

MISSISSIPPI ADVISORY COMMISSION ON MARINE RESOURCES  
COMMISSION MEETING

Tuesday, July 20, 2021  
9:00 a.m.  
Bolton Building Auditorium  
1141 Bayview Avenue  
Biloxi, Mississippi

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Commission Members:

Ronnie Daniels, Chairman  
Natalie Guess, Vice Chairman  
Cammack (Cam) Roberds

Also Present:

Joe Spraggins, Executive Director DMR  
Sandy Chesnut, Esq., Assistant Attorney General

1           COMMISSIONER DANIELS: Good morning ladies and  
2 gentlemen. We are going to get the Tuesday, July 20<sup>th</sup>,  
3 2021, Commission meeting underway.

4           We are going to start off with the Pledge of  
5 Allegiance. I would like to ask Rick BURRIS to lead us in  
6 the pledge today.

7           (Pledge of Allegiance was recited.)

8           COMMISSIONER DANIELS: Thank you, Rick.

9           COMMISSIONER DANIELS: Next up, we will have our  
10 moment of silence and a little prayer for guidance.

11           Dear Lord, we come to you humbly today and ask  
12 for your guidance in making sound judgements and sound  
13 decisions pertaining to the natural resources that you  
14 have provided for us. Please keep our officers safe on  
15 the water, especially with the weather we have been  
16 having. In Jesus name I pray. Amen.

17           Election of officers. It is that time again.  
18 Do we have any nominations for Chairman?

19           COMMISSIONER GUESS: I nominate Ronnie Daniels as  
20 Chairman.

21           COMMISSIONER DANIELS: Do we have a second?

22           COMMISSIONER ROBERDS: I'll second it.

23           COMMISSIONER DANIELS: I would like to nominate  
24 Commissioner Guess as Co-Chairman.

25           Do we have a second?

1 COMMISSIONER ROBERDS: I will second that.

2 SANDY CHESNUT: You need to vote on Chairman  
3 first.

4 COMMISSIONER DANIELS: We have to vote on  
5 chairman first.

6 All in favor?

7 COMMISSIONER GUESS: Aye.

8 COMMISSIONER ROBERDS: Aye.

9 COMMISSIONER DANIELS: Aye.

10 All in favor of Commissioner Guess as Co-  
11 Chairman?

12 COMMISSIONER ROBERDS: Aye.

13 COMMISSIONER DANIELS: Aye.

14 COMMISSIONER GUESS: Aye.

15 COMMISSIONER DANIELS: Next up, we are going to  
16 have approval of minutes from the June 15<sup>th</sup> meeting.

17 Do we have any discussion on the minutes from  
18 the June 15<sup>th</sup> meeting?

19 (No response.)

20 COMMISSIONER DANIELS: Do I have a motion to  
21 approve the minutes?

22 COMMISSIONER GUESS: I'll make a motion.

23 COMMISSIONER DANIELS: I'll second it.

24 All those in favor?

25 COMMISSIONER GUESS: Aye.

1 COMMISSIONER ROBERDS: Aye.  
2 COMMISSIONER DANIELS: Aye.  
3 Approval of the agenda for today.  
4 I will make a motion to approve today's agenda.  
5 COMMISSIONER GUESS: I'll second it.  
6 COMMISSIONER DANIELS: All those in favor?  
7 COMMISSIONER GUESS: Aye.  
8 COMMISSIONER ROBERDS: Aye.  
9 COMMISSIONER DANIELS: Aye.  
10 Mr. Joe, it is all yours.  
11 JOE SPRAGGINS: For some reason, or another, our  
12 technical difficulty is happening every now and then.  
13 First couple of things, we've got employment  
14 contracts. If we can, we will bring them up.  
15 You see on there we have Joanna Miller who is  
16 our new Professional Accountant. She is taking Brandi's  
17 place. Brandi has moved up into Shavay's place who  
18 retired.  
19 We've got Janie Bellew who is promoted to the  
20 Lead Contract Analyst. She came to work with us about  
21 seven, or eight, months ago as a contract analyst and,  
22 now, she is the lead with that.  
23 Will Freeman is promoted to Marine Patrol  
24 Manager, Captain. Will has stepped up. It is good to  
25 have more promotions inside.

1 Patrick Carron is promoted to Lieutenant as a  
2 Marine Patrol supervisor.

3 Alyssa Stoner is an intern and she is with  
4 Coastal Preserves.

5 Ocean Gerhmann is also an intern with Coastal  
6 Preserves.

7 I got to talk with them this morning, as a  
8 matter of fact, and they are doing a great job.

9 Our interns are coming to an end probably the  
10 end of this month. Some of them might get to stay the  
11 first week, or so, next month.

12 I tell you that is one of the greatest things  
13 that we get to do because we are allowed to have these  
14 young men and women come here that are in college studying  
15 some form of biology, or Coastal, or whatever, and they  
16 get to look at it firsthand and they work with us and a  
17 lot of times we get a lot of good ones that come back with  
18 us.

19 Next slide.

20 We've got a reverse auction for Marine Patrol.  
21 We bought some new floating docks. So that is in place,  
22 now.

23 Then, Coastal Zone has a Bells Ferry Boardwalk  
24 Removal and Replacement that we have awarded.

25 Agency update. I will just give you an update

1 on a couple of things that are going on.

2 We met with Gulf Council a couple of weeks ago  
3 and Gulf Council is looking at a lot of different things.  
4 One of the things that we are trying to push hard, now, is  
5 the nine miles for everybody.

6 The nine miles for everybody, if you know what  
7 is going on there, Florida and Texas have had this forever  
8 and they have been grandfathered in, but Louisiana and  
9 Mississippi and Alabama have never been able to have  
10 control of the nine miles. The only thing we have been  
11 given that far is reef fish.

12 Now, what we are pushing for is to have nine  
13 miles for everything, and I think it is a great idea.  
14 Florida, Louisiana, Mississippi, Alabama and Texas are all  
15 onboard. All the states are onboard with us. Everybody  
16 thinks it is a good thing.

17 NOAA is kind of like we are not pressuring it  
18 one way, or the other, but what we are going to do is we  
19 are going to sit down and Congressman Graves is working it  
20 out of Louisiana and we are working with Congressman  
21 Palazzo and some other congressmen from across the Coast  
22 and we are going to see if we can get it introduced into a  
23 bill.

24 This would be a great deal, if we could get it  
25 done, nine miles for everybody to be able to have this

1 where we can control the fisheries nine miles in the State  
2 of Mississippi. Hopefully, we can get that pushed.

3 If you see your congressman, tell them it is a  
4 good deal. I'm sure we won't have any opposition with him  
5 by any means.

6 Also, the CARES Act I, when it came out, we did  
7 all of the distribution of the funds and after everything  
8 was said and done, we had a little over twenty thousand  
9 dollars left.

10 what we did is we went back to NOAA and asked  
11 NOAA and Gulf States and they allowed us to split that  
12 money equally among the recipients that got the first part  
13 of it. So we will be doing that shortly. Traci is  
14 working, now, with Gulf States to get the names to  
15 everybody so we can get a check out to them.

16 we are not talking about a whole lot of money,  
17 folks, but it is a little bit. It will help.

18 while we are at it, we will just go ahead and  
19 talk about CARES Act II. We have sent it to Gulf States.  
20 Gulf States has sent it to NOAA. NOAA has looked at it.  
21 Everybody is fine.

22 I talked with Dave Donaldson yesterday and Dave  
23 said that all they are waiting on is NOAA to approve their  
24 budget. As soon as NOAA approves their budget, we can  
25 start distributing those funds.

1           It will be pretty much similar to what we had  
2 the last time.

3           Right, Traci?

4           TRACI FLOYD: That's correct.

5           JOE SPRAGGINS: The only thing is we've got  
6 double money this time. Maybe we can give some pretty  
7 good checks out, as soon as we can get it done.

8           We are just waiting on NOAA. I know they are  
9 saturated. When you have to look at all types of grants  
10 and everything, I am sure they are saturated with not just  
11 us. They have the whole United States of America.

12           Hopefully, we will get this through shortly. We  
13 are pushing hard to do it.

14           Traci, anything else on the CARES Act?

15           TRACI FLOYD: We are good.

16           JOE SPRAGGINS: Bonnet Carre update.

17           Rick, do you have anything that you can give us?

18           I know we sent it to NOAA and it is, now, at the  
19 Office of Management and Budget.

20           RICK BURRIS: Yes, sir. It is similar to last  
21 month. We have gone through the process. This agency has  
22 done everything we could do. It has been submitted to  
23 NOAA, and it is now with the Office of Management and  
24 Budget where we are waiting on their approval.

25           Once they approve it, then, we will be allocated



1 the funds, or awarded the funds, and, then, we can proceed  
2 with all the various projects that we have.

3 JOE SPRAGGINS: I want the fishermen and the  
4 processors and the charter boats and all to understand we  
5 are doing everything that we can. This it takes a long  
6 process.

7 NOAA works pretty quick with it, but when it  
8 gets to the Office of Management and Budget, they have  
9 everything across the whole United States. They work  
10 straight for the president. They don't work for NOAA. So  
11 NOAA can't put any pressure on them. It has to go through  
12 them. As soon as it goes through them, then, they will  
13 come back and give it to us.

14 Normally, it takes about a year to get through  
15 that. We are trying to push them to get it quicker.

16 Just to give you an idea, we are about four  
17 years ahead of what we were in 2011 when this happened.  
18 At least, we are that much farther along with our Bonnet  
19 Carre.

20 Hopefully, we will get some money there shortly,  
21 too, to be able to distribute that and move forward.

22 We've got Actions Update, Sandy.

23 SANDY CHESNUT: At the June meeting, we had  
24 proposed changes to two regulations: Part 22, the  
25 Commission Handbook, and Part 1, the Oyster Regulations.

1           The Commission recommended to the Executive  
2 Director that both of those be sent to the Secretary of  
3 State's Office for Notice of Intent, and the Director  
4 approved that recommendation.

5           We also had a motion to recommend several  
6 saltwater finfish records, and those are listed on the  
7 next page. The Director approved those, as well.

8           We still have a couple pending items from the  
9 April meeting.

10          The Commission recommended a five thousand  
11 dollar violation fine to Shawn Gollott for the  
12 unauthorized placement of rip-rap.

13          The Executive Director approved a thousand  
14 dollar fine be issued. Mr. Gollott was notified that he  
15 could be at the meeting today to address the Commission  
16 and the Executive Director and that he would have fourteen  
17 days from the meeting date to file a petition for  
18 reconsideration.

19          We would just like to ask is Shawn Gollott here  
20 to address the Commission?

21          (No response.)

22          JOE SPRAGGINS: Sandy, if I could, the reason  
23 that I lowered the fine is because he did go and clean up  
24 the area. He did take the asphalt out and he did take the  
25 rebar and stuff out of it. He did do the work, but he

1 also did violate what he should have known as to what  
2 should have been done. This is on top of a five hundred  
3 dollar fee that he had to pay anyway.

4 I just want everybody to know that it was  
5 something that was looked at very hard and I wasn't trying  
6 to do anything to undercut the Commission, but it was just  
7 after the fact, the things that we found.

8 SANDY CHESNUT: The other pending item is the  
9 matter between Cleo Benward and Vivek Barclay, the owner  
10 of the property in Bayou Porteaux in Ocean Springs.

11 It has been kind of hard to get the parties  
12 together, but a meeting will take place with all parties  
13 present before a final decision will be made on that one.

14 That's it.

15 JOE SPRAGGINS: We don't need any motion on this?

16 SANDY CHESNUT: No. We don't need a motion on  
17 that. You have that final authority.

18 JOE SPRAGGINS: Any questions on that?

19 (No response.)

20 JOE SPRAGGINS: If not, we will move forward to  
21 the Advisory Commission Handbook.

22 SANDY CHESNUT: We have Title 22, Part 22 up for  
23 final adoption.

24 On June 15<sup>th</sup>, the Commission made a  
25 recommendation to the Executive Director to accept the

1 proposed changes to Title 22, Part 22 and send it to the  
2 Secretary of State's office for Notice of Intent.

3 The Executive Director approved that  
4 recommendation and the proposed regulation was filed with  
5 the Secretary of State's office on June 17<sup>th</sup>.

6 Notice of the proposed regulation was published  
7 in The Sun Herald on June the 23<sup>rd</sup> and it was also posted  
8 on the MDMR website on June 18<sup>th</sup>, and the next page of  
9 proof of those.

10 Public comments on the proposed changes were due  
11 to the department by July 13<sup>th</sup>. No public comments were  
12 received.

13 We need a motion to recommend to the Executive  
14 Director that the proposed changes to Title 22, Part 22 be  
15 forwarded to the Secretary of State's office for final  
16 adoption.

17 COMMISSIONER GUESS: I'll make a motion.

18 COMMISSIONER DANIELS: I'll second the motion.

19 All those in favor?

20 COMMISSIONER GUESS: Aye.

21 COMMISSIONER ROBERDS: Aye.

22 COMMISSIONER DANIELS: Aye.

23 Motion passes.

24 JOE SPRAGGINS: Anything else on that, Sandy?

25 SANDY CHESNUT: No. That's it. Thank you.

1           JOE SPRAGGINS: One other thing I would like to  
2 ask is the October meeting, if y'all would entertain  
3 changing that meeting to October 12<sup>th</sup> at 9:00 a.m., instead  
4 of the week after. I think it was scheduled for the 19<sup>th</sup>,  
5 but if we could change it to the 12<sup>th</sup>, and the reason for  
6 that is I need to be out with Gulf States and Gulf Council  
7 the week of the 19<sup>th</sup> and the week after.

8           I would appreciate if y'all would entertain  
9 changing the meeting.

10          COMMISSIONER DANIELS: I personally do not have a  
11 problem with that.

12          Do any of our other Commissioners have a problem  
13 with that?

14          COMMISSIONER ROBERDS: No issues.

15          COMMISSIONER GUESS: No issues.

16          COMMISSIONER DANIELS: Do we need to vote on  
17 that?

18          JOE SPRAGGINS: I think it would have to be a  
19 vote.

20          Right?

21          SANDY CHESNUT: Yes, you need a motion.

22          COMMISSIONER DANIELS: I'll make the motion to  
23 change the October meeting from the 19<sup>th</sup> to October 12<sup>th</sup>.

24          Do we have a second?

25          COMMISSIONER ROBERDS: I'll second that.

1 COMMISSIONER DANIELS: All those in favor say  
2 aye.

3 COMMISSIONER ROBERDS: Aye.

4 COMMISSIONER GUESS: Aye.

5 COMMISSIONER DANIELS: Aye.

6 JOE SPRAGGINS: Thank you very much for helping  
7 us with that. Obviously, we need to be at Gulf Council  
8 and Gulf States so we can make sure we are represented.

9 The only other thing is I got out with Marine  
10 Patrol over the 4<sup>th</sup> of July and there was one thing about  
11 it. There was not a lack of boats on the water.

12 Kyle, what was it, four or five hundred at Horn  
13 Island on the afternoon of the 4<sup>th</sup>?

14 KYLE WILKERSON: At least.

15 JOE SPRAGGINS: Quite a few at Ship Island and  
16 quite a few at other places, too, all the way through  
17 there.

18 From all indications, we had a safe weekend,  
19 too, didn't we?

20 KYLE WILKERSON: Yes, sir, we did.

21 JOE SPRAGGINS: Just thank the Lord for that.  
22 Sir, that is my report.

23 COMMISSIONER DANIELS: Thank you, Joe.

24 Commissioners report.

25 Do any of our Commissioners have anything today?

1 (No response.)

2 COMMISSIONER DANIELS: I've got one little piece  
3 that Joe and I have spoken about a little bit, but I would  
4 like to get this on record.

5 The state of Louisiana has increased out-of-  
6 state charter boat licenses for captains, once again. It  
7 is now up to two thousand dollars a year.

8 My understanding is that is part of a way to  
9 decrease the number of out-of-state captains coming into  
10 Louisiana.

11 I really wish we could get some help from our  
12 legislature, or somebody, to figure out something on this.

13 Just like the Texas guys over on the Sabine  
14 River, we've got a lot of Mississippi charter boats on the  
15 west end of the state. There should be some way that we  
16 could grandfather those in. They are not going to  
17 Louisiana taking anything away from them, but we are water  
18 locked. Seven miles out we cross over in Louisiana  
19 waters. We are fishing areas that are very rarely  
20 patrolled by Louisiana. It is just almost forgotten by  
21 Louisiana, yet they keep increasing these rates and going  
22 up on us and, at some point, it is getting out of control.

23 whatever we can do to look into that and try to  
24 come up with a solution.

25 JOE SPRAGGINS: we will definitely look into it,

1       sir, but, once again, I have talked to the head of  
2       Fisheries for Louisiana, Patrick Banks, about it and their  
3       idea is, well, you can go up here to 2002. We don't have  
4       a problem with that and we obviously know why because  
5       there are not as many of them coming over here and we go  
6       over there, but I am trying to work something out.

7                I am going to talk with Jack Montoucet,  
8       Commissioner there over natural resources and see if I can  
9       get him to look at it with me some way.

10              It will probably not be something that we can do  
11      until next year when they go to legislative session, but  
12      we can try to ask. We will definitely ask for it and see  
13      what we can do.

14              COMMISSIONER DANIELS: I appreciate that, Joe.  
15      Thank you for everything.

16              Chief, are you ready?

17              KYLE WILKERSON: It is always a pleasure to see  
18      you guys every month.

19              Captain Strickland has requested to do the  
20      citation report, due to the fact that he has a  
21      presentation afterwards, and I always aim to please.

22              Without further ado, Captain Strickland.

23              MICHAEL STRICKLAND: Good morning.

24              The Department of Marine Resources Marine Patrol  
25      report was uploaded. I am sure y'all have had a chance to



1 Look it over and any questions that may arise out of that.

2 The things we would like to highlight, in the  
3 month of June, the Office of Marine Patrol had one  
4 thousand four hundred and ninety-eight contacts with the  
5 public out on the waterways.

6 You will notice that our total citations for the  
7 year are down a little bit from last year and we would  
8 like to think that is because of our presence on the water  
9 and the general public and the education that we are  
10 providing to them. Compliance is our ultimate goal and,  
11 obviously, those factors are starting to come into play.

12 Are there any questions y'all have on the report  
13 itself?

14 COMMISSIONER DANIELS: It looks good. Y'all keep  
15 up the good work. Every time I see y'all interacting with  
16 somebody, it always is a pretty good interaction.  
17 Everybody is professional and taking care of business.

18 MICHAEL STRICKLAND: Thank you, sir.

19 The next part is the changes to Title 22, Part  
20 10, our Marine Litter Act.

21 The changes that are noticeable to Title 10, we  
22 have removed wording that was already covered in  
23 Mississippi Code by State Statute.

24 we have also referenced the applicable  
25 statutory, or regulatory, authorities to grant those

1 permissions and updated the chapter structure and the  
2 format to the Rules and the Sources, and that is to  
3 conform with the format that is prescribed to us by the  
4 Secretary of State's office.

5 No substantive changes in chapters 1, 2, 3, 5  
6 and 8. Those are going to be left as is.

7 The substantive changes come in chapter 4  
8 pertaining to unlawful discharge. We added the citations  
9 for unlawful discharge into marine waters of the State of  
10 Mississippi will be pursuant to Mississippi Code Annotated  
11 State Statutes 51-2-1, 51-2-5, 51-2-3 and 51-2-7.

12 We also updated the chapter structure and format  
13 for that, as well.

14 Substantive changes in chapter 6 pertain to  
15 emergency and accidental release of substances. We  
16 removed wording "all hazardous substance shall be kept in  
17 closed containers". That was deleted because these  
18 requirements are already stated in Mississippi Code  
19 Annotated 51-2-3.

20 We also added exceptions for emergency  
21 situations such as accidents, or release, due to acts of  
22 nature. We have also referenced the applicable statutory  
23 and regulatory authorities for that and updated the  
24 chapter structure and format, as well.

25 The substantive changes for Chapter 7 on

1 penalties, all violations of this part will be charged in  
2 accordance with Mississippi Code Annotated State Statute  
3 51-2-1 and 51-2-3, and we have, of course, referenced the  
4 applicable statutory and regulatory authorities that grant  
5 that and updated the chapter structure and format, as  
6 well.

7 Notice of Intent here is a recommendation to the  
8 Executive Director that the new format and changes to  
9 Title 22, Part 10 be sent to the Secretary of State's  
10 office for Notice of Intent.

11 COMMISSIONER DANIELS: Do we have a motion to  
12 approve the changes?

13 COMMISSIONER GUESS: I'll make a motion.

14 COMMISSIONER ROBERDS: I'll second that motion.

15 COMMISSIONER DANIELS: All those in favor?

16 COMMISSIONER GUESS: Aye.

17 COMMISSIONER ROBERDS: Aye.

18 COMMISSIONER DANIELS: Aye.

19 Motion passes.

20 MICHAEL STRICKLAND: The next one is going to be  
21 the changes to Title 22, Part 11, pertaining to equipment  
22 and/or nets seized by the Mississippi Department of Marine  
23 Resources.

24 Changes to Part 11 are going to be remove  
25 wording that is already covered in Mississippi Code.

1           we have also added reference to applicable  
2 statutory and regulatory authorities for that.

3           we updated chapter structure and format to Rules  
4 and Sources to conform with the format prescribed by the  
5 Secretary of State's office.

6           No substantive changes in Chapter 1, the  
7 introduction.

8           Chapter 2 substantive changes regarding sale and  
9 disposition of seized equipment and/or nets.

10          we added Rule 2.1, Forfeiture Proceedings for  
11 property seized will be accordance with Mississippi Code  
12 Annotated State Statute 49-15-205, or 49-15-207.

13          Also, the addition of Rule 2.2, all property  
14 subject to forfeiture shall be sold at public auction in  
15 accordance with Mississippi Code Annotated State Statute  
16 49-15-205 Subsection 4, or destroyed upon approval of the  
17 Mississippi Department of Marine Resources Executive  
18 Director.

19          Chapter 3, there were no substantive changes.

20          Our Notice of Intent is a recommendation to the  
21 Executive Director that the new format and changes to  
22 Title 22, Part 11, be sent to the Secretary of State's  
23 office for Notice of Intent.

24          COMMISSIONER DANIELS: Do we have a motion to  
25 approve those changes?

1           COMMISSIONER ROBERDS: I'll make a motion to  
2 approve the changes.

3           COMMISSIONER DANIELS: I'll second that.  
4 All those in favor?

5           COMMISSIONER GUESS: Aye.

6           COMMISSIONER ROBERDS: Aye.

7           COMMISSIONER DANIELS: Aye.

8           Motion passes.

9           MICHAEL STRICKLAND: Thank you for your time.

10          COMMISSIONER DANIELS: Thank you.

11          Office of Coastal Resources. Looks like we've  
12 got Ms. Willa up first.

13          WILLA BRANTLEY: Good morning.

14          I have a short presentation on our numbers for  
15 the first half of 2021, just numbers of our actions.

16          You can see where we have completed four hundred  
17 and seventy-two actions total, during this six months.  
18 Four hundred and thirty-six of those were either regulated  
19 activities that required a permit from the State, or  
20 activities that required a Coastal Zone Consistency  
21 determination. A lot of those overlap. Some don't.

22          We also had thirty reviews, or pre-application  
23 meetings. Those are where people either send information  
24 to us, or come meet with us, to see if their project needs  
25 a permit, or to get help with what to turn in on their

1 application.

2 We had six violations that were brought to a  
3 resolution either by not being a violation in the first  
4 place, once we made it out to site, or by the property  
5 owner bringing it into compliance voluntarily.

6 Just to give a little bit of a comparison over  
7 the years, I wanted to be sure you understood that we  
8 didn't drop down a significant amount in 2020. We did  
9 drop down a bit on the number of total actions possibly  
10 due to COVID in 2020. We had seven hundred and thirty-  
11 five in 2019. That is for the whole year, and six hundred  
12 and seventy-two in the whole year of 2020.

13 In the first half of 2020, we had two hundred  
14 and seventy-six which is significantly lower than what we  
15 have had the first half of this year, but in 2019 before  
16 COVID, we had a total of three hundred and ninety-six in  
17 that first six months.

18 We have come up significantly this six months.  
19 We think it is due to people repairing storm damage from  
20 last year, but we also were down two in our permitting  
21 staff for a little over two months of that six months. So  
22 they have really been getting actions out the door and  
23 permits issued quickly.

24 I did some numbers on how quickly they were  
25 getting things issued on average. For all of those four

1 hundred and thirty-six actions, they were issued within  
2 twenty-eight days of receipt of a complete application,  
3 and some of those were given six months to issue. So that  
4 is a pretty quick turnaround.

5 For general permits that we try to get out  
6 within thirty days of receipt of the complete application,  
7 we got fifty-four percent of those out within fifteen days  
8 and over eighty percent out within the thirty days. I  
9 think that was a pretty quick turnaround on most of those.

10 If you have any questions about what we do with  
11 any of these files, or any of the numbers, I will be happy  
12 to answer those.

13 COMMISSIONER DANIELS: Looks like y'all have got  
14 a lot of paperwork to deal with.

15 WILLA BRANTLEY: Actually, thanks to our  
16 electronic system which some of the permittees who have  
17 been here a longer amount of time are not completely happy  
18 with yet, but we have a lot less paperwork actually, and I  
19 think that is one of the reasons they are able to get  
20 things turned around is the system doing so much of that  
21 paperwork for them.

22 COMMISSIONER DANIELS: Thank you, willa.

23 WILLA BRANTLEY: Thank you.

24 COMMISSIONER DANIELS: Next up is Chris  
25 Pickering.

1           CHRIS PICKERING: Good morning Commissioners,  
2 Director, Ms. Chesnut.

3           This is going to be a modification request by  
4 the Hancock County Port and Harbor Commission to a Coastal  
5 Zone Consistency.

6           This original project was presented back in  
7 January of 2020 to the Commission and they are just  
8 requesting a modification to their mitigation proposal.

9           It is located at Port Bienville on the  
10 Industrial Canal in Pearlington. It is in the Industrial  
11 Use District, and the agent is Compton Engineering.

12           The previous Consistency authorized zero point  
13 one four acre of submerged aquatic vegetation impacts.  
14 These impacts were to be mitigated by transplanting the  
15 SAV to another location that was directly adjacent and  
16 constructing a wood wave attenuation device to help  
17 protect the transplanted area.

18           Inspection of the area by the applicant and  
19 agent prior to construction activities revealed that the  
20 SAV was no longer within the project footprint. A new SAV  
21 Survey was conducted on June 11<sup>th</sup> of this year and revealed  
22 no SAV within the project area. Therefore, the applicant  
23 is requesting that the mitigation for the zero point one  
24 four acre of SAV impacts be removed from their Coastal  
25 Zone Consistency Determination and the Mitigation



1 Proposal.

2 It is common for SAV to be present sporadically,  
3 since it is sensitive to turbidity, temperature and  
4 salinity. The loss of SAV within the project area could  
5 be caused by these parameters.

6 This is an aerial just south of Highway 90 and  
7 the Industrial Canal. Right along the shoreline here is  
8 where they are dredging and that is where the SAV was  
9 originally (indicating slide).

10 This is the entire mitigation proposal plan, but  
11 right here is where the SAV was going to be transplanted  
12 and the wave attenuation device right in front of that.  
13 That was a plan profile of the SAV transplant area  
14 (indicating slide).

15 This is the new proposal for the mitigation area  
16 and, as you can see, they have taken out the SAV  
17 transplant area (indicating slide).

18 The staff did conduct a site visit and concurs  
19 with the recently submitted SAV Survey which indicates  
20 that there is no longer SAV within the project area.

21 Based on the results, it has been determined  
22 that the project no longer has SAV impacts. Therefore,  
23 staff recommends approval of the requested Modification to  
24 the Coastal Zone Consistency Determination and to the  
25 Mitigation Proposal.

1           what that, do y'all have any questions?

2           COMMISSIONER DANIELS: Seems like it is pretty  
3 straight forward.

4           Do y'all have any questions?

5           (No response.)

6           COMMISSIONER ROBERDS: If the staff visited the  
7 site and determined there wasn't any SAV, then, I will go  
8 ahead and make a motion to move forward.

9           CHRIS PICKERING: I did look at some old aerial  
10 imagery. We have some daily imagery we can look at. I  
11 looked all the way back until we issued the permit, and I  
12 couldn't see where mechanically they had gone in and  
13 impacted it in any way.

14          COMMISSIONER DANIELS: I will second the motion.  
15 All those in favor?

16          COMMISSIONER GUESS: Aye.

17          COMMISSIONER ROBERDS: Aye.

18          COMMISSIONER DANIELS: Aye.

19          Motion passes.

20          CHRIS PICKERING: Thank you.

21          COMMISSIONER DANIELS: Thank you.

22          I'm just going with Greg. I feel like I'm going  
23 to butcher that last name every time.

24          GREG CHRISTODOULOU: No problem.

25          Today for the last presentation for Coastal, I

1 will be presenting a modification, also.

2 This is a modification to a project that was  
3 authorized by the Commission at the same time Chris' was  
4 in January of 2020.

5 The project location is just east of the Highway  
6 63 bridge in Moss Point, Jackson County. General Use  
7 District. Compton Engineering is the agent.

8 The purpose and need for the project is for the  
9 more efficient rail transport of goods and abandonment of  
10 existing railroad crossings in Pascagoula and Moss Point.

11 When we come before you with modifications, a  
12 lot of times it is usually because they are wanting to add  
13 something to the project and maybe increase the impacts.

14 This is a little bit different. This is  
15 something that we really don't get to see too often. This  
16 is actually a significant reduction in what was previously  
17 authorized by the Commission last year.

18 The previously authorized project consisted of  
19 almost five acres of fill total of wetlands, almost four  
20 acres of tidal and tidally-influenced wetlands, and, then,  
21 a little over an acre of forested wetlands.

22 The mitigation for those impacts were the  
23 creation of almost four acres of tidal and tidally-  
24 influenced wetlands, and, then, purchasing mitigation  
25 credits for the non-tidal wetlands impacts.

1           The new currently proposed modification of the  
2 project has reduced the total amount of fill to just under  
3 an acre of wetland impacts, and the mitigation will be the  
4 creation of approximately an acre of tidal and tidally-  
5 influenced marsh and it will be right adjacent to the  
6 project area. It is not off somewhere else away from  
7 where the impacts are taking place.

8           The variance requests are the same as previous.  
9 They are just in a much minor amount. They have reduced  
10 the impacts pretty greatly, but they still have to justify  
11 the variance for both the Coastal Program and Title 22,  
12 Part 23.

13           wetland fill areas. If you look on your  
14 monitor, the red areas are where they are currently  
15 proposing the wetland fill (indicating slide).

16           They have tried to limit these areas mainly to  
17 where the abutments of the bridge are and the elevated  
18 sections of tracks. It will be the transitional areas for  
19 the most part.

20           On your monitor and on the screen, you can see  
21 the previously authorized route versus the currently  
22 proposed route. The previously authorized in blue and the  
23 current in yellow (indicating slide).

24           what they were able to do is they were able to  
25 move everything to the south to some upland areas. They

1 are privately owned. They will have to purchase them, but  
2 in the long run the cost differential was much less to do  
3 it this way, to go with this less environmentally  
4 impactful situation.

5 The mitigation area is roughly the same area,  
6 except it is a little bit reduced in size. It will be  
7 adjacent to this tidal, tidally-influenced creek ditch  
8 right here (indicating slide).

9 what they are going to do is they are going to  
10 grade down the upland area until it is the same elevation  
11 as the adjacent marsh area. They will plant the  
12 appropriate species and over time it should transition to  
13 a very similar habitat to what is being impacted.

14 The red dots are the abandoned rail crossings  
15 that will be removed, once the project is complete in the  
16 cities of Moss Point and Pascagoula (indicating slide).

17 what you have is you have these crossings that  
18 will be removed that will reduce and amount of traffic  
19 and, also, reduced the amount of possible vehicular-train  
20 interactions.

21 The project was put on public notice again, the  
22 reduced project impacts in both The Sun Herald and  
23 Mississippi Press.

24 we received no public comments.

25 we, also, had to have a public hearing for the

1 justification of the variances, and we had no comments at  
2 the public hearing.

3 DEQ is reviewing the project.

4 Archives has no objections to the project.

5 Secretary of State has stated that a rent exempt  
6 lease would be required.

7 Our recommendation is that since the impacts  
8 have been significantly reduced from the previously  
9 authorized project, we recommend approval of the variance  
10 request and the modification request, contingent on DEQ's  
11 Water Quality Certification.

12 Any questions?

13 COMMISSIONER DANIELS: Have y'all got anything?

14 (No response.)

15 COMMISSIONER DANIELS: Anytime we can reduce the  
16 impacts of a project, I think that is a good thing.

17 I will make the motion for the recommendation.

18 Do we have a second?

19 COMMISSIONER ROBERDS: I'll second that motion.

20 COMMISSIONER DANIELS: All those in favor?

21 COMMISSIONER GUESS: Aye.

22 COMMISSIONER ROBERDS: Aye.

23 COMMISSIONER DANIELS: Aye.

24 Thank you.

25 GREG CHRISTODOULOU: Thank y'all.

1 COMMISSIONER DANIELS: Next up is Office of  
2 Finance and Administration. We are going to have Brandi  
3 Busby today.

4 BRANDI BUSBY: Good morning Director,  
5 Commissioners and legal counsel.

6 My name is Brandi Busby. I'm Director of  
7 Finance and Accounting filling in for Leslie Brewer today.  
8 I will be presenting the Agency's financials for the month  
9 ending June 30<sup>th</sup>, 2021.

10 At the end of June, our State Revenue was five  
11 point one million. Total Agency Revenue was forty-seven  
12 million.

13 Our State Net Income was negative one point two  
14 million, and our Total Agency Net Income was twenty-three  
15 point five million.

16 JOE SPRAGGINS: Once again, that one point two  
17 million is just waiting on the State to give us our  
18 allocation.

19 BRANDI BUSBY: Yes, sir. They still owe us one  
20 million forty-one thousand six zero nine in  
21 appropriations.

22 After twelve months of Fiscal Year 2021, the  
23 Agency has sixty-eight point one percent of the Operating  
24 Budget remaining, while the Tidelands Budget has twenty-  
25 seven point seven percent remaining.

1 COMMISSIONER DANIELS: Looks like we are on  
2 track.

3 BRANDI BUSBY: Yes, sir.

4 COMMISSIONER DANIELS: Thank you, Brandi.

5 BRANDI BUSBY: Thank you.

6 Ms. Charmaine.

7 CHARMAINE SCHMERMUND: Good morning  
8 Commissioners, Director Spraggins, Ms. Chesnut.

9 The Mississippi Department of Marine Resources  
10 was mentioned fifteen times in local, state and national  
11 media since the June MACMR meeting.

12 News items included the dates for the reopening  
13 of snapper season, 4<sup>th</sup> of July boating safety and the  
14 appointment of our Chief Operating Officer and Chief  
15 Scientific Officer.

16 Marine Patrol held a Boat and Water Safety class  
17 June 19<sup>th</sup> at the Bolton Building. They also participated  
18 in Career Days held at the Gruich Center in Biloxi and the  
19 Biloxi Police Department, as well as a Water Safety  
20 presentation for Care-a-lot School in Biloxi.

21 National Heritage Area, as well as Marine Patrol  
22 took part in Paddle the Bay at Henderson Point in Pass  
23 Christian on July 10<sup>th</sup>.

24 The MDMR IT team hosted the Mississippi  
25 Association for Spacial Technologies in June for their bi-



1 monthly meeting.

2 The Mississippi Deep Sea Fishing Rodeo was held  
3 July 1<sup>st</sup> through the 4<sup>th</sup>. The Agency was on hand each day  
4 at the fishing rodeo distributing our rules and  
5 regulations publication, fish ruler stickers, fish posters  
6 and other informational pieces to the public.

7 The Gulf States Marine Fisheries Commission  
8 recognized two Mississippi MRIP statistic superstars for  
9 near perfect submissions in their recreational fishing  
10 surveys to measure how many fish anglers catch and how  
11 many trips they take. The data collected helps scientists  
12 and managers assess and maintain sustainable fish stocks.

13 MDMR Finfish Bureau's Chris Graham and Josh  
14 Waters are on the top ten list for the lowest edit rate  
15 which means they submit assignments with little to no  
16 mistakes. Josh Waters made number seven and Chris Graham  
17 made number two out of all the active interviewers in the  
18 Gulf States who had at least fifty interviews completed.

19 COMMISSIONER DANIELS: Thank you, Charmaine.

20 CHARMAINE SCHMERMUND: Thank you.

21 JOE SPRAGGINS: If I could real quick, they did a  
22 fantastic job, Charmaine and her group and several other  
23 people from the Agency during the 4<sup>th</sup> of July rodeo, and  
24 they were there every day working hard for us, and we  
25 appreciate that.

1           COMMISSIONER DANIELS: That's a big deal. It has  
2 been going on for a long time.

3           Office of Marine Fisheries. We are going to  
4 have Erik Broussard up first.

5           ERIK BROUSSARD: Good morning Commissioners,  
6 Director Spraggins, Ms. Chesnut.

7           This morning we have up for final adoption Parts  
8 1, 13 and 17.

9           Just a quick recap. Part 1 deals with harvest  
10 and handling. Part 13 is marine aquaculture. Part 17 is  
11 shellfish landing.

12           with this final adoption, what we will  
13 accomplish is combining all of these parts into one, so  
14 all of your oyster regulations will be found in one spot  
15 to make it more user friendly.

16           There is also some updated language to provide  
17 clarity and it is all put into the new format for the  
18 Secretary of State.

19           On June 15<sup>th</sup>, the Commission recommended to the  
20 Executive Director that the new format and changes to  
21 Title 22, Part 1, 13 and 17 be sent to the Secretary of  
22 State's Office for Notice of Intent.

23           The Executive Director approved the  
24 recommendation and it was filed with the Secretary of  
25 State's Office June 16<sup>th</sup>.

1           The notice of the proposed regulation was  
2 published in The Sun Herald on June 23<sup>rd</sup>, and the proposed  
3 regulation was also posted on the MDMR website on June  
4 18<sup>th</sup>.

5           Then, we have verification of the Secretary of  
6 State's Notice of Intent, the posting to the MDMR website  
7 and the notice at The Sun Herald (indicating slide).

8           Public comments were due to the MDMR by July  
9 13<sup>th</sup>. No public comments were received.

10          Finally, what will be needed is a motion to  
11 recommend to the Executive Director that the proposed  
12 changes to Title 22, Part 1, 13 and 17 be forwarded to the  
13 Secretary of State's office for final adoption.

14          COMMISSIONER DANIELS: Do we have any questions?  
15 (No response.)

16          COMMISSIONER DANIELS: Do we have a motion for  
17 the recommendation?

18          COMMISSIONER GUESS: I'll make a motion.

19          COMMISSIONER DANIELS: Do I have a second?

20          COMMISSIONER ROBERDS: I'll second that motion.

21          COMMISSIONER DANIELS: All those in favor?

22          COMMISSIONER GUESS: Aye.

23          COMMISSIONER ROBERDS: Aye.

24          COMMISSIONER DANIELS: Aye.

25          Motion passes.

1 Thank you, Erik. We appreciate it.

2 ERIK BROUSSARD: Thank you.

3 COMMISSIONER DANIELS: State records, Josh  
4 Waters.

5 JOSH WATERS: Good morning General Spraggins,  
6 Commissioners, Ms. Chesnut.

7 My name is Josh Waters. I'm filling in for  
8 Jonathan Barr today.

9 First off, for conventional state record we have  
10 the Keeltail Pomfret, *Taractes rubescens*. The old record  
11 was fourteen pounds three point eight two ounces and the  
12 new record is sixteen pounds eight point zero ounces. The  
13 angler was Jimmy Boleware.

14 Here is a picture of the fish and here is Mr.  
15 Jimmy holding the fish (indicating photographs).

16 Our second conventional state record this past  
17 month was Bull Shark, *Carcharhinus leucas*. The old record  
18 was three hundred fifty-four pounds and four ounces. The  
19 new record was three hundred seventy-seven pounds and four  
20 ounces. The angler was Mr. David Rogers.

21 Here is a picture of the fish and here is Mr.  
22 Rogers beside the fish (indicating photographs).

23 We have two Fly State records as well. The  
24 first one is Shark Sucker, *Echeneis naucrates*. The old  
25 record was one pound four point six four ounces. The new

1 record is three pounds four point eight ounces. The  
2 angler is Mr. Doug Borries.

3 Here is a picture of the fish and here is Mr.  
4 Doug holding the fish (indicating photographs).

5 Mr. Borries also got the Little Tunny record,  
6 Euthynnus alletteratus. The old record was twelve pounds  
7 fifteen point zero four ounces. The new record is  
8 fourteen pounds two point four ounces.

9 Here is a picture of the fish. Here is Mr. Doug  
10 holding the fish (indicating photographs).

11 Our final State Record is the Youth Conventional  
12 State Record for Red Snapper, Lutjanus campechanus. We  
13 didn't have a record. The new record now is nineteen  
14 pounds one ounce. The angler was Mason Watts.

15 Here is a picture of the fish and here he is  
16 holding the fish (indicating photographs).

17 COMMISSIONER DANIELS: That is great. I love  
18 seeing these kids holding the fish and getting records,  
19 all the new records.

20 Do we have a motion to approve them?

21 COMMISSIONER GUESS: I'll make a motion.

22 COMMISSIONER DANIELS: I'll second it.

23 All those in favor?

24 COMMISSIONER GUESS: Aye.

25 COMMISSIONER ROBERDS: Aye.

1 COMMISSIONER DANIELS: Aye.

2 Motion passes.

3 Thank you, Josh.

4 JOSH WATERS: Thank you.

5 COMMISSIONER DANIELS: Matt, they get those fish  
6 back.

7 Correct?

8 MATT HILL: Which fish?

9 Commissioner DANIELS: The State records.

10 COMMISSIONER GUESS: The ones they catch, the  
11 State records.

12 Do they keep the fish, or DMR gets them??

13 MATT HILL: We keep them sometimes, some of the  
14 ones that we want to pickle and put in jars.

15 The ones at the tournament, obviously, the  
16 tournament kept those fish. The Bull Shark and the Red  
17 Snapper, they were weighed at their 4<sup>th</sup> of July tournament.  
18 So the tournament had those fish.

19 COMMISSIONER DANIELS: Good deal.

20 Do we have any other business today?

21 JOE SPRAGGINS: I do, sir, real quick, a couple  
22 of things.

23 Matt, would you give us a real quick update on  
24 the Red Snapper season?

25 MATT HILL: I thought you were going to let me

1 get out of it today.

2 Just a real quick update. We did shut the  
3 season down Monday, July 5<sup>th</sup>. That was predetermined with  
4 the Agency through several meetings before the season even  
5 started.

6 We tracked it. Our estimated current harvest  
7 right now is approximately eighty-four thousand pounds.  
8 We have made the decision to reopen the season August the  
9 13<sup>th</sup> with our projections.

10 what we have done is taken the last five years  
11 and when we have had some closures and basically try to  
12 put together the catch rate based upon what we call the  
13 supplementary, or second, season and it should, or we  
14 believe it should get us through the Labor Day weekend  
15 fishing seven days a week. That is our goal.

16 If we do get past that, then, we will reevaluate  
17 and possibly continue, or maybe restructure just a little  
18 bit, but that is why that date was chosen.

19 Are there any questions on that?

20 JOE SPRAGGINS: Matt, also, this will allow us to  
21 be able to fish other seasons at the same time.

22 Right?

23 MATT HILL: That is correct. We try to take into  
24 account openings. We have Amber Jack opening up the first  
25 of August. We do try to take into account opening these

1 seasons up and giving our anglers the opportunity to catch  
2 other species other than Red Snapper.

3 All the seasons are for everyone, but, in this  
4 second season, we do try to pair it with other species and  
5 give people the opportunity.

6 COMMISSIONER ROBERDS: We appreciate that because  
7 that sixty mile run for one, or two, fish is tough. So  
8 thank you.

9 MATT HILL: Yes, sir.

10 COMMISSIONER DANIELS: Thank you, Matt.

11 JOE SPRAGGINS: One other thing real quick, too.  
12 Traci, could you give us an update on the TEDs?

13 TRACI FLOYD: Yes, sir.

14 We have received a total of forty-four  
15 applications for the TED Reimbursement Program and we have  
16 completed thirty-six of those. Those fishermen have been  
17 paid, and we have eight that are in process.

18 We have requested from our funding source -- it  
19 is a NFWF Program -- that we extend another month and  
20 probably through the life of the grant which will be 2022.  
21 Everybody will have an opportunity to be a part of that  
22 program.

23 JOE SPRAGGINS: That is for the forty and under?

24 TRACI FLOYD: Right now the program, it is  
25 required for forty foot and over skimmer trawlers, but



1 NOAA is considering the smaller boats as well. This way,  
2 we will be open should that law go into place and we can  
3 help all of them get ready.

4 COMMISSIONER DANIELS: Currently, the only ones  
5 that they are requiring them on are forty foot and over,  
6 but we are considering doing smaller nets?

7 TRACI FLOYD: Yes. That will go into place for  
8 forty foot and over August 1<sup>st</sup>. So we were kind of trying  
9 to push them through earlier, but we will be open longer  
10 to help all boats, if needed.

11 JOE SPRAGGINS: Prior to that, it was what?  
12 It was larger boats only?

13 TRACI FLOYD: It was for the otter trawlers.  
14 Skimmer trawlers had a tow time restriction.

15 JOE SPRAGGINS: Once again, this is a  
16 reimbursement up to what, seven hundred dollars?

17 TRACI FLOYD: Up to seven hundred.

18 JOE SPRAGGINS: We reimburse the fishermen, if  
19 they go get it so they are not out of pocket.

20 TRACI FLOYD: Yes, sir.

21 JOE SPRAGGINS: That's it, sir.

22 COMMISSIONER GUESS: I was going to ask for an  
23 update on the oyster plan. I didn't see it on the  
24 website. I was looking.

25 ERIK BROUSSARD: The public comment period ended

1 and we took it down. We are in the process of  
2 incorporating comments. Once that is completed, the plan  
3 will go back out for a second round of public comments and  
4 that will be coming in the near future.

5 COMMISSIONER GUESS: Thank you.

6 ERIK BROUSSARD: Thank you.

7 COMMISSIONER DANIELS: Joe, do we have any other  
8 public comments, other than this one?

9 JOE SPRAGGINS: No, sir.

10 COMMISSIONER DANIELS: Mr. Gilbert Ramsey asked  
11 for a comment to be put into the record pertaining to  
12 DeSoto Forest and accessibility. So we are going to enter  
13 this into the record for him.

14 If we have no other comments, do we have a  
15 motion to adjourn?

16 COMMISSIONER GUESS: I'll make a motion.

17 COMMISSIONER ROBERDS: I'll second that motion.

18 COMMISSIONER DANIELS: All those in favor?

19 COMMISSIONER GUESS: Aye.

20 COMMISSIONER ROBERDS: Aye.

21 COMMISSIONER DANIELS: Aye.

22 Thank you. Everybody have a great day.

23 (Whereupon, at 10:00 o'clock, a.m., the July 20,  
24 2021, meeting of the Mississippi Advisory Commission on  
25 Marine Resources was concluded.)

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above forty-two pages, including this page, is a true and correct transcript of the July 20, 2021, meeting of the Mississippi Advisory Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

s/ \_\_\_\_\_  
LUCILLE MORGAN, CSR 1251  
COURT REPORTER