coastal Zone  
25 Management Program is going to be not well used, or go out

1 the window.

2 Those are the comments and they remain pretty  
3 much the same from 2019 to now.

4 I appreciate the opportunity.

5 COMMISSIONER DANIELS: Thank you for your time,  
6 Mr. Whitehurst. We appreciate your comments.

7 Do we have any other comments?

8 JOE SPRAGGINS: I don't.

9 Mr. Whitehurst, I do have a question.

10 When we are talking about the scenic side of it,  
11 is it because they are going to have a rock jetty?

12 What is it they are looking at?

13 Is it close to homes?

14 Do you have any background you can help me with?

15 COMMISSIONER DANIELS: Step up to the mike, Mr.  
16 Whitehurst, please.

17 ANDREW WHITEHURST: The objections were from  
18 your residents and they are in your comments.

19 There were five people that spoke that just  
20 didn't want to see this, didn't want the obstructions, and  
21 thought that that marsh island wasn't well served.

22 Regardless of what is around it, the setting of  
23 the marsh island wasn't well served by the big rock jetty  
24 that sticks up.

25 It has been a long discussion with Gulf Islands

1 Conservancy about the nature of what a living shoreline  
2 is. You-all have heard it before and I'm not going to  
3 belabor it here.

4 The residents also brought up hazard to  
5 navigation, running upon it.

6 JOE SPRAGGINS: I can understand that. It would  
7 have to be lit someway, or something, to be able to stop  
8 that.

9 I guess the other question is most of the stuff  
10 to the west side of it is industrial.

11 If there is someone here that would like to  
12 speak about it that lives in the area, I would love to  
13 hear it, someone that lives close to it, or has to look at  
14 it every day.

15 That was one of the reasons they kind of picked  
16 that site. They were trying to look at it because it was  
17 an industrial site mainly on the west side.

18 If we are speaking wrong, I would like to know  
19 that. I would definitely love to know.

20 People buy a place to live on the water because  
21 of the beauty and, also, they have access to the water,  
22 and I understand both of those, and I'm not here to try to  
23 impede on either one of those.

24 If anybody is here that lives near it, I would  
25 love to have comments.

1 Thank you, sir.

2 ANDREW WHITEHURST: Thank you.

3 COMMISSIONER DANIELS: Joe, if I may, I remember  
4 when we talked about this back in 2019 and two thoughts  
5 that have really come to mind with me on this is two of  
6 the big complaints about it are aesthetics and impact to  
7 the environment.

8 One thing I know. For the past thirty years, I  
9 have spent a lot of my time in the Louisiana marsh just  
10 south of the Mississippi Sound here, and the majority of  
11 the places that I grew up enjoying fishing out there are  
12 no longer there. My kids will never see it because they  
13 weren't protected.

14 The other thing that I know is I have watched  
15 this project that we did along the shoreline in Hancock  
16 County down to and around Heron Bay with the rocks that  
17 were put in there.

18 In the few short years that it has been there,  
19 you can see that marsh rebuilding. That marsh is building  
20 out to those rocks and instead of losing shoreline -- we  
21 can talk about the aesthetics all day long. If the island  
22 goes away, there is nothing there to look at, and that is  
23 a high traffic area with a lot of really big boats.

24 I'm just afraid you are going to lose the whole  
25 thing, if you don't do something about it.

1           JOE SPRAGGINS: willa, y'all may help me with  
2 this, too, or anybody from DEQ, or Covington.

3           Obviously, when we build these jetties and put  
4 there, the eventual goal is for them to be covered up,  
5 also, with backfill, building itself up and making it to  
6 where it is back like an island.

7           Is that not correct?

8           WILLA BRANTLEY: I think they would definitely  
9 like that, but I will let them answer to any future plans.

10          ALANE YOUNG: I'm not sure I understand exactly  
11 the question, but the goal of the project --

12          COMMISSIONER DANIELS: (Interposing) You need  
13 to give your name.

14          ALANE YOUNG: I'm Alane Young and I'm the permit  
15 agent for the project.

16          The structure will be the two breakwaters, and,  
17 then, the outer breakwater provides shoreline protection.  
18 The inner breakwater is for secondary productivity.

19          Any accretion that we could get inside would be  
20 great and we do expect to get some like we did at the  
21 Hancock County marsh living shoreline.

22          The credits are in secondary benthic  
23 productivity, which we expect to grow on both structures,  
24 as well as the protection of the salt marsh.

25          Accretion would be expected and would be

1 welcomed.

2 JOE SPRAGGINS: I guess I'm asking if I'm a  
3 resident and I'm sitting here and I'm looking there every  
4 day, I bought a home, or I built a home, or whatever, on  
5 the Back Bay and I want to look at it and I want to be  
6 able to look out there and I want to see what is going on,  
7 am I going to have to look at a rock jetty the rest of my  
8 life?

9 ALANE YOUNG: Yes, as long as the structure is  
10 there, but, again, we did do an extensive alternative  
11 analysis that is required under NRDA and this was ruled  
12 out in Deep Water Horizon Restoration Plan Number 4 for  
13 early restoration.

14 One of the reasons this site was selected was  
15 because there wasn't a great deal of neighborhood within  
16 the viewshed.

17 We looked at eleven other locations in Back Bay.

18 JOE SPRAGGINS: That's what I thought. I  
19 thought the industrial area was a lot of it on the west  
20 side for sure.

21 ALANE YOUNG: Yes.

22 JOE SPRAGGINS: My understanding was it was  
23 quite a distance from the east side to the shoreline where  
24 it is located.

25 Maybe I'm wrong. I don't live there every day.

1 I don't look at it.

2 I just want to be honest with the people and  
3 tell them a hundred percent what we are doing.

4 As long as we are honest and tell them a hundred  
5 percent what we are doing and how we are doing it and what  
6 we are going to be able to do to build it up and make it  
7 work, I just want people to know the truth.

8 ALANE YOUNG: Yes, sir.

9 JENNIFER WITTMAN: Willa is going to try to get  
10 an aerial image so that we can show everyone the distance  
11 from the residential area to where the project will take  
12 place. Maybe that can help clear up some questions about  
13 residents.

14 COMMISSIONER DANIELS: We are trying to come up  
15 with that, now.

16 Do we have anybody else who wanted to comment on  
17 this?

18 COMMISSIONER ROBERDS: Commissioner Daniels, I  
19 was just curious on the distance of the outer break to the  
20 actual existing island for navigation purposes as Director  
21 Spraggins was speaking of a minute ago.

22 WENDELL MEARS: Wendell Mears with Anchor QEA.  
23 We are the design engineers.

24 The north and western limits of the island,  
25 pretty much you've got a vertical scarp line just due to



1 the proximity of the Federal navigation channel to the  
2 island itself.

3 where we had room between the Federal navigation  
4 channel and the island, we pulled the breakwater offshore,  
5 again, to create more habitat diversity across those two  
6 reefs and protect the existing island.

7 JOE SPRAGGINS: It will be marked in some way at  
8 night?

9 WENDELL MEARS: Yes, sir.

10 Coast Guard has already issued its  
11 determination. I think we are required to have seven  
12 danger boards that are also lit at night.

13 we did coordinate with Marine Patrol and they  
14 felt that it was appropriate markings.

15 COMMISSIONER DANIELS: Off the top of your head,  
16 do you know at the closest point to that channel what the  
17 distance is off of the channel to where the breakwater  
18 will be?

19 WENDELL MEARS: It is at least two hundred feet,  
20 sir, from the toe of the channel and that was an Army  
21 Corps requirement.

22 COMMISSIONER DANIELS: Is that what you were  
23 trying to get to, Cam?

24 COMMISSIONER ROBERDS: You said two hundred feet  
25 from the channel?

1           WENDELL MEARS: From the toe of the channel,  
2           yes.

3           COMMISSIONER ROBERDS: From the toe of the  
4           channel, okay.

5           It looks like the total height is only around  
6           five, or six, feet anyway. So it has to be in the  
7           shallower section to begin with.

8           WENDELL MEARS: Yes, and we are tucking it right  
9           against that shelf where we've got that vertical scarp  
10          line. We have already lost historically a good portion of  
11          that northwest end of the island.

12          JOE SPRAGGINS: I know Willa is trying to pull  
13          up a slide that will show us the proximity to any homes.

14          Here we go.

15          WILLA BRANTLEY: I don't have the homes, or  
16          Google Earth, but this is a zoning map from Biloxi, and  
17          all of that pink and purple area is zoned Commercial, I  
18          believe. I can't see the upper left corner.

19          It is zoned waterfront, which is for, like,  
20          casinos and things that need to be on the waterfront like  
21          seafood processing plants and those kinds of things, and I  
22          do have the explanation of that, if you wanted to pull it  
23          up.

24          JOE SPRAGGINS: How far is it from the east side  
25          of the island to the shore where it would not be

1 industrial?

2 WILLA BRANTLEY: Do you know that, Wendell?

3 WENDELL MEARS: I don't have any of my maps, but  
4 it is probably over a thousand feet, and it would not be  
5 visible from the north side just due to the island and the  
6 marsh species, the marsh grass.

7 JOE SPRAGGINS: I couldn't hear him.

8 Ask him to come up here.

9 COMMISSIONER DANIELS: That was going to be one  
10 of my questions.

11 with the existing grass and everything, if you  
12 were looking from the north side, would you even be able  
13 to see it?

14 WENDELL MEARS: No, sir.

15 COMMISSIONER DANIELS: Thank you.

16 Any more comments?

17 JOE SPRAGGINS: I have no more from the public.

18 COMMISSIONER DANIELS: At this time, do we have  
19 a motion to go with the staff's recommendation on this  
20 project?

21 COMMISSIONER ROBERDS: I make a motion to move  
22 forward with the breakwater of Big Island.

23 COMMISSIONER DANIELS: We have a motion by  
24 Commissioner Roberds to take the staff's recommendation.

25 I will second that motion.

1 All those in favor aye.

2 COMMISSIONER DANIELS: Aye.

3 COMMISSIONER GUESS: Aye.

4 COMMISSIONER ROBERDS: Aye.

5 Thank you very much everyone.

6 WILLA BRANTLEY: Thank you.

7 COMMISSIONER DANIELS: Ms. Willa, you are still  
8 up.

9 WILLA BRANTLEY: The second item is a  
10 violation/After-the-Fact General Permit by Shawn Gollott.

11 It is located at 3393 and 3387 Bay Shore Drive  
12 on the Back Bay of Biloxi in D'Iberville. It is in a  
13 General Use District.

14 I don't think the pointer is working here, but,  
15 if you look just north of the bridge, there is a little  
16 yellow dot to the west side of it and it is labeled  
17 "Gollott" right there. That is where it is on the map.

18 The violation is unauthorized riprap length of  
19 two hundred feet and he also, when he turned in his after-  
20 the-fact application for that, proposed piers over that  
21 riprap two hundred linear feet by ten feet in width.

22 This is a diagram of the proposed project. I  
23 have contacted him. I'm not sure exactly where the two  
24 hundred linear feet of piers is. It could be over the  
25 riprap, or it could be the total length of those L-shaped

1 piers. Either one of those, we would be fine with. I  
2 just don't have an answer from him on exactly which it is  
3 supposed to be, but where the squiggle line and the Xs are  
4 is where he placed the riprap.

5 There is a lot of information in the chronology,  
6 but basically we received a General Permit application in  
7 March of 2019.

8 We made several attempts over the following  
9 months to get the application fee and it was never  
10 submitted.

11 We sent a ten-day response letter asking for the  
12 fee and that ten-day response says if you don't respond  
13 within ten days of receipt of this letter, we will have to  
14 deny your application due to lack of information.

15 That is a denial without prejudice. We did that  
16 on June 3<sup>rd</sup> of 2019 because we still had not received the  
17 fee.

18 In January of 2020, it was discovered that he  
19 had gone ahead and placed the riprap, even though the  
20 application had been denied, and there was asphalt and  
21 rebar present in the riprap which is against our  
22 regulations.

23 If we had issued a permit, it would say  
24 specifically that those could not be present.

25 We informed him of the violation. Several of

1 the staff members met on site. We spent the next few  
2 months with him working on cleaning out the rebar and  
3 asphalt.

4 He would clean a little bit. We would go back.  
5 It wouldn't be completely cleaned. This happened over  
6 several months.

7 We placed it on the March 2020 Commission  
8 agenda, but that meeting being canceled we decided that  
9 the presentation should be delayed until Mr. Gollott could  
10 appear in person, if he wished to.

11 At that point, we would have had to present it  
12 as the fact that he had not removed the rebar and the  
13 asphalt, in March of 2020.

14 Staff visited the site a couple of weeks ago.  
15 By now, he has removed enough of that asphalt and rebar.

16 We have the potential penalty range up on the  
17 slide. From January 22, when it was discovered, as of  
18 March 17<sup>th</sup>, which would have been the date of the  
19 Commission meeting in 2020, it was forty-seven days. We  
20 did cut off the accumulation of fine at that point because  
21 we could not present it.

22 The total maximum fine, being that this was a  
23 commercial development, was four hundred and seventy  
24 thousand dollars, and that is based on a ten thousand  
25 dollar per day for the range of the violation.

1           We recommend a fine of five thousand dollars be  
2 issued to Mr. Gollott.

3           The decision factors are that we made multiple  
4 attempts to complete the original application, the riprap  
5 containing the rebar and the asphalt was placed after the  
6 permit application had been denied and after a letter was  
7 sent to him stating that and, as of the March 17<sup>th</sup> planned  
8 meeting, the asphalt and rebar had not been removed as  
9 requested.

10           I don't know that Mr. Gollott is not here, but I  
11 don't think he is. He was notified by both Certified and  
12 regular postal mail.

13           COMMISSIONER DANIELS: Mr. Gollott, if you are  
14 here, could you stand up?

15           (No response.)

16           COMMISSIONER DANIELS: Looks like he is not  
17 here.

18           He entered an application, didn't finish it,  
19 dumped everything anyway and just kept kind of moving  
20 forward, and, then, delaying once you said to clean it up.

21           WILLA BRANTLEY: Right.

22           COMMISSIONER DANIELS: Any discussion?

23           COMMISSIONER GUESS: Five thousand seems  
24 generous.

25           COMMISSIONER DANIELS: I guess so, when you

1       staring down the barrel of four hundred and seventy  
2       thousand.

3               WILLA BRANTLEY: That is our recommendation  
4       based on the things that we look at. The Commission can  
5       recommend something different. The Director can decide on  
6       something different, but that was our recommendation in  
7       March of 2020. So we stayed with it for this one.

8               JOE SPRAGGINS: Willa, you did say that he has  
9       moved a lot of this since then?

10              WILLA BRANTLEY: Yes. He has cleaned it up  
11       enough to be acceptable, at this point.

12              JOE SPRAGGINS: Commission, I just ask you to  
13       take one thing into consideration. This was during COVID.  
14       This was during the time with COVID when none of us were  
15       able to sit down and meet that much and willa and them  
16       were doing everything they could.

17              As a matter of fact, I think we shut down right  
18       around that time and y'all were not able to. That's why  
19       she shut the fine down at that point and I understand  
20       that, too. I totally understand what you are looking at.

21              Maybe look at it as the fact that the man has  
22       tried to do what is right, even though he didn't do what  
23       is right to start with. I don't agree with people doing  
24       something wrong, but I learned a lesson long ago.

25              I don't know. Think about the fine maybe a



1 little bit on it.

2 COMMISSIONER GUESS: well, it looks like this  
3 all started in 2019 pre COVID, but I don't really know, a  
4 five thousand dollar fine

5 If he doesn't pay it, then, what?

6 WILLA BRANTLEY: It would actually be forwarded  
7 to the Attorney General's office.

8 Sorry. I didn't go as far as the  
9 recommendation.

10 The fine would be five thousand dollars, should  
11 be paid within forty-five days in accordance with 49-15-  
12 415, or it should be forwarded to the Attorney General's  
13 office for further enforcement action.

14 We do recommend approval of the existing riprap,  
15 as he has placed it and as he has now cleaned it up, and  
16 approval of the two hundred by ten feet of proposed piers.

17 At his request, a payment plan can be agreed  
18 upon to allow more time than that forty-five days for  
19 payment, if he comes to that agreement with out legal  
20 staff and the Director.

21 JOE SPRAGGINS: One of the things that I think  
22 that we need to do more than anything here at the  
23 Department of Marine Resources, we need to uphold the law  
24 and we need to do what we are supposed to do, but the  
25 biggest achievement that we get is getting people to

1 correct what they have done wrong, and that is our biggest  
2 achievement that we have.

3 If a fisherman is doing something illegal, stop  
4 that fisherman from doing that. If a person is selling  
5 illegal oysters, stop that person from doing that. If a  
6 person is putting something out in the water and not  
7 supposed to be doing it, correct it and make it right.

8 To me, that is the biggest thing that we can do  
9 because what we are doing is we are achieving our goal,  
10 number one. Our goal is to get things done and our goal  
11 is go get things put back the way they should be, or  
12 either stop any violations.

13 I do appreciate what Mr. Gollott went back and  
14 did. I know it may have taken a lot more time than we  
15 thought, but I do appreciate that he did what he did.

16 COMMISSIONER GUESS: I agree with you.

17 I just hate to set a precedent that it is okay  
18 to not follow what our laws are.

19 If this person gets away with it and doesn't get  
20 charged, then, the next person is like, well, I'm going to  
21 clean it up in two years, so I shouldn't have to pay a fee  
22 either.

23 COMMISSIONER ROBERDS: I see, being in the  
24 construction industry my whole life, that a lot of people  
25 feel like it is a simple permit. I'm throwing some riprap

1 in the water, but they don't understand that rebar and the  
2 other things that are in the riprap is an environmental  
3 situation and it is very expensive to remove it; probably  
4 more expensive than it was to put it in to begin with and  
5 haul it off. I'm taking that into consideration as well.

6 He could have been thinking in the beginning  
7 that it would have been an easy permit, moved forward,  
8 and, then, realized that he had made a big mistake with  
9 that rebar.

10 COMMISSIONER DANIELS: Does anybody want to make  
11 a motion to go with the staff's recommendation, or make an  
12 alteration to the recommendation?

13 COMMISSIONER GUESS: I don't really know what to  
14 do. It seems like he was unresponsive. If he felt like  
15 it was expensive and he needed more time, that should have  
16 been communicated versus lack of response altogether.

17 Correct?

18 WILLA BRANTLEY: That would have been  
19 preferable, yes.

20 COMMISSIONER GUESS: That is the tough part, no  
21 communication to say this is going to cost me more money  
22 to pull out; can I have more time. It was just no  
23 response to the multiple attempts.

24 WILLA BRANTLEY: We have a difficult time  
25 deciding what to recommend as the fine, too, because if

1 they haven't done anything previously, and maybe they  
2 didn't know and didn't understand; maybe they have put  
3 money into the restoration.

4 It is one of those balancing acts, but, then, at  
5 the same time, we hear from people that sometimes it is  
6 said, oh, I'll just do it and take the small fine and more  
7 on.

8 SANDY CHESNUT: One of the decision factors that  
9 the staff uses is cooperation of the applicant and they  
10 give a lot of deference to those applicants that do  
11 cooperate with them, when they are deciding on what to  
12 recommend.

13 COMMISSIONER GUESS: I mean, I appreciate that  
14 he has removed most of it, but I still don't think it is  
15 right to set an example that it is okay, and five thousand  
16 dollars versus four hundred and seventy thousand dollars  
17 is rather generous.

18 I'm going to make a motion that we go with the  
19 staff's recommendation on the five thousand dollar fine.

20 COMMISSIONER DANIELS: We have a motion for the  
21 recommendation.

22 Do we have a second?

23 COMMISSIONER ROBERDS: Just due to the  
24 circumventing of the process, I will second that motion.

25 COMMISSIONER DANIELS: All those in favor aye.

1 COMMISSIONER GUESS: Aye.

2 COMMISSIONER ROBERDS: Aye.

3 COMMISSIONER DANIELS: Aye.

4 Motion passes.

5 Next up, willa.

6 WILLA BRANTLEY: John was very excited about the  
7 number of support documents he had to upload for me, or  
8 had to arrange for me.

9 We have another Violation/After-the-Fact  
10 application. This one would be for a Certificate of  
11 waiver and that just means that the proposed project, or  
12 the completed project and the proposed project both do not  
13 qualify for the general permits that we can issue on  
14 behalf of the Corps. It doesn't necessarily mean it is  
15 anything outside of our typical guidelines.

16 This is located on El Camino Real Road in Ocean  
17 Springs. It is on Bayou Porteaux. It is in a General Use  
18 District.

19 The agent for the original general permit that  
20 was issued several years ago was Cleo Benward and the  
21 current agent for the expansion project, which is the  
22 application that led to the site visit where we realized  
23 there was a violation of the old permit, is Mike  
24 Arguelles.

25 If you can see the yellow thumbtack in almost

1 the center, that is the Barclay's project, or project site  
2 (indicating slide).

3 The applicant is requesting after-the-fact  
4 approval for an existing boathouse, as well as approval  
5 for construction of a new boathouse. There will be two  
6 boathouses total.

7 In 2016, we received an application. This fit  
8 the General Permit guidelines. There is a lot of detail  
9 here, but we didn't have a diagram.

10 When we finally received it and the site visit  
11 was done, the project manager which was Greg back in 2016  
12 realized that the proposed construction would exceed the  
13 allowed twenty-five percent with the waterway that is  
14 allowed under the General Permits.

15 The agent was notified of this and turned in a  
16 revised diagram for a twenty-five-by-twenty-five foot  
17 boathouse that fit within the twenty-five percent of the  
18 width of waterway.

19 The General Permit was issued for construction  
20 of that boathouse.

21 It was later amended to lengthen the boathouse  
22 along the shoreline, but not further out into the water.  
23 It would still only go twenty-five feet into the waterway.

24 We received a new application in late 2019 for  
25 construction of a second boathouse.

1           when that site visit was done, we came back,  
2 looked at the old permit that was issued in 2016 and  
3 realized that the existing boathouse that had been  
4 constructed did not fit that original permit and it  
5 crossed more than twenty-five percent of the width of the  
6 waterway, which meant that it would have needed  
7 authorization from the Corps of Engineers as well.

8           we informed the acting agent and the applicant  
9 of the noncompliance issues.

10           This goes back to what Sandy said about the  
11 compliance of the person who is found in violation and how  
12 they work with the staff.

13           we actually discovered this around 4:00 o'clock  
14 on a Friday afternoon. We contacted the agent and the  
15 property owner, let them know about the issues -- there  
16 were also some unauthorized access piers over the marsh --  
17 and they sent an email before 5:00 o'clock that day that  
18 they would do whatever it took to either ask for after-  
19 the-fact authorization, or bring the structures into  
20 compliance. They were very cooperative and responsive to  
21 us.

22           The middle of January which was about two weeks,  
23 we visited the site again. They had removed the  
24 unauthorized access piers already and by the end of  
25 January we had an application for after-the-fact

1 authorization and a final diagram for the boathouse that  
2 had been constructed out of compliance with the 2016  
3 permit.

4           Again, this was delayed because we felt like it  
5 should be done in person.

6           This is the Barclay's property. You can see the  
7 boathouse that had been constructed. I believe this was  
8 taken at some point when the roof was damaged by storm  
9 damage (indicating aerial photograph).

10           This is the original 2016 diagram that was  
11 approved, twenty-five feet across the width of the  
12 waterway. They could cross up to twenty-seven feet to  
13 stay within that twenty-five percent with the waterway.

14           This was signed by the agent, Cleo Benward at  
15 the time in August of 2016. This is the modification  
16 diagram. You can see it was expanded along the shoreline,  
17 but not further out into the water.

18           This is actually what was constructed. The  
19 boathouse on the right in the picture is the one that was  
20 constructed. You can see it was built thirty-one feet out  
21 into the width of the waterway, which is more than the  
22 twenty-five that was authorized and more than the twenty-  
23 seven that is the allowed twenty-five percent of width of  
24 waterway under the general permits.

25           The other boathouse on the left, the thirty-



1 four-by-eighteen boathouse is the one that they are  
2 proposing to build now.

3 If we authorize it, it will be through a  
4 Certificate of waiver and not through a General Permit and  
5 the Corps will issue their own separate certification.

6 I put these aerial photos on so you could see  
7 how it could potentially impact any other property owners.  
8 That is what we like to look at, when we are deciding  
9 whether we will approve something to cross more than  
10 twenty-five percent of the width of waterway.

11 The blue outline is the parcel directly across  
12 from the Barclay's, and I put another one without the blue  
13 outline so the box wouldn't cover it up.

14 You can see that almost to the right of the  
15 screen, if you can notice that boathouse without the roof,  
16 with the damaged roof, you can see that straight across  
17 from that is only marsh. Even if the owner of that parcel  
18 who really only owns the part that is above mean high  
19 tide, even if they did come in and say that they wanted to  
20 build a structure, we would ask them to build it on the  
21 portion that is over to the left top of the screen where  
22 you can see the trees and scub. That indicates that that  
23 is above mean high tide. We would ask them to avoid the  
24 marsh area and build any structures over there.

25 The Barclay's boathouse should not impede

1 anyone's access.

2 This was discovered on November 1<sup>st</sup> of 2019.  
3 They responded that day that they would submit an after-  
4 the-fact application, or bring the boathouse into  
5 compliance.

6 We cut the fine off at one day, which the  
7 maximum potential fine for residential is five hundred  
8 dollars per day. That maxed theirs out at five hundred.

9 We do not recommend a fine for the property  
10 owner. They don't live at this house. This is a second  
11 home and they were unaware. They stated that they were  
12 unaware of any of the changes to the permit, or the  
13 construction being out of compliance with the written  
14 permit.

15 We do recommend a five hundred dollar fine for  
16 the original agent, Mr. Cleo Benward. He is very familiar  
17 with the permitting process. He has served as the agent  
18 for many applications.

19 We have had some previous compliance issues.  
20 None of those have been presented to the Commission. He  
21 brought them back into compliance, but we have had those  
22 issues.

23 Based on all of the decision factors that we  
24 look at, we recommend approval for the boathouse as  
25 constructed, approval for the newly proposed boathouse, no

1 fine issued to Mr. Barclay, but a five hundred dollar fine  
2 issued to the original agent, Mr. Benward, and, again,  
3 should be paid within forty-five days, or forwarded to the  
4 Attorney General's office for further enforcement action,  
5 but Mr. Benward can make a payment plan with the Director  
6 for more time to make that payment, if he needs it.

7 I believe Mr. Benward may be here.

8 COMMISSIONER DANIELS: Mr. Benward, are you  
9 here?

10 CLEO BENWARD: Yes, sir.

11 COMMISSIONER DANIELS: Okay.

12 CLEO BENWARD: Can I come up?

13 COMMISSIONER DANIELS: Yes, come on up.

14 One quick question I've got, while he is coming  
15 up. I am assuming this is a no wake zone through here.

16 Do we know?

17 WILLA BRANTLEY: I don't know that it is a  
18 designated no wake zone. I know there are rules about no  
19 wake within so many feet, I believe, of a boathouse.

20 COMMISSIONER DANIELS: I'm just thinking that is  
21 a tight corner right there.

22 COMMISSIONER ROBERDS: I am very familiar with  
23 that corner. I live very close to it, Commissioner  
24 Daniels, and I will tell you there is nobody going more  
25 than idle speed in that area.

1 COMMISSIONER DANIELS: Excellent.

2 CLEO BENWARD: Good morning. My name is Cleo  
3 Benward.

4 I didn't build that boathouse. When I put in  
5 the application for it, he was going to have a wedding  
6 supposedly in that boathouse within a month and a half,  
7 and he asked me how long would it take to get a permit,  
8 and I told him it was normally thirty days.

9 He said, well, if it is going to be thirty days,  
10 he said, go ahead and do it, but it took two months to get  
11 the permit. At that time, he had lost interest and so he  
12 told me that I could build it, but he wanted it to be  
13 built, like, two months at a time come and do something.  
14 He said it wasn't on his first priority list anymore.

15 I told him I couldn't do that because it took  
16 too long, if I had to come back two months from now and do  
17 a little something.

18 So he told me, well, you know, he had some  
19 carpenters in Jones County that could beat my price anyway  
20 because I think I charged him, like, forty-five thousand  
21 dollars to build that boathouse at the time.

22 I told him, well, if that is what he wanted to  
23 do, he could it, and I think basically he tried to punish  
24 me because his wife was on him because she wanted to have  
25 the wedding in that boathouse and it just didn't happen

1 because we couldn't get the permit quick enough. So he  
2 let me go.

3 I don't know what happened after that. I don't  
4 know who built the building, the boathouse.

5 COMMISSIONER DANIELS: So you were the original  
6 person for the permit?

7 CLEO BENWARD: Yes. I pulled the permit and I  
8 got some of the material, but it was done after the  
9 wedding was supposed to be. I didn't get the permit  
10 until, like, two weeks after the wedding was done, and he  
11 said he wasn't really interested in building it right now.

12 He let me start, and, then, he told me if I can  
13 come back in two months and do a little bit and come back  
14 in two months and do a little bit.

15 I told him no. I said, I can't do that because  
16 I can't just keep coming in and coming out like that. If  
17 I'm going to build it, let me build it.

18 He said, well, he had two patients because his  
19 clinic is in Jones County, and he said he had two patients  
20 that were retired carpenters. They wanted to come down  
21 and look at it. I guess they built it. I don't know.

22 I went back several months later and they had  
23 started working on it. It took about a year for them to  
24 build it, but it was out there.

25 I didn't have anything to do with it. I don't

1 even know why he even told you-all that I built the  
2 boathouse and I didn't even build it.

3 COMMISSIONER ROBERDS: Mr. Cleo, did you install  
4 any of the pilings, or anything?

5 CLEO BENWARD: We started the poles, and, then,  
6 he stopped us.

7 COMMISSIONER ROBERDS: You installed a portion  
8 of the poles?

9 CLEO BENWARD: Yes, a portion of the poles, and,  
10 then, he just stopped us cold and told me that, you know,  
11 it's not on his first priority list, that he is fixing to  
12 buy some house up in Gulf Shores and he didn't want to put  
13 no money on the boathouse.

14 COMMISSIONER DANIELS: How many poles did you  
15 put in?

16 CLEO BENWARD: I think I put in about six poles  
17 I believe it was.

18 COMMISSIONER DANIELS: Do you remember how many  
19 total the job was?

20 CLEO BENWARD: Pardon me?

21 COMMISSIONER DANIELS: Do you remember how many  
22 total posts the job was?

23 CLEO BENWARD: About forty-something poles.

24 COMMISSIONER ROBERDS: Did you install any of  
25 the poles that were in the farthest distance from the edge

1 of the property?

2 CLEO BENWARD: No. I didn't get a chance to  
3 because he stopped me and I was going to let somebody  
4 because I don't have a barge and I was going to get  
5 someone to come out and put the ones further out, but he  
6 didn't want to go through with it.

7 COMMISSIONER ROBERDS: So the work you did was  
8 basically off his property, land, not on a barge?

9 CLEO BENWARD: Yes. Right, with a backhoe.

10 COMMISSIONER DANIELS: Land based?

11 CLEO BENWARD: Yes.

12 Like I say, he let me go, and I had been working  
13 for him for, like, twenty years almost.

14 COMMISSIONER DANIELS: willa, if one person  
15 pulls a permit and doesn't do the job, can the job  
16 continue?

17 I'm not sure about that.

18 CLEO BENWARD: Normally, it does.

19 COMMISSIONER DANIELS: They can still do the  
20 job, even though his name was on the permit?

21 CLEO BENWARD: It will be on the homeowner to  
22 whoever they want to get to do it. I can pull the permit  
23 and he can turn around and let somebody else do the job,  
24 if he wants to.

25 WILLA BRANTLEY: That is true and we don't have

1 physical proof that Mr. Benward did construct the  
2 boathouse, but we do have an receipt that Mr. Barclay  
3 provided to us that they paid Mr. Benward four thousand  
4 dollars for the construction of the boathouse.

5 CLEO BENWARD: Right, and four thousand dollars  
6 ain't going to build no boathouse.

7 JOE SPRAGGINS: If it is, I've got a couple of  
8 them I need built.

9 COMMISSIONER DANIELS: I assume that was the few  
10 pilings you did and moving equipment?

11 CLEO BENWARD: Yes, for the pilings. That's  
12 what it was. I don't know why he even said I built it. I  
13 don't know.

14 JOE SPRAGGINS: I've got a problem. First, we  
15 are going to look at something here and, Sandy, we are  
16 going to have to get into this because there is something  
17 wrong when I can go pull a permit and yet I'm held  
18 responsible for it and I didn't do hardly anything on that  
19 permit, and, then, somebody else comes in and builds it  
20 and they build it out of specifications, and, then, I turn  
21 around and I'm punished and I didn't do it.

22 Maybe we need to look at this. I think we need  
23 to look at this and see what we can do to change the laws  
24 on what we are doing here because it sounds like to me we  
25 need to have the owner in here and we need to have the



1 owner in here to talk with us about this and tell us why  
2 he continued to do what he did.

3 I've got another problem. We want to sit here  
4 and talk about Mr. Gollott and what he did, but yet this  
5 person he violated, and, if you tell me that you didn't  
6 know because you did not understand the rules, well,  
7 ignorance of the law comes back to you.

8 If you go down the highway, the ignorance of the  
9 law comes back to you whether you knew it, or not.

10 I've got a problem with this. I think we ought  
11 to look at it more.

12 COMMISSIONER DANIELS: All right. I agree with  
13 you.

14 If I rent a car and return it and the detail guy  
15 wrecks it, I shouldn't have to pay for that.

16 JOE SPRAGGINS: I bet Cam doesn't want to pull a  
17 permit and somebody else build it and him get punished for  
18 it.

19 COMMISSIONER ROBERDS: Absolutely not.

20 The owner had to see the drawing in the  
21 beginning was twenty-five feet and there was a reason for  
22 that twenty-five feet.

23 Even if he changed it later on, he knew he was  
24 violating the existing permit.

25 WILLA BRANTLEY: We also have another receipt

1 for seventeen thousand three hundred and eighty dollars.  
2 That brings it up to -

3 JOE SPRAGGINS: (Interposing) Sir, I would  
4 recommend that if nothing else, let me meet with the owner  
5 and let me meet with the gentlemen who built the  
6 boathouse, whoever they are. Let's sit down and get this  
7 laid out with straight facts.

8 COMMISSIONER DANIELS: At this point, I would  
9 like to make a motion to table this until the Director can  
10 do a little more investigating.

11 COMMISSIONER GUESS: I'll second that.

12 COMMISSIONER DANIELS: All those in favor aye.

13 COMMISSIONER GUESS: Aye.

14 COMMISSIONER ROBERDS: Aye.

15 COMMISSIONER DANIELS: Aye.

16 Motion passes.

17 WILLA BRANTLEY: Thank you. I'm done, and Chris  
18 Pickering is up next.

19 CHRIS PICKERING: Good morning. My name is  
20 Chris Pickering.

21 I'll be presenting -- this is actually two  
22 dredging projects. We are doing it as one PowerPoint to  
23 save some time. The decision factors are the same for  
24 both of them.

25 This is a request for a permit by the Jackson

1 County Board of Supervisors, DMR170270 and DMR170271.

2 It is dredging of Catherine Roberts Bayou near  
3 North Drive in Moss Point and Dutch Bayou near Dutch Bayou  
4 Road in Moss Point, Jackson County.

5 Both of these are in the General Use District  
6 and the agent is Michael Baker International.

7 They are proposing maintenance dredging in  
8 Catherine Roberts Bayou for three thousand one hundred and  
9 eighty feet in length, ranging in width from five to  
10 thirty feet to a depth of six feet below mean low water.  
11 There will be a total of three thousand nine hundred and  
12 twenty-five cubic yards. They are proposing to impact  
13 zero point five two acres of submerged aquatic vegetation.

14 In Dutch Bayou, it is seven thousand five  
15 hundred and fifty-five feet in length, ranging from five  
16 to thirty feet in width to a depth of six feet below mean  
17 low water. Nineteen thousand total cubic yards for this  
18 one, and they are proposing to impact one point three  
19 eight acres of SAV.

20 The sediment samples were taken and tested and  
21 reviewed by DEQ. It was determined that the dredged  
22 material is not suitable for BU. So they will be taking  
23 this to a upland disposal location.

24 The county is proposing to obligate funds to  
25 mitigate for the total one point nine zero acres of

1 submerged aquatic vegetation impacts.

2 As you can see by the yellow thumbtacks, you've  
3 got Dutch and Catherine Roberts just south of I-10 in Moss  
4 Point (indicating slide).

5 There is a zoomed-in aerial of Dutch Bayou and a  
6 zoomed-in aerial of Catherine Roberts Bayou.

7 This is a like a plan profile and you can see  
8 the turbidity screen proposed at the mouth of Dutch Bayou.  
9 Those are the upper limits of Dutch (indicating slide).

10 Here is a plan profile of Catherine Roberts and  
11 the southern limits of Catherine Roberts (indicating  
12 slide).

13 The applicant is requesting three variances to  
14 the Coastal Program, Mississippi Administrative Code Title  
15 22, Part 23, Chapter 08, Part 106.03, which states:

16 "Alignments must avoid shellfish beds,  
17 areas of submerged and emergent  
18 vegetation, and archeological and  
19 historical sites."

20 Another one to Chapter 08, Part 117.01:

21 "Dredging, or excavation, of sensitive  
22 coastal wetlands if not authorized."

23 Part 117.03 states:

24 "A minimum ten-foot buffer must be  
25 maintained between dredging/excavation

1           and any wetlands.”

2           The applicant has justified these variance  
3 requests under Title 22, Part 23, Chapter 08, 118.03 and  
4 118.04, and both of these state:

5           “No feasible, alternative sites, or  
6 construction techniques are available;  
7 there is a significant public benefit  
8 in the activity; a public hearing has  
9 been held; and the activity requires  
10 a waterfront location.”

11           This project will set a precedent by allowing  
12 dredging of significant amounts of submerged aquatic  
13 vegetation. These specific amounts have not been allowed  
14 before.

15           we have had some projects where some  
16 municipalities impacted SAV, but not to this degree.

17           Some of the justifications that could allow this  
18 would be the Jackson Board of Supervisors is a public  
19 entity.

20           Avoidance and minimization to impacts has been  
21 done to the maximum extent practicable.

22           They have minimized the impacts to SAV from what  
23 was originally proposed.

24           Both bayous are historically navigable channels.  
25 Storms and construction have caused the build-up

1 of sediment.

2 Jackson County did not previously have the money  
3 to maintain these two channels.

4 The project will not adversely affect the  
5 natural supply of sediments or nutrients, temperature or  
6 salinity regimes, water flow, or circulation.

7 It will result in the destruction of one point  
8 nine zero acres of SAV, which is considered essential fish  
9 habitat.

10 Sediments in these bayous are contaminated with  
11 dioxins and support few, if any, aquatic species.

12 Booms should be placed around the active dredging  
13 sites until the disturbed sediments have settled.

14 The applicant is proposing mitigation for these  
15 SAV impacts at a nine-to-one ratio.

16 Funding for management and removal of invasive  
17 aquatic species in Jackson County waters is what they are  
18 proposing.

19 Basically, at least seventeen point one acres of  
20 SAV habitat is what they calculated to be restored, and  
21 this would be for a period of five years.

22 They did some calculations and they are  
23 obligating thirty thousand four hundred and fifty dollars  
24 to DMR's Coastal Preserves Bureau to manage giant  
25 Salvinia.

1           Again, this is specifically planned for giant  
2 salvinia management and removal, but, if current  
3 conditions of giant salvinia change, funds can be used for  
4 other aquatic invasive species within the same waterways.

5           The project did appear in The Sun Herald on May  
6 3<sup>rd</sup>, 10<sup>th</sup> and the 17<sup>th</sup> of 2019, and, then, it appeared again  
7 on March 21<sup>st</sup>, 2021. That was a public hearing notice, and  
8 the public hearing was held on March 30<sup>th</sup> of 2021.

9           we received no comments .

10          DEQ has had no comments.

11          Archives and History has no objections.

12          Secretary of State has no objections.

13          wildlife Fisheries and Parks stated that best  
14 management practices must be followed.

15          Based upon departmental review and evaluation,  
16 staff recommends approval of the applicant's requests for  
17 the dredging of twenty-two thousand nine hundred and  
18 twenty-five yards of material, impacts to one point nine  
19 zero acres of SAV, mitigation at a nine-to-one ratio when  
20 calculated for a five-year period equals that thirty  
21 thousand four hundred and fifty dollars to be used for our  
22 Coastal Preserves Bureau for the management and removed of  
23 giant salvinia, or other aquatic invasive species, and  
24 approval of the three variance requests.

25          we would like to add a condition that booms

1 should be placed around the active dredging site until the  
2 disturbed sediments have settled.

3 Any questions?

4 (No response.)

5 CHRIS PICKERING: We do have the agent for the  
6 project here and members of Jackson County.

7 COMMISSIONER GUESS: I have a question.

8 I know that it said due to storms and other  
9 things.

10 Is there anything in place for monitoring over  
11 time to see that this doesn't happen again, or is there  
12 any continuous dredging that will have to take place over  
13 the next fifteen to twenty years?

14 CHRIS PICKERING: I will state that they will be  
15 getting a ten-year permit for this, so they will be  
16 authorized to do dredging on it for ten years at least,  
17 until this permit expires, but it will be up to them if  
18 they have the funds, or not.

19 COMMISSIONER DANIELS: Yes, sir.

20 BRIAN FULTON: Good morning Commission. Thanks  
21 for having us today.

22 We certainly appreciate the partnership that we  
23 have with DMR, and I just wanted to say that.

24 COMMISSIONER DANIELS: Would you mind stating  
25 your name, please?



1           BRIAN FULTON: My name is Brian Fulton and I am  
2 the County Administrator for Jackson County.

3           We have been trying to work on this project for  
4 at least five years now. We have a lot of natural bayous  
5 and waterways in Jackson County, probably more than the  
6 other two counties combined.

7           We have a pretty robust system, or program, that  
8 we do for maintenance dredging projects all throughout our  
9 county.

10          The problem is when you get a hurricane event  
11 like Hurricane Katrina, or one that brings in a  
12 significant amount of storm surge and sedimentation, it  
13 takes us a while to be able to afford and be able to get  
14 to all of those bayous and get them cleaned back out.

15          I think this is an example of that. This is one  
16 of those areas that got significant siltation in those  
17 areas probably during Katrina and it is one that we have  
18 been trying to get back to. So it has taken a while.

19          I think the SAV that is there is a result of us  
20 not being able to do that dredging work.

21          In this project we have kind of struggled with  
22 figuring out how to mitigate that and we have tried to  
23 avoid it as much as we can. We have reduced the  
24 alignments and shifted things around in our best possible  
25 way to avoid as much of it as possible, but, really, in

1 order to get in there and do a dredging project, you have  
2 got to disturb those areas.

3 I think our plan and our proposal that we have  
4 with DMR is a good one and I think it will help us help  
5 mitigate some of the SAV and create a better environment  
6 for SAV to grow in other areas. That is kind of the  
7 intent.

8 Just to answer your question, I know this is a  
9 long way around, but we do have a regular maintenance  
10 dredging program in Jackson County. We spend anywhere  
11 from a million on a small year to four or five million in  
12 some years in doing maintenance dredging.

13 The problem is we've just got so much of it that  
14 we can only budget a certain amount each year to do that.

15 We are working now with our GIS format in being  
16 able to track these even better and track our permits for  
17 the length of those and track the dates of when they were  
18 maintained and what funding source was used and what depth  
19 and all of that.

20 I hope that answers your question.

21 COMMISSIONER DANIELS: Mr. Fulton, I'm just  
22 curious.

23 These two bayous, have they become unnavigable?  
24 How shallow are they?

25 BRIAN FULTON: Depends on how far you get up in

1 there.

2 At the mouth, they are probably more navigable,  
3 but, in the upper reaches, it gets really shallow and the  
4 boats that are there have a real hard time getting in and  
5 out.

6 It not only benefits them, but from a drainage  
7 perspective, it clogs up some of those drainage ways in  
8 there, too. So we think this project benefits both access  
9 to the water, as well as drainage issues.

10 COMMISSIONER DANIELS: Okay. Thank you.

11 BRIAN FULTON: Thank you.

12 COMMISSIONER DANIELS: Do we have any more  
13 comments on this?

14 (No response.)

15 COMMISSIONER DANIELS: Do we have a motion to go  
16 with the staff's recommendation?

17 COMMISSIONER GUESS: I'll make a motion.

18 COMMISSIONER DANIELS: I'll second the motion.  
19 All those in favor aye.

20 COMMISSIONER GUESS: Aye.

21 COMMISSIONER DANIELS: Aye.

22 COMMISSIONER ROBERDS: Aye.

23 COMMISSIONER DANIELS: Motion passes.

24 CHRIS PICKERING: Thank you.

25 COMMISSIONER DANIELS: Thank you.

1 Office and Finance, Ms. Leslie Brewer.

2 LESLIE BREWER: Good morning Director,  
3 Commissioners, legal.

4 My name is Leslie Brewer, CFO, and I will be  
5 presenting the financials for March 31<sup>st</sup>, 2021.

6 At the end of March, our State Revenue was four  
7 point two million. Our Agency Revenue was fifteen point  
8 two million.

9 Our State Net Income was four hundred and  
10 twenty-four thousand and our Total Agency Net income was a  
11 negative two million.

12 After nine months of fiscal year 2021, we have  
13 seventy-six percent of our Operating Budget remaining,  
14 while we have our Tidelands Budget at fifty point three  
15 percent.

16 We are also still waiting on our state  
17 appropriations from DFA to get transferred and that  
18 actually doesn't happen until after the fiscal year ends.

19 Do you have any questions?

20 JOE SPRAGGINS: Can you state why we are negative  
21 on those?

22 LESLIE BREWER: Well, we haven't gotten our  
23 appropriations yet, a million of that, and, also, the  
24 GOMESA. We were spending on GOMESA, but that revenue is  
25 actually booked in a prior fiscal year. So it is not

1 really matching up our revenue with our spending. It  
2 makes us look like we are in the negative, but we are  
3 okay.

4 COMMISSIONER DANIELS: You got the money last  
5 year. It just -

6 LESLIE DANIELS: (Interposing) Correct, for prior  
7 years before that.

8 COMMISSIONER DANIELS: Thank you.

9 LESLIE BREWER: You're welcome.

10 COMMISSIONER DANIELS: Ms. Charmaine.

11 CHARMAINE SCHMERMUND: Good morning  
12 Commissioners, Director Spraggins, Ms. Chesnut.

13 The Mississippi Department of Marine Resources  
14 was mentioned eighteen times in local, state and national  
15 media since the March MACMR meeting.

16 News items included a local Girl Scout troop  
17 helping clean one of the Coastal Preserves, our newly  
18 appointed Commissioner and projects expected to come to  
19 the Mississippi Gulf Coast from GOMESA Funds.

20 The Shellfish Bureau's Alicia Carron taught two  
21 virtual harvester training classes held April 12<sup>th</sup> and 14<sup>th</sup>,  
22 which are required by the Interstate Shellfish Sanitation  
23 Conference. The seminar covered basic oyster handling,  
24 hygiene and regulations involving oyster harvesting  
25 practices. There were eight participants who took part in

1 the classes.

2 That's all I have.

3 COMMISSIONER DANIELS: Thank you, Charmaine.

4 Red Snapper. We all like talking about this.

5 RICK BURRIS: Good morning, again, Commissioner,  
6 Director Spraggins, Ms. Chesnut.

7 I will be standing in for Joe today. I'm Rick  
8 Burris.

9 Director Spraggins went over it a little bit,  
10 but this is the process that we go through to get to our  
11 Red Snapper season.

12 The Gulf Council's Science and Statistical  
13 Committee met a few weeks ago and they recommended the  
14 over-fishing limit for the Gulf Red Snapper stock. That  
15 limit is twenty-five million six hundred thousand pounds,  
16 and they also recommended the acceptable biological catch,  
17 which would be fifteen million four hundred thousand  
18 pounds.

19 As we are under State management, the Gulf  
20 Council still sets those catch limits and they set those  
21 catch limits last week and, as Director Spraggins  
22 mentioned, we don't have to deal with calibrations just  
23 yet. Hopefully, we will be able to get that fixed within  
24 the next two years.

25 Mr. Matt Hill will come up and give you the

1 season framework for our recommendations for the 20-21 Red  
2 Snapper season.

3 JOE SPRAGGINS: Real quick on that, too. They  
4 raised the over-fished limit by ten million pounds, but  
5 only raised the catch limit by three hundred and something  
6 thousand pounds.

7 we all thought that something is not right here.  
8 So we asked to go back and SSC to look at it again. So  
9 that is one of the things that we are looking at.

10 MATT HILL: Good morning Director Spraggins,  
11 Commissioners, Sandy.

12 I am going to give a brief outline of the  
13 recommendations for the 2021 Recreational Red Snapper  
14 Season Update with a little brief background.

15 If any of you did listen last week, Director  
16 Spraggins was being very kind in describing the Council  
17 meeting as interesting. It was quite painful.

18 we did get through it with some things that we  
19 needed. So we will start going through the presentation.

20 A little bit of background, just a short  
21 version.

22 we are in our second year of Amendment 50. We  
23 are allowed the State management of the Recreational Red  
24 Snapper Season.

25 This gives us authority to manage the Red

1 Snapper fishery out to two hundred nautical miles.

2 Each state does receive an allotment of the  
3 overall recreational Red Snapper quota.

4 Our current allocation is three point five five  
5 percent.

6 We have had a lot of discussions about this and  
7 we feel pretty good about the next two years. There is a  
8 little bit of uncertainty going to 2023. So we do still  
9 have a few discussions to have with Director Spraggins and  
10 my staff, but currently the way we see it Mississippi's  
11 2021 ACL will be approximately between a hundred and  
12 twenty thousand to a hundred and fifty thousand pounds.

13 Now, they will give us whatever pounds they give  
14 us, which will probably be on the higher end of that, but  
15 we do have some decisions to make in reference to the 2023  
16 season.

17 The 2021 recreational season will begin the  
18 Friday of Memorial Day weekend, May 28<sup>th</sup>, and close Monday,  
19 July 5<sup>th</sup>, at midnight. July 5<sup>th</sup> is the official holiday for  
20 July 4<sup>th</sup> this year. It is a Monday. So we will stay open  
21 until midnight.

22 However, the season will close before this  
23 **H**date, if the ACT is met.

24 Obviously, if the ACT is not met, we will still  
25 close on July the 5<sup>th</sup>, this will be what we call the mid



1 season closure, and we will entertain opening the second  
2 season.

3 In order to do this, we will continue to analyze  
4 landings throughout the season to develop recommendations  
5 which will provide our anglers with the most opportunity  
6 and greatest flexibility for Red Snapper harvest.

7 That is all we've got for you.

8 JOE SPRAGGINS: Commissioners, one of the main  
9 things is now that people can kind of plan their trips in  
10 July. We have always done that.

11 Of course, this last year we pretty much had to  
12 shut down in July because under COVID everybody had a boat  
13 and they were going fishing.

14 COMMISSIONER DANIELS: Cheap gas, too.

15 JOE SPRAGGINS: Yes, and we had great water.

16 We will evaluate this very strongly. The big  
17 thing is a lot of the people, especially charter boat  
18 fishermen and all, they can go out now and be able to book  
19 their trips and try to make something work.

20 It will be unlike Alabama. I think most of  
21 theirs are weekends. We are staying open the whole time  
22 because a lot of our people are not able to fish on the  
23 weekend. If the weather is bad on the weekend, they lose  
24 out. So we are trying to make sure people have a chance  
25 to be able to go out and enjoy themselves and catch these

1 fish.

2 we feel strongly that the abundance is there.  
3 we do not feel like we are over fishing at all. we don't  
4 feel like we were close to being over fished with our  
5 three point five five percent in Mississippi.

6 It is a great work by the staff to get this done  
7 and I appreciate them for working hard on it.

8 COMMISSIONER DANIELS: Thank you, Matt.

9 Looking forward to this year.

10 JOE SPRAGGINS: we will put out a press release  
11 this week on that, if that is all right with the  
12 Commission.

13 COMMISSIONER DANIELS: Yes, sir.

14 Other business.

15 Do any of our Commissioners have other business?

16 JOE SPRAGGINS: I would just like to do one quick  
17 thing.

18 This Last year with all of the things that have  
19 gone on, I want to thank the staff at DMR. They have  
20 stood up and they have managed to keep this agency running  
21 one hundred percent. I don't think we backed up one inch  
22 and, if nothing else, we have moved forward.

23 I just want put it on the public record and  
24 thank them for everything we have done.

25 COMMISSIONER DANIELS: I agree.

1 (Applause.)

2 COMMISSIONER DANIELS: We do have a public  
3 comment, Mr. Gilbert Ramsey.

4 GILBERT RAMSEY: Good morning. My name is  
5 Gilbert Ramsey. I have been recognized as a Military  
6 Veteran's Outreach Specialist.

7 Before the pandemic, I went to the Mississippi  
8 Development Authority, Mr. Jamie Miller, introduced the  
9 economic development opportunity, veterans bottled water  
10 company and with this veteran bottled water company, what  
11 we are doing is we have a nonprofit status and what we  
12 have done is January 11<sup>th</sup>, Harrison County Board of  
13 Supervisors, I reached out to be recognized for the  
14 discussion National Park Service Conservation Trust  
15 Assistance Program, historic conservation, preservation,  
16 academic and achievement regardless of physical  
17 impairments and enhanced recreational opportunities for  
18 all citizens.

19 what I'm meaning is we have recognized  
20 internship opportunities. We recognize education  
21 opportunities. We recognize marine technology.

22 what we are doing in the ocean in Action  
23 conference coming up, we are coming forward with a new  
24 commercialization opportunity for Southern Mississippi.

25 I know you are partnered with the University of

1 Southern Mississippi. I will be partnering with the  
2 University of Southern Mississippi, and various entities  
3 within that organization.

4 All of these people know me. I am representing  
5 this appropriately with the Restore Council funds as well.  
6 Restore Council funds, they authorized me to partner up  
7 with everybody and that's what I have done. I have  
8 partnered up with everybody to make sure it is implemented  
9 appropriately location within our capability.

10 what we have done is we have retrofitted the  
11 boats and all terrain vehicles.

12 **T**he park in D'Iberville, I implemented with  
13 the City of D'Iberville, the launching  
14 systems for the disabled community.

15 Mississippi Land Trust, they donated two hundred  
16 more acres in that location to incorporate options for the  
17 disabled community.

18 we are doing amenities for caretakers with  
19 Harrison County Board of Supervisors, with Hancock County,  
20 Jackson County. They all know me. I reached out to all  
21 of them before the pandemic to introduce my paraplegic  
22 fishing tournaments.

23 what I have done is I have reached out to  
24 introduce it more appropriately internationally.  
25 Internationally, I have met with the World Leaders

1 Conference in 2014 in Mobile, Alabama. What that was I  
2 introduced tourism opportunities, opportunities to assist  
3 the tourism, assisted tourism opportunity for Europe and  
4 everybody else to come to us and incorporate our  
5 opportunity for this community for this vision.

6 Here we go ladies and gentlemen. I have this  
7 for you to delegate appropriately to assist me with this  
8 vision. I'm a disabled veteran.

9 I'm coming to implement it appropriately with  
10 the City of D'Iberville, with Senator Roger  
11 Wicker included, because I'm going after another  
12 initiative when Amtrak comes to town for manufacturing  
13 opportunity in retaining students. I will be paying for  
14 every student's education.

15 Here we go ladies and gentlemen. Thank you very  
16 much for your time and assistance. Have a blessed day and  
17 stay safe

18 Thirty-two acres we will be developing on the  
19 Bay here. We are looking at developing it with GOMESA  
20 funds. We are developing cabins with ADA compliance. We  
21 are developing gas stations. We are developing bait  
22 shops. We are developing all of this organic gardening to  
23 feed the homeless and everything. Aquacultural education  
24 opportunities. We have the appropriate program and  
25 location. We are coming forward for this initiative.

1 I am pleased to stand tall and proud to  
2 represent Mississippi more appropriately instead of  
3 Mississippi burning.

4 Thank you very much for your time and  
5 assistance.

6 Any questions?

7 COMMISSIONER DANIELS: No, sir.

8 GILBERT RAMSEY: Thank you very much.

9 COMMISSIONER DANIELS: Thank you, Mr. Ramsey.

10 COMMISSIONER DANIELS: Joe, do we have any other  
11 public comments for today?

12 JOE SPRAGGINS: No, sir, I do not.

13 COMMISSIONER DANIELS: Looks like we made it  
14 through.

15 JOE SPRAGGINS: And welcome to Cam.

16 COMMISSIONER DANIELS: Yes. Welcome Cam. We  
17 **C**are happy to have you on board. We know you  
18 are going to do a great job for the resource.

19 Do we have a motion to adjourn?

20 COMMISSIONER GUESS: I'll make a motion.

21 COMMISSIONER ROBERDS: I'll second the motion.

22 COMMISSIONER DANIELS: All those in favor aye.

23 COMMISSIONER GUESS: Aye.

24 COMMISSIONER ROBERDS: Aye.

25 COMMISSIONER DANIELS: Aye.

1 Meeting is adjourned.

2 (Whereupon, at 10:43 o'clock, a.m., the April  
3 20, 2021, meeting of the Mississippi Advisory Commission  
4 on Marine Resources was concluded.)

5  
6 CERTIFICATE

7  
8 I, Lucille Morgan, Certified Shorthand Reporter,  
9 do hereby certify that the above and foregoing 78 pages,  
10 include this page, is a true and correct transcript of the  
11 April 20, 2021, meeting of the Mississippi Advisory  
12 Commission on Marine Resources, as taken by me at the time  
13 and place heretofore stated in the aforementioned matter  
14 in shorthand, with electronic verification, and later  
15 reduced to typewritten form to the best of my skill and  
16 ability; and, further, that I am not a relative, employee,  
17 or agent, of any of the parties thereto, nor financially  
18 interested in the cause.

19  
20  
21 \_\_\_\_\_  
22 COURT REPORTER  
23  
24  
25