

ADVISORY COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, October 12, 2021  
9:00 a.m.  
Bolton Building Auditorium  
1141 Bayview Avenue  
Biloxi, Mississippi 39530

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Commission Members:

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

Also Present:

Patrick Levine, Chief Operating Officer  
Sandy Chesnut, Esq., Assistant Attorney General

1           COMMISSIONER DANIELS: Good morning, everyone.  
2 Thank y'all for coming out today.

3           We are going to call our October 12th  
4 Mississippi Advisory Commission on Marine Resources  
5 meeting to order, at this time.

6           Today, we've got a little different face sitting  
7 next to me here. Patrick Levine is going to sit in for  
8 the director. The director is on via zoom and through his  
9 phone, if there are any issues that he needs to chime in  
10 on.

11           At this point, I would like to ask Commissioner  
12 Guess to lead us in the Pledge of Allegiance.

13           (Pledge of allegiance was recited.)

14           COMMISSIONER DANIELS: Thank you, Natalie.

15           Patrick, would you mind leading us in our prayer  
16 this morning?

17           PATRICK LEVINE: It will be an honor. Let's  
18 pray.

19           Father, we do thank you and we praise you for  
20 the opportunity to be here today.

21           Father, I ask that you give us the wisdom to  
22 make the decisions that you would have us to make, to not  
23 take lightly the charge you have given us to protect the  
24 God-given resources here on the Mississippi Gulf Coast, or  
25 that you would protect the citizens thereof and, Lord, as

1 we go through this meeting that you will guide our steps.

2 Lord, we say thank you for all that you do. We  
3 give you praise, in Jesus's name. Amen.

4 COMMISSIONER DANIELS: Thank you, Patrick.

5 First thing is approval of the minutes from the  
6 September 21<sup>st</sup> meeting.

7 Do we have any discussion on that?

8 (No response.)

9 COMMISSIONER DANIELS: Do we have a motion to  
10 approve?

11 COMMISSIONER GUESS: I'll make a motion.

12 COMMISSIONER ROBERDS: I'll second that.

13 COMMISSIONER DANIELS: Motion and a second.

14 All those in favor aye.

15 COMMISSIONER GUESS: Aye.

16 COMMISSIONER ROBERDS: Aye.

17 COMMISSIONER DANIELS: Aye.

18 The motion passes.

19 Approval of the agenda.

20 Do we have any discussion on today's agenda?

21 (No response.)

22 COMMISSIONER DANIELS: Do we have a motion to  
23 approve?

24 COMMISSIONER ROBERDS: I make a motion to approve  
25 the agenda.

1 COMMISSIONER GUESS: I'll second the motion.

2 COMMISSIONER DANIELS: Motion and a second.

3 All those in favor aye.

4 COMMISSIONER GUESS: Aye.

5 COMMISSIONER DANIELS: Aye.

6 COMMISSIONER ROBERDS: Aye.

7 COMMISSIONER DANIELS: Agenda passes.

8 Patrick, we are going to let you take it over.

9 PATRICK LEVINE: Good morning Commissioners.

10 Thank you for the opportunity to sit in for Director  
11 Spraggins this morning.

12 I know that he is online and listening and will  
13 make sure any information that needs to get out, he will  
14 get it taken care of.

15 I always appreciate what he says about our  
16 employees, whenever it comes to the portion of employee  
17 updates and promotions, that we always look within. There  
18 is so much talent here in the Department of Marine  
19 Resources and so many people that do so many amazing  
20 things.

21 I want to say this. As the Chief of Operations,  
22 I have been so amazed. I always saw the world from the  
23 side that I existed in, in Marine Patrol and I was really  
24 proud to work for the DMR, but, then, when I had the  
25 opportunity to spend time with each department, wow. I

1 mean, that is all I can say is wow because there are so  
2 many amazing employees that are doing so many amazing  
3 things that I took for granted, or didn't realize they  
4 were going on, and you look at the people that are here  
5 and the people we know that are in the field today and the  
6 people that are in the building keeping things going to  
7 make sure we are taking care of the resources on the  
8 Mississippi Gulf Coast.

9 I just got super excited, almost as much as the  
10 day that they gave me a gun and a truck and a boat and  
11 told me to go to work. It was a very similar excitement.  
12 I am excited to share these employment updates.

13 we do have a couple of new hires. we have  
14 Emmett Carstens. She is a contractor with the Grand Bay  
15 NERR.

16 we have a new dispatcher in Marine Patrol, a new  
17 voice. If you call up there, you will get to hear from  
18 Neva Hosty. She is working with Marine Patrol in  
19 dispatch.

20 In the Dry Lab we have Raul Anzola and he is  
21 going to be a Marine Fisheries Scientist IV with the  
22 Shellfish Bureau.

23 Chris Diep is a Marine Fisheries scientist III  
24 at Lyman. Chris has been with us for a while as a  
25 contractor and he has moved to a Marine Fisheries

1 Scientist III. I know he does a great job at Lyman.

2 In Marine Patrol, Daniel Boyer was promoted to  
3 Marine Patrol Officer III Sergeant, Amy May was promoted  
4 to Marine Patrol Officer II Corporal and Tyler Foster was  
5 promoted to Marine Patrol Officer II Corporal.

6 I am excited for each one of those employees  
7 that are promoted and as we move forward, I am so thankful  
8 that the director always says that we promote within, that  
9 we look at the employees that we have on the inside  
10 because we have an amazing team.

11 We had something else that touched one of our  
12 employees and I know Ralph is with us today and it is good  
13 news. Ralph Terry has passed his standardization and is  
14 now considered a State Standardized Inspector in  
15 accordance with the 2019 Interstate Sanitation Conference  
16 National Shellfish Sanitation Program.

17 Ralph, we are excited that you are going to be  
18 able to get out there and do those inspections to make  
19 sure that the public is going to be getting some safe  
20 wonderful seafood on their end.

21 Congratulations on that. We are proud of you.

22 That is Ralph there. If you haven't met Ralph,  
23 be sure to get over there to meet him.

24 A couple of other things in the agency that are  
25 going on Secretary Watson was here last meeting and we

1 were told that he was going to be presenting a check to  
2 the Department of Marine Resources and I am proud to  
3 report that check was eleven million two hundred and  
4 twenty-six thousand four hundred and ninety-seven dollars.

5 Of that, six million eight hundred nine thousand  
6 four hundred and fifty dollars is already earmarked for  
7 public access projects. I know that we are excited to see  
8 all of the projects that are going to start springing up  
9 on the Coast and where that money is going to help the  
10 citizens here on Mississippi Gulf Coast. We are excited  
11 about that. We are super thankful for that.

12 If you get a minute, you may want to walk up to  
13 the second floor. Just above the stairs outside of the  
14 elevator we have a brand new reception area that is being  
15 put in. It won't be long until we will have one of those  
16 wonderful employees from the DMR that will be a smiling  
17 face to greet people, in addition to the new license area.  
18 We are really, really excited about that. Those are some  
19 good things that are going on.

20 I do want to remind everyone, if there is  
21 anybody here that needs to make a public comment -- TJ  
22 raise your hand in the back. TJ is in the back. He has  
23 public comment forms -- you need to fill those out and he  
24 will be sure to get them to me for later on in the  
25 meeting.

1           We talked about the employees that we have here  
2 at the Department of Marine Resources and we are excited  
3 about who we have that makes much of the DMR and often I'm  
4 thankful that I get the privilege of hearing some of the  
5 good news. People will call, or send an email, and say I  
6 just want you to know that so-and-so did this.

7           This morning, we get the privilege of  
8 recognizing an employee who has done an outstanding job  
9 and Rick is going to share that with you.

10          RICK BURRIS: Good morning.

11          I just want to make a brief announcement. I'm  
12 going to have a little context behind it. Bear with me.

13          In 2014, MDMR began collecting Red Snapper  
14 harvest information through a voluntary survey and the  
15 following year partnered with a software developer to  
16 design an electronic application to record all Red Snapper  
17 landings in Mississippi.

18          One of the primary goals of the project was to  
19 provide an easily accessible and intuitive system to  
20 enable private and for-hire anglers to report their  
21 landings in realtime.

22          I am referring to, of course, the Tails n'  
23 Scales program.

24          As you all have heard, the Tails n' Scales was  
25 the Gulf of Mexico's first mandatory recreational Red



1 Snapper reporting system and since its inception has only  
2 increased in success.

3 It has been determined by NOAA, as well as  
4 external consultants, that the Tails n' Scales data  
5 collection system supports the scientifically valid Red  
6 Snapper catch estimation and the MDMR is fully confident  
7 that it represents the most accurate assessment of Red  
8 Snapper harvest in the Gulf of Mexico.

9 Even though he doesn't like to take credit for  
10 it, its initial creation and continued development, Mr.  
11 Matt Hill is the reason Tails n' Scales came about. He  
12 saw a major problem in a mismanaged fishery and with his  
13 idea and the help of his staff, he solved that problem.

14 With all of that being said, I want to notify  
15 the Commission, the public and Matt as well that the  
16 American Fisheries Society which is the oldest and largest  
17 association of fisheries professionals in the country and  
18 most likely the world has awarded Mr. Hill and the Tails  
19 n' Scales program with the 20-21 Presidents Fishery  
20 Conservation Award to be presented at the hundred and  
21 fiftieth meeting in Baltimore, Maryland, next month.

22 If you will join me in congratulating Matt and  
23 his staff for this great accomplishment.

24 (Applause.)

25 COMMISSIONER DANIELS: Come on, Matt. You have

1 to get up and say something now.

2 PATRICK LEVINE: He's excited. You can see that  
3 smile.

4 MATT HILL: There is not a lot that I don't know  
5 about, but I did not have any clue. Rick tricked me into  
6 going to Baltimore and I think this had something to do  
7 with it.

8 We saw a need. We had a lot of discussions and  
9 I made some decisions, but this program beginning with  
10 Carly Somerset and Dr. Paul Mickle and now in the hands of  
11 Trevor Moncrief and Eric Gigli and just all of my staff,  
12 they deserve all of the credit. They did all of the hard  
13 work.

14 I just found some money for us to do it, but I  
15 do appreciate it and thank you for recognizing it.  
16 Appreciate it.

17 COMMISSIONER DANIELS: Great job, Matt. Thank  
18 you.

19 PATRICK LEVINE: Congratulations, Matt. That is  
20 well deserved and I am thankful that I get to spend time  
21 with him now. We get into some good conversations and  
22 that guy has a lot of knowledge. I am thankful for him.

23 We have here on D.3 the CARES Act update.

24 Traci, can you give us a quick update on the  
25 CARES Act?

1 TRACI FLOYD: Good morning Commissioners,  
2 Patrick, Sandy.

3 Our spend plan was first submitted to NOAA on  
4 June 1<sup>st</sup>. It was approved tentatively around September  
5 20<sup>th</sup>, after many revisions to meet NOAA's requests.

6 Right now, we are waiting on them to approve our  
7 application. We first sent it to them around mid  
8 September. We have made it to meet their specifications.  
9 We are just waiting for the final word to proceed.

10 PATRICK LEVINE: Thank you, Traci.

11 2019 Bonnet Carre update. It is still with OMB.  
12 As soon as we get some more information on that, we will  
13 let you know.

14 That will bring us to the Actions Update from  
15 the Prior Meeting.

16 SANDY CHESNUT: Last month we had two motions to  
17 recommend that the Executive Director send changes to  
18 Title 22, Part 12 and Part 6 to the Secretary of State's  
19 Office for final adoption.

20 There was also a motion to recommend that the  
21 proposed no wake zone at Popp's Ferry be tabled until  
22 additional information can be obtained from either the  
23 City of Biloxi, or the Harrison County Board of  
24 Supervisors, regarding the possibility of extending the  
25 requested zone further west to include Anatole Bay Marina.

1           There was a motion to recommend to the Executive  
2 Director to send Title 22, Part 19 to the Secretary of  
3 State's Office for Notice of Intent.

4           There was a motion to recommend the Executive  
5 Director approve the MDMR's request for a two-year  
6 extension of the existing permit for the Round Island  
7 Beneficial Use project.

8           There was a motion to recommend that the  
9 Executive Director approve the following State Saltwater  
10 Finish Records for Red Lionfish and Cownose Ray.

11           The Director approved all the motions as  
12 recommended.

13           COMMISSIONER DANIELS: well, you handled that  
14 pretty well, Patrick. Thank you for sitting in for Joe  
15 today.

16           Commissioners Report.

17           Do we have any Commissioners who are wanting to  
18 report on anything new?

19           (No response.)

20           COMMISSIONER DANIELS: That is going to bring us  
21 to Marine Patrol, Chief Kyle.

22           PATRICK LEVINE: I know that Captain Strickland  
23 will be filling in for Chief Wilkerson today.

24           COMMISSIONER DANIELS: That's right. I forgot.  
25 You told me that earlier.

1           MICHAEL STRICKLAND: Good morning Commissioners,  
2 Mr. Levine, Ms. Chesnut.

3           Summary of the citation report for the  
4 Department of Marine Resources Marine Patrol Division was  
5 uploaded.

6           You will notice that the citation count was  
7 pretty normal for this time of the year, with an exception  
8 possibly you may see a shift from boat-and-water safety  
9 violations as recreational traffic begins to diminish and  
10 commercial seafood traffic begins to pick up. There was a  
11 slight increase in citations for resource violations.

12           I will take any questions you may have, at this  
13 time.

14           COMMISSIONER DANIELS: Do y'all have any  
15 questions for Matt?

16           (No response.)

17           COMMISSIONER DANIELS: It looks good. Thank you.  
18 Y'all keep up the good work out there.

19           MICHAEL STRICKLAND: Thank you. Have a good day.

20           COMMISSIONER DANIELS: Coastal Resources  
21 Management, Jennifer Wittman.

22           Chris Pickering is going to be up first.

23           CHRIS PICKERING: Jennifer is on another  
24 conference call, right now.

25           I'm going to be presenting a request by Chevron

1 Products Company. It is for an individual permit. It is  
2 located on Bayou Casotte in Pascagoula, Jackson County,  
3 Mississippi.

4 It is in the Industrial Development Use District  
5 and the project purpose and need is to maintain the  
6 minimum control depth required for safety, operability,  
7 maintainability and reliability of Chevron's Marine  
8 Facilities.

9 They are proposing to maintenance dredge an area  
10 five thousand three hundred and eighty feet in length and  
11 it ranges from thirty-five to two hundred and seventy feet  
12 in width. They will dredge to a depth of forty-five feet  
13 below mean low water within the tanker berth areas and  
14 twenty feet mean low water within barge berth areas.

15 Approximately, a hundred and twenty thousand  
16 cubic yards of material will be dredged at the initial  
17 dredge.

18 The applicant is requesting authorization to  
19 maintenance dredge as needed within the five-year period  
20 of the permit, and the DMR shall receive written  
21 notification at least thirty days prior to commencing of  
22 any dredging.

23 If beneficial use is not utilized, a dredge fee  
24 in the amount of twenty-five cents per cubic yard of  
25 material removed must be submitted for any dredging that

1 occurs within Coastal Wetlands.

2           When they get ready to dredge, they will get  
3 with our Beneficial Use Coordinator and see if we have any  
4 available sites and if that material needs to get tested  
5 for beneficial use. If not, they will pay the dredge fee.

6           As you can see, here is Highway 90 and 611  
7 coming down to Chevron (indicating aerial view).

8           The blue area indicated by the hash marks, that  
9 is where they will dredge to a depth of twenty feet mean  
10 low water, the yellow area is the side slopes and this  
11 green area -- I know that is hard to see -- that is where  
12 they will dredge to forty-five feet below mean low water  
13 (indicating diagram).

14           This diagram indicates the boundary between  
15 Public Trust Tidelands and the private water bottoms. At  
16 one time, some of these water bottoms, it was actually  
17 like an upland area that was excavated out. The purple is  
18 the private area. They would not have to pay a dredge fee  
19 for this area because it is not considered Coastal  
20 wetlands, but this light blue, or green, area, they will  
21 have to pay a dredge fee for anything dredged in there.

22           They are proposing to take it to their upland  
23 disposal site, if BU isn't used, and they do have a  
24 confined site at Chevron and this is just a diagram  
25 showing it. I believe it has still got about six hundred

1 and fifty-five thousand cubic yards that could still be  
2 placed in this site.

3 Notification of the project did appear in The  
4 Sun Herald and The Mississippi Press on September 19<sup>th</sup>,  
5 September 26<sup>th</sup> and October 3<sup>rd</sup> of this year.

6 No public comments were received.

7 DEQ is currently reviewing the project.

8 Archives and History has no objections.

9 Wildlife, Fisheries and Parks had no comments.

10 The Secretary of State's Office has given  
11 authorization to dredge the tidelands and submerged lands  
12 to the extent that the project area includes them.

13 Staff of the Department of Marine Resources has  
14 conducted a thorough evaluation of the project and has  
15 made findings and the decision factors in accordance with  
16 the Mississippi Coastal Program.

17 You got copies of those decision factors. If  
18 you want me to go over any of them, I can.

19 These findings have been provided to you. Based  
20 on the results of these findings, it has been determined  
21 that the project is consistent with the Mississippi  
22 Coastal Program because it provides a public benefit by  
23 supporting refinery operations.

24 Examples are local jobs, taxes, expenditures  
25 will be increased.



1           Staff requests a motion that the Commission  
2 recommend to the Executive Director to approve the permit  
3 contingent on water quality certification from MDEQ and  
4 issue the permit, once the previous authorization expires  
5 on November 15<sup>th</sup>.

6           They currently have a ten-year permit under the  
7 old statute and it expires November 15<sup>th</sup>. When it expires,  
8 they are requesting that this one go into effect.

9           Any questions?

10          COMMISSIONER DANIELS: I've just got one  
11 question. Something I'm just curious about.

12          The channel going into there, is that maintained  
13 to a forty-five foot depth going in there?

14          CHRIS PICKERING: Yes, I believe it is about  
15 forty-five feet. That is maintained by the Corps. They  
16 dredge that out, I believe.

17          COMMISSIONER DANIELS: I don't spend much time  
18 over there. I was just curious as to why they were going  
19 to forty-five feet, if the channel wasn't that deep.

20          Do we have a motion to approve?

21          COMMISSIONER GUESS: I'll make a motion.

22          COMMISSIONER ROBERDS: I'll second the motion.

23          COMMISSIONER DANIELS: All those in favor aye.

24          COMMISSIONER GUESS: Aye.

25          COMMISSIONER ROBERDS: Aye.

1 COMMISSIONER DANIELS: Aye.

2 Thank you.

3 CHRIS PICKERING: Thank you.

4 JENNIFER WILDER: Good morning.

5 I'm Jennifer Wilder and I'm going to be  
6 presenting a violation and request for an after-the-fact  
7 general permit for Mr. Vernon Ewing.

8 The location is young Bayou at 115 Poplar Point  
9 in Pass Christian and it is in the General Use District.

10 This is an aerial. There is a little pin mark  
11 there showing you the location of the property. This is  
12 West Wittman Road, Royal Oak Boulevard, and that is Poplar  
13 Point.

14 The project description. There are unauthorized  
15 structures; a pier, four pilings and some damage to  
16 Coastal wetlands vegetation.

17 The proposal that we currently have is partial  
18 removal of an unauthorized pier, keeping three piers, one  
19 twenty-by-eighteen, one fourteen-by-four and one sixteen-  
20 by-three, keeping the four pilings for an uncovered boat  
21 lift and to allow natural recovery of the damaged  
22 vegetation.

23 This is our diagram. This entire structure  
24 remains now. The yellow is authorized. The light blue --  
25 it is hard to see here -- is the unauthorized portion that

1 they are going to remove -- it is where the vegetation  
2 was, or is. It is under there still, just really sick  
3 looking -- to allow the damaged vegetation to return, and,  
4 then, to keep this portion of the unauthorized pier and  
5 the pilings.

6 On August 17<sup>th</sup>, a potential violation was called  
7 in to the DMR.

8 On August 18<sup>th</sup>, a site visit revealed  
9 unauthorized structures and damage to wetland vegetation.

10 August 23<sup>rd</sup>, we mailed a Notice of Violation to  
11 the landowner.

12 September 1<sup>st</sup>, Mr. Ewing responded by email.

13 On September 2<sup>nd</sup>, I made a phone call to Mr.  
14 Ewing, explained the violation and the different parts  
15 that it entailed and told him I needed a plan to either  
16 restore his property to the way it was authorized, or  
17 request an after-the-fact authorization.

18 On September 9<sup>th</sup>, the applicant submitted his  
19 plan to restore the property by an email.

20 September 27<sup>th</sup>, we had a meeting with our legal  
21 staff and they informed us that an after-the-fact  
22 authorization would be required.

23 On September 30<sup>th</sup>, the after-the-fact  
24 authorization was received.

25 The violation was discovered August 18<sup>th</sup>. It

1 consisted of thirteen days. The maximum potential fine  
2 was six thousand five hundred dollars.

3 We are recommending no fine for the property  
4 owner because he has been very cooperative, he responded  
5 immediately with what he thought was necessary and it is  
6 going to cost him a good deal of money to restore his  
7 property to what we are asking.

8 Our recommendation is that because the property  
9 owner has been cooperative and the structures he is  
10 requesting would meet our general permit guidelines that  
11 no fine is assessed, approval of the requested piers and  
12 pilings, removal of the unauthorized sixteen-by-eleven  
13 pier, the wetland vegetation be given one year to recover.  
14 If it doesn't recover, then, the homeowner will be  
15 responsible for replanting it using MDMR's Marsh  
16 Restoration Guidelines.

17 The staff requests a motion that the Commission  
18 recommend to the Executive Director to approve the  
19 restoration plan and the after-the-fact general permit.

20 Any questions?

21 COMMISSIONER ROBERDS: I've got a quick question.

22 The pilings and the piers, was that just all  
23 installed by land, or did he actually have a barge?

24 JENNIFER WILDER: We don't know for certain. The  
25 person that called in the violation said that there was

1 someone on site. I don't think that they specified if it  
2 was by land, or on a barge.

3 COMMISSIONER ROBERDS: He probably trampled the  
4 vegetation by land.

5 JENNIFER WILDER: Actually, he covered the  
6 vegetation is what we think caused it. All of the  
7 properties in this location have L-shaped piers going  
8 around vegetation.

9 The original permit was, I believe, issued in  
10 2000. Since then, they have had an L-shaped pier so the  
11 vegetation was able to flourish with the sunlight. When  
12 he covered it, I think that is where the damage came in.

13 COMMISSIONER ROBERDS: Understood.

14 COMMISSIONER DANIELS: So the stuff in yellow, he  
15 had a permit to build that?

16 JENNIFER WILDER: Yes.

17 COMMISSIONER DANIELS: And after the fact, he  
18 built the blue and the brown?

19 JENNIFER WILDER: Yes.

20 COMMISSIONER DANIELS: Without applying for any  
21 further permit?

22 JENNIFER WILDER: Yes.

23 It is two different people. Let me be clear of  
24 that. The original permit in 2000 was not by Mr. Ewing.  
25 Mr. Ewing has purchased the property since then.

1           COMMISSIONER DANIELS: So he bought the house and  
2 just thought I can add to my pier here?

3           JENNIFER WILDER: I can't really speak for Mr.  
4 Ewing. He bought the house. It had that. He wanted a  
5 bigger pier and constructed it.

6           COMMISSIONER DANIELS: Just seems to me like we  
7 do a lot of after-the-facts and there is never any fines,  
8 or consequences, for it.

9           SANDY CHESNUT: Jennifer, was Mr. Ewing notified  
10 that you were going to present this today?

11          JENNIFER WILDER: Yes, ma'am.

12          Is Mr. Ewing here?

13          (No response.)

14          JENNIFER WILDER: I didn't think I saw him come  
15 in. He said he might come, but he works in Mobile.

16          SANDY CHESNUT: I just wanted to give him the  
17 opportunity to speak, if he was here.

18          JENNIFER WILDER: Yes, ma'am. He works in  
19 Mobile. I guess he was held up over there.

20          COMMISSIONER DANIELS: Personally, I would like  
21 to see some kind of fine. I think there is just too much  
22 of this going on.

23          If any of the other Commissioners would like to  
24 make a motion to approve y'all's recommendation, I stand  
25 behind whatever y'all recommend.

1           COMMISSIONER GUESS: I usually am in favor of a  
2 fine, but being that he has been really cooperative and we  
3 haven't had to track him down, or send multiple notices, I  
4 think it shows that he realizes he made a mistake and  
5 maybe didn't realize he needed to get a permit.

6           COMMISSIONER ROBERDS: I'm glad he got caught.

7           COMMISSIONER GUESS: Yes. Right.

8           I'll make the motion that the Executive Director  
9 approve the restoration plan with the after-the-fact  
10 general permit.

11          COMMISSIONER ROBERDS: 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          Thank you.

17          JENNIFER WILDER: Thank y'all.

18          COMMISSIONER DANIELS: Ms. Leslie, Office of  
19 Finance and Administration.

20          LESLIE BREWER: Good morning Commissioners,  
21 Patrick, Sandy.

22          I'm Leslie Brewer, CFO. I will be presenting  
23 the financials for the month ending September 30<sup>th</sup>, 2021.

24          At the end of September, our State Revenue was  
25 three point four million. Our Total Agency Revenue was

1 fifteen point three million.

2 Our State Net Income was two million and our  
3 Agency Net Income was ten point four million.

4 Of course, Patrick has already mentioned we got  
5 our Tidelands funds.

6 After three months of fiscal year 2022, we have  
7 ninety-five point seven percent of the Operating Budget  
8 remaining, while the Tidelands Budget has ninety-three  
9 point nine percent remaining.

10 Does anybody have any questions?

11 COMMISSIONER DANIELS: It looks in line.

12 I know y'all liked adding those numbers last  
13 month to it, after that check.

14 LESLIE BREWER: Oh, yes. It looks a lot better,  
15 and we got our state appropriations, too, finally.

16 COMMISSIONER DANIELS: Thank you.

17 LESLIE BREWER: Thank you.

18 COMMISSIONER DANIELS: Public Affairs.

19 CHARMAINE SCHMERMUND: Good morning

20 Commissioners, Patrick, Sandy.

21 The Mississippi Department of Marine Resources  
22 was mentioned twenty times in local, state and national  
23 media since the September MACMR meeting.

24 News items included the Secretary of State  
25 presenting our agency with the Tidelands check and the



1 reopening of Red Snapper season.

2 The Office of Coastal Resources Management held  
3 a workshop on September 29th at the Mississippi State  
4 University Extension campus regarding the Alternative  
5 Bulkhead Design and there were approximately thirty-five  
6 people in attendance.

7 The IT team attended a cyber security symposium  
8 in Ellisville, Mississippi, on September 25<sup>th</sup>. IT's Karen  
9 Clark participated in the Mississippi Digital Government  
10 Summit on September 28<sup>th</sup> as a member of the Advisory Board.

11 At the Grand Bay NERR, Brianna Andrews presented  
12 on marshes to a group of high school seniors from St.  
13 Stanislaus on September 16<sup>th</sup>. Jonathan Pitchford led tours  
14 of the NERR for the Coastal Mississippi Master Naturalist  
15 class on September 24<sup>th</sup>. Avery Beck and Jennifer Cumbest  
16 organized community cards for senior veterans in residence  
17 at the Community Living Center at the Biloxi VA whose  
18 lives have been greatly affected by the corona virus. The  
19 cards feature a photo of the Grand Bay NERR's wildlife, or  
20 scenery, and inside was a handwritten note from staff.  
21 Grand Bay NERR staff wrote forty-five personalized cards  
22 for the senior veterans, which were delivered on September  
23 29<sup>th</sup>.

24 The Grand Bay NERR also held its annual National  
25 Estuaries Day event on September 25<sup>th</sup>. Families from

1 Mississippi and Alabama took a boat tour in the estuary.  
2 At the Grand Bay Coastal Resources Center, they also  
3 participated in guided boardwalk tours, learned about  
4 water quality science and saw animals at a critter  
5 station. Children also worked with coloring activities  
6 and making fish prints.

7 That's it.

8 COMMISSIONER DANIELS: Thank you, Charmaine.  
9 Marine Fisheries.

10 JASON SAUCIER: Good morning Commissioners.

11 I'm Jason Saucier with the Office of Marine  
12 Fisheries. I am going to be presenting to you proposed  
13 changes to Title 22, Part 6.

14 Just to summarize our changes, we did revise the  
15 title. We added definitions and language pertaining to  
16 the sale, transport and reporting of saltwater minnows.

17 We revised reporting deadline for the live bait  
18 dealers.

19 We removed some wording that was already covered  
20 in Mississippi Code and we referenced applicable  
21 statutory, or regulatory, authorities.

22 We updated the format to "Rules" and "Sources"  
23 to conform with the format prescribed by the Secretary of  
24 State's Office.

25 We removed reference to mullet commercial size

1 limit.

2 The first change was a change to the title.  
3 what we are proposing is that it read:

4 Part 6 RULES AND REGULATIONS FOR LIVE-BAIT  
5 RELATED ACTIVITIES.

6 This change was made because we did bring in  
7 saltwater minnows and it is not specific to shrimping  
8 anymore.

9 There were no substantive changes to Chapter 1.  
10 Moving on to Chapter 2, we did add these four  
11 definitions and I will read those to you:

12 F. Final Destination. A place on the mainland,  
13 or barrier island, not including piers, or jetties, where  
14 the fisherman finally lands his catch and does not further  
15 transport the catch by boat.

16 O. Saltwater Minnow. Any species within the  
17 families Cyprinodontidae, Fundulidae and Poeciliidae.

18 P. Saltwater Minnow Dealer. Saltwater minnow  
19 fisherman, or any person, firm, or corporation, who  
20 engages in the sale, exchange, barter, or dispensing, of  
21 saltwater minnows in a live condition solely as bait only  
22 to recreational fishermen, or to licensed live bait  
23 dealers as permitted.

24 Q. Saltwater Minnow transport Vehicle. Any  
25 motorized vehicle having suitable equipment to properly

1 transport, in a live condition, saltwater minnows which  
2 are intended solely for use as live bait to be sold, or  
3 dispensed, to recreational fishermen and said vehicle  
4 having been duly permitted as a saltwater minnow transport  
5 vehicle by the MDMR.

6 Moving on to Chapter 3 -- and this deals with  
7 the area closures -- we did have a change to Rule 3.2 and  
8 that proposed change will read:

9 Nothing in this chapter shall be construed to  
10 limit the use at any time of cast nets, or brill nets, not  
11 exceeding twelve feet maximum radius, or length, to catch  
12 saltwater shrimp for personal consumption.

13 This change was made to clarify that this is for  
14 recreational harvest.

15 Moving on to Chapter 4, this deals with gear  
16 regulations. We did strike through the majority of Rule  
17 4.1.I. It will read:

18 It shall be unlawful to possess mullet north of  
19 the CSX railroad while engaged in minnow fishing.

20 This change was done to simplify the rule and to  
21 assist with enforcement.

22 Moving on to Chapter 5, this deals with license  
23 regulations. Rule 5.3 was changed and it would read:

24 It shall be unlawful for any live bait dealer to  
25 fail to submit their monthly Live Bait Dealer Report to

1 the MDMR, in accordance with Title 22, Part 9 regulations  
2 of the MDMR. Said reports shall be postmarked no later  
3 than the tenth day of the month following the monthly  
4 reporting period. Live bait shrimp caught and sold shall  
5 be reported in numbers of shrimp, not in number of pounds.

6 This change was made to reference Part 9 which  
7 deals with reporting requirements and gets more specific  
8 on the accuracy of those reports, and, then, the date was  
9 changed from the fifteenth to the tenth to be in  
10 conformance with the deadline for all other commercial  
11 trip tickets.

12 Continuing in Chapter 5, Rule 5.4 is a new rule.  
13 This was added to require that the saltwater minnow  
14 dealers also report. That rule will read:

15 It shall be unlawful for any saltwater minnow  
16 dealer to fail to submit their trip tickets and trip  
17 ticket summary form to the MDMR, in accordance with Title  
18 22, Part 9 regulations of the MDMR. Said reports shall be  
19 postmarked no later than the tenth day of the month  
20 following the monthly reporting period. Saltwater minnows  
21 caught and sold shall be reported in numbers of saltwater  
22 minnows, not in number of pounds.

23 Continuing in Chapter 5, we did a little bit of  
24 clarification here so it will read:

25 Additionally, if a licensed live bait boat, or

1 captain, wants to change to a commercial shrimper, the  
2 live bait boat license and captain's license must be  
3 surrendered to the Executive Director, or his designee.  
4 Surrendered licenses may not be reacquired during the same  
5 license year.

6 Moving to Chapter 6, we added Rule 6.2 for the  
7 saltwater minnow transports and this rule basically will  
8 require that those vehicles that carry saltwater minnows  
9 out of state be marked and that they be documented before  
10 receiving the transport permit. We will capture some  
11 information on the vehicle and that will help with  
12 enforcement. The new rule will read:

13 It shall be unlawful for any person, firm, or  
14 corporation, to transport saltwater minnows out of the  
15 state without complying with the following:

16 Saltwater minnow transport vehicles must be  
17 clearly and permanently marked by displaying in an easily  
18 visible position on both left and right sides of said  
19 transport vehicle in block letters at least four inches  
20 high and at least three-eighths inch wide and of a  
21 contrasting color to that of the vehicle the words  
22 "SALTWATER MINNOWS".

23 The driver of the saltwater minnow transport  
24 vehicle may not transport saltwater minnows by said  
25 vehicle without having in their immediate possession a

1 valid "saltwater minnow transport vehicle permit" issued  
2 by the Executive Director, or his designee.

3 Moving to Chapter 7, we did have the requirement  
4 for native species already for shrimp and we did add  
5 saltwater minnows for the same reason. We wouldn't want  
6 introduction of non-native species into our waters. The  
7 proposed rule will read:

8 Rule 7.1. Live bait shrimp may be raised in  
9 aquaculture facilities, however only native marine species  
10 of shrimp and saltwater minnows may be used as bait. Non-  
11 native species of shrimp and saltwater minnows are  
12 strictly prohibited from being used as live bait in the  
13 marine waters of the State of Mississippi.

14 That concludes the presentation. I will take  
15 any questions.

16 COMMISSIONER DANIELS: I've just got one and it  
17 is on the Chapter 4, "It shall be unlawful to possess  
18 mullet north of the CSX railroad while engaged in minnow  
19 fishing".

20 My question with that is there are some bait  
21 shops north of the railroad.

22 If a fisherman was to go out, have his gear,  
23 catch mullet and was transporting them, or wanted to  
24 transport them by water to a bait shop -- I'm just  
25 thinking Bay Marina that is off of the Jourdan River --

1 would he be in violation by being north of the CSX taking  
2 those fish to drop them off at a bait shop, sell them to  
3 the bait shop?

4 JASON SAUCIER: This is specific to the  
5 fishermen, the folks engaged in minnow fishing and  
6 specifically the saltwater minnow license holders.

7 Those folks, they do run traps north of the CSX.  
8 That fishery is allowed to fish traps, but they are not  
9 allowed to possess mullet, so they don't typically catch  
10 mullet in the traps. Those typically are those species  
11 that I couldn't pronounce earlier.

12 The minnows that they catch north of there, they  
13 are going to catch with a trap. The issue that we have  
14 had on the enforcement side is it is hard to tell if it is  
15 a recreationally caught, or a commercially caught, mullet.

16 Mullet are going to be caught in a cast net the  
17 majority of the time. They can still do that activity  
18 south of CSX. The camps can still have it and they can  
19 still transport because they do have a transport vehicle  
20 permit. They just can't be fishing and have those in the  
21 boat and that was to help with enforcement so that anybody  
22 catching mullet north of CSX is a recreational fisherman.

23 COMMISSIONER DANIELS: Fort Bayou Bait Shop, if  
24 they wanted to sell live mullet and they went out and  
25 caught them south of CSX and they were returning back to



1 their bait shop, are they in violation once they get  
2 north?

3 JASON SAUCIER: No, because they are on a live  
4 bait boat. They are on a catcher boat, licensed catcher  
5 boat.

6 COMMISSIONER DANIELS: All right. I'm good.  
7 Do we have a motion to approve?

8 COMMISSIONER ROBERDS: I'll make a motion to  
9 approve.

10 COMMISSIONER DANIELS: I'll second it.  
11 All those in favor aye.

12 COMMISSIONER GUESS: Aye.

13 COMMISSIONER ROBERDS: Aye.

14 COMMISSIONER DANIELS: Aye.

15 JASON SAUCIER: Thank you.

16 COMMISSIONER DANIELS: Thank you.

17 ERIC GIGLI: Good morning Commissioners, Mr.  
18 Levine, Ms. Chesnut.

19 Today I will be presenting our overview of our  
20 tagging programs in Marine Fisheries. My name is Eric  
21 Gigli.

22 We will begin with Southern Flounder Acoustic  
23 Telemetry project. This project is led by Jennifer Green.

24 The goal of the project is to monitor movement  
25 patterns for the species during their winter spawning

1 season which includes movement out of and back into the  
2 Mississippi Sound.

3           Currently, the tags are being deployed in both  
4 Biloxi Bay and the Pascagoula River estuary.

5           The tags are being externally affixed to the  
6 mid-dorsal area of the fish which you can see in this  
7 picture to the right. It is actually in a piece of  
8 tubing, and, then, pinned through the fish.

9           So far, forty tags have been deployed this year,  
10 twenty in each system, and there are an additional ten  
11 tags to go out this year.

12           These tags are going to last approximately five  
13 hundred and four days which is going to cover both the  
14 outward and inward movement this year, as well as the  
15 outward movement the following year and potentially  
16 another return movement.

17           We have a cooperative effort going on in Bay St.  
18 Louis through the Gulf Coast Research Lab. They are also  
19 deploying tags on flounder in the exact same methods that  
20 we are using here.

21           The next project to talk about is the Cobia  
22 Acoustic Telemetry. This is also being led by Jennifer  
23 Green.

24           The target size for the species getting tags is  
25 twenty-five inches, or greater, with potentially an upper

1 limit depending on the actual ability to handle a fish  
2 that large.

3           The tags are being surgically implanted in the  
4 fish, so you can't actually see them. There will be a  
5 dark tag in the fish that has a phone number that  
6 corresponds to which fish is which, if an angler were to  
7 catch it.

8           These tags are going to be deployed this fall.  
9 So far, we have had six deployed since the project began  
10 last year.

11           This data is going to inform spatial and  
12 temporal movements for the species, and we will get to a  
13 little bit of how that is done on the next slide.

14           For both the flounder and the Cobia, these tags  
15 do not actually provide data on their own. They need to  
16 pass by an acoustic receiver. They actually ping about  
17 every thirty seconds to a minute, and, then, the receiver  
18 gathers that data, which fish just passed by, and, then,  
19 logs it for our scientists to go out and pull the data off  
20 of each receiver.

21           The department manages -- also, led by Jennifer  
22 Green -- fifty-one receivers throughout the Mississippi  
23 Sound. In addition to these, we also have coverage from  
24 the Gulf Coast Research Lab and Gulf States Marine  
25 Fisheries Commission to have a complete barrier around the

1 Mississippi Sound so that if any fish leaves, we should  
2 have that documented going out and back in.

3           You can see the ones that we actually manage.  
4 We have a handful around Cat and Ship Island, we have some  
5 in the Pass between Horn and Sand, coming out of the  
6 Pascagoula River on the channel, and, then, an extensive  
7 gate network throughout the Biloxi Bay (indicating slide).

8           Changing gears a little bit, we've got our  
9 Artificial Reef program for monitoring Ingalls deployment  
10 which was a recent deployment from December to June of  
11 this past year.

12           These deployments were all on FH-13, and they  
13 created nine new sites with over eight thousand tons of  
14 material.

15           The data from this portion of the project is  
16 going to inform site colonization for newly deployed  
17 reefs, as well as any site fidelity for recaptures from  
18 public anglers calling in the numbers on the tags.

19           So far, the Artificial Reef Bureau has put out a  
20 hundred and ninety-seven Red Snapper, eight Gray  
21 Triggerfish, Four Tomtate, one Atlantic Spadefish and one  
22 Lane Snapper with the external dark tags with phone  
23 numbers and species identification.

24           This one is what I've been working on. This is  
25 the Atlantic Tripletail Satellite Tagging program. So

1 far, since 2019, we have deployed eighteen satellite tags.

2 This is the first known effort to occur on this  
3 species. Satellite tags had not been used on them until  
4 we started, and these tags are basically going out to  
5 record environmental parameters as well as tracking  
6 parameters.

7 We are putting them out in the fall, in order to  
8 try and track their winter migration because very little  
9 is actually known about the species, where they go and  
10 what they do.

11 The tags themselves automatically pop off of the  
12 fish in March and that is when they send the bulk of the  
13 archived data and that is when we get all of the  
14 information that we can actually use to figure out where  
15 they went.

16 On the right you can see this is the first tag  
17 that we used in 2019. It was a true pop-up tag that  
18 didn't give you any information until March. It just  
19 archived everything (indicating photograph).

20 This bottom one is the one that we are going  
21 with this year. This actually has a solar panel built  
22 into it so that it can periodically talk to the satellites  
23 throughout the deployment (indicating photograph).

24 what we have here is the data from 2019. This  
25 is what we got off of the fish in March. All the fish

1 were deployed in the Mississippi Sound. There are six  
2 fish pictured in this video and you will see different  
3 colored fish indicating a different individual moving  
4 throughout time which you can see the date on the bottom.

5 We can go ahead and start that video.

6 (Video playing.)

7 ERIC GIGLI: It is good to think about these  
8 movements as general trends. This is not a GPS location.  
9 This is estimated using sunrise-sunset times, sea surface  
10 temperatures, depth; basically, all of the information  
11 that we gather off the tags.

12 Now, we are into late September. Typically, the  
13 species is no longer in Mississippi waters sometime in  
14 October.

15 A lot of these movements that we saw with  
16 especially the southern tracks were associated with  
17 temperature changes. There were a few cold fronts that  
18 seemed to really push the fish.

19 I said that the tags were intended to go through  
20 March. All of these tags were popped off early due to  
21 some other issue and the longest track we had was through  
22 November.

23 The important thing to see here is that the  
24 general trend was out of the Mississippi Sound and south  
25 and to the southwest. All the fish did, at some point in

1 time, make it past the Mississippi River.

2 On to this year. So far we have deployed seven  
3 satellite tags on the fish ranging from twenty-four to  
4 actually now it is twenty-nine inches, with a range of  
5 twelve to twenty-three pounds.

6 These fish are currently swimming around with  
7 the new tags with the solar panels. We have three tags  
8 remaining. However, that number just changed. We  
9 actually now have four tags remaining. We were informed  
10 last night that an angler actually captured and harvested  
11 one of our fish. We are working to get that tag back and  
12 redeploy it.

13 That is definitely something to note that angler  
14 buy in is really critical with this. We are going after  
15 large fish because we want them to be able to handle that  
16 tag for a long period of time. Having those releases on  
17 those anglers is really critical.

18 Actually, on the right we have the intermittent  
19 satellite data that we have been getting. This is tag 402  
20 which was tagged on the Pascagoula channel just inside of  
21 Petit Bois and that fish, over the course of two days,  
22 actually traveled almost twenty-five miles, and, then, we  
23 tracked it further into Alabama waters. Over the next  
24 week, or so, it kind of bounced around the Bayou La Batre  
25 channel area, and these are hard CPS points. We know for

1 a fact that that fish was within a quarter of a mile of  
2 that dock (indicating slide).

3 Then, we got radio silence on it for about  
4 another week, or so, and it pinged right about here back  
5 on the channel, and, then, just the past week on the 7<sup>th</sup>,  
6 it had made its way into Mobile Bay (indicating slide).

7 We are getting this on any fish that comes to  
8 the surface and that tag is out of the water, and, then,  
9 the satellite comes overhead.

10 It is kind of hit, or miss. It is possible that  
11 you don't get connection on every given pass, but if there  
12 is a fish that has an affinity for staying at the surface,  
13 you get great data on it.

14 We've got seven tags out. Of those seven, we've  
15 got three that seem to be at the surface a lot more and we  
16 are getting really good data for the actual movements  
17 inside the Mississippi Sound.

18 With that, I will take any questions.

19 COMMISSIONER DANIELS: This is great. This is  
20 exciting stuff. I like seeing where these things are  
21 moving to. That is one of my favorite fish to catch.

22 COMMISSIONER ROBERDS: I want to see where these  
23 three tags go in January and February. It is amazing.

24 COMMISSIONER DANIELS: You were killing me,  
25 whenever they dropped off.



1           ERIC GIGLI: We do have more of these graphics  
2 that we hope to go ahead and start releasing to the public  
3 and getting it out so that folks can keep up in realtime  
4 with where these fish are going and what they are doing.  
5 A lot of the guys who fish for them, it is their absolute  
6 favorite thing to do.

7           COMMISSIONER DANIELS: That would be great. I  
8 think that would draw a lot of interest.

9           One other question I had on that acoustic  
10 receiver.

11           Is there a reason we don't have anything between  
12 Ship Island and Horn Island?

13           ERIC GIGLI: That is actually one of the areas  
14 that is covered by the Gulf Coast Research Lab. They have  
15 an extensive array on the south side, really all around,  
16 and, then, in-between the pass. I think about every  
17 quarter of a mile, or so, there is a receiver.

18           COMMISSIONER DANIELS: Great work. Thank you.

19           ERIC GIGLI: Thank you.

20           PATRICK LEVINE: This is an example of what I was  
21 telling y'all. So many times I was focused on Marine  
22 Patrol, and, then, when I had the opportunity to spend  
23 time with people like Eric and hearing what they are  
24 doing, it makes you say "wow". The DMR is doing so much  
25 and it is such a great thing, and we want to make sure

1 that you guys don't get the coordinates of where those  
2 fish are in realtime. We have to make sure we don't do  
3 that, but we also think it through that Eric and them are  
4 out on the front lines doing it and you have got to think  
5 about everybody who touches that fish, the grants involved  
6 to purchase it, that it takes the entire team to make that  
7 project happen, and that is what is really needed on every  
8 little piece. Somebody who is doing the procurement,  
9 purchasing the product, finding the funding and everything  
10 to bring it to this stage to where we can look at that  
11 fish out there, but also it is so important that we get  
12 the word out to the public to know that they are a part of  
13 the team because when they get that resource and they get  
14 that information, we want to make sure, Eric, that they  
15 are getting it back to us so that we can use that data.

16 I didn't know until just now that you are able  
17 to take that receiver and put it back into play again.

18 ERIC GIGLI: Absolutely.

19 PATRICK LEVINE: We want to make sure that when  
20 you are out there dealing with the charter captains and  
21 the recreational community to make sure, if you get one of  
22 those fish, don't just take that receiver home and put it  
23 on the shelf as a trophy. Let's put it back in play.

24 Great work, Eric.

25 Thank you, Eric, and we appreciate you.

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ERIC GIGLI: Thank you.

COMMISSIONER DANIELS: Have we got any other business?

PATRICK LEVINE: No other business.

COMMISSIONER DANIELS: Did we get any public comments?

PATRICK LEVINE: No public comments.

COMMISSIONER DANIELS: Do we have a motion to adjourn?

COMMISSIONER GUESS: I'll make a motion.

COMMISSIONER DANIELS: I'll second that.

All those in favor aye.

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: Aye.

Thank you everybody for coming out.

(Whereupon, at 9:55 o'clock, a.m., the October 12, 2021, meeting of the Mississippi Advisory Commission on Marine Resources was concluded.)

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above forty-three pages, including this page, is a true and correct transcription the October 12, 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