

## STATE OF MISSISSIPPI

MISSISSIPPI ADVISORY COMMISSION ON MARINE RESOURCES

## COMMISSION MEETING

Monday, September 16th, 2024, 9:00 a.m.,

Bolton Building Auditorium

1141 Bayview Avenue, Biloxi, Mississippi 39530

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**COMMISSION MEMBERS:**

Matthew Mayfield  
Jonathan McLendon  
Jason Osborne (Via Phone)

**ALSO PRESENT:**

Joe Spraggins  
Sandy Chesnut, Esquire  
Steven Eckert, Esquire

**REPORTED BY:**

Melissa Burdine-Rodolfich  
mburdine@sbmreporting.com

1 JONATHAN MCLENDON:

2 All right. We're going to call this  
3 Mississippi Advisory Commission on Marine  
4 Resources meeting, Monday, September 16th, to  
5 order.

6 Commissioner Osborne is on the phone with  
7 us.

8 And at this time, I would ask  
9 Commissioner Mayfield to lead us in the pledge.

10 (Pledge of Allegiance was recited.)

11 JONATHAN MCLENDON:

12 General, you want to lead us in the  
13 prayer?

14 JOE SPRAGGINS:

15 Yeah. Before we go to the prayer, I  
16 would just like to hope that everyone lived  
17 through and had no problems with the storm we had  
18 last week. Praise the Lord that it was no worse  
19 than it was, and I think that everybody in  
20 Louisiana fared fairly decent. You know, some got  
21 some damage, but we want to keep them in our  
22 prayers, too, those -- the ones over there. But  
23 we are very blessed so far, so let's go to the  
24 Lord.

25 (Moment of prayer.)

1 JONATHAN MCLENDON:

2 All right. So we've got approval of the  
3 minutes. Do I have a motion on the approval of  
4 the minutes?

5 RONNIE DANIELS:

6 I make the motion.

7 MATTHEW MAYFIELD:

8 Second.

9 JONATHAN MCLENDON:

10 All in favor?

11 (Unanimous vote.)

12 JONATHAN MCLENDON:

13 We have -- the next item on the agenda  
14 is the approval of today's agenda. We got any  
15 changes?

16 (No response.)

17 JONATHAN MCLENDON:

18 All right. Any motions on the approval  
19 of the agenda?

20 MATTHEW MAYFIELD:

21 I make a motion to approve the agenda.

22 RONNIE DANIELS:

23 Second.

24 JONATHAN MCLENDON:

25 All in favor?

1 (Unanimous vote.)

2 JONATHAN MCLENDON:

3 All right. Now we have the Executive  
4 Director's report, General.

5 JOE SPRAGGINS:

6 Okay. We've got some employment updates  
7 and contracts. Let's see where we're at. Joanna  
8 Miller, she took over as the accounting  
9 management -- manager for us. Joanna has been  
10 with us several years now and doing a great job.  
11 And Brandy moved on to another company, so we'll  
12 miss her, but we're proud to have Joanna there.

13 And we've got Rudy. I don't know if  
14 Rudy is in the room, but if he's not, you know,  
15 Rudy is back with us. Rudy had retired and now  
16 he's back with us part time, and we're glad to  
17 have Rudy Balius back with us.

18 Contracts, we've got a couple and  
19 they're both at the NERR and they're NRDA  
20 contracts, so if you look at it and -- the PG2  
21 Farms and then invitation for bids out there for  
22 WRENS Construction, invitation for bid out there.  
23 But basically it's going to be -- it's a couple of  
24 projects at the NERR that they're working and  
25 they're paid for by NRDA funds. Any questions on

1 that?

2 (No response.)

3 JOE SPRAGGINS:

4 All right. As far as the agency update,  
5 well, if you get a chance sometime and you want to  
6 walk back down through the second floor, they'd  
7 love to show you our new fisheries department. I  
8 tell you what, they went from having the worst  
9 looking area in the building to now they have one  
10 of the best looking areas in the building. And  
11 it's very nice and it's very clean and neat, and  
12 everybody has offices and cubicles now to work out  
13 of, so it's something entirely different. They've  
14 never had anything over there since I have been  
15 here in the last 11 years, and so I'm proud of  
16 them.

17 And, Traci, we're proud to give y'all a  
18 place to work out of, and I know y'all -- you want  
19 to see a conference room? Well, they've got a  
20 nice one. I'll tell you what, it's state of the  
21 art everything. I think it will talk for you. I  
22 don't know. It's pretty good.

23 Hurricane season is still here, so don't  
24 let your guard down. It's still here, and, you  
25 know, we've got Gordon out there now, but I think

1 it's going to go in a different direction. But  
2 let's just keep our eyes and ears open and keep  
3 praying to the Lord that he'll let them go away  
4 from us and not hurt anybody else.

5 CCA had the Kids Jamboree that started  
6 this year, and it ran from Memorial Day to Labor  
7 Day and we had 287 kids participate in that.  
8 That's pretty good. And it's a jamboree that we  
9 basically funded through the agency to teach kids  
10 and help them learn how to fish and also to give  
11 them the incentive to go out, and there will be a  
12 banquet on the 21st.

13 Is that right, Patrick?

14 PATRICK LEVINE:

15 Yes, sir.

16 JOE SPRAGGINS:

17 On the 21st at the Seafood Museum?

18 PATRICK LEVINE:

19 Yes, sir.

20 JOE SPRAGGINS:

21 And so they'll have a banquet for them  
22 and be able to give out awards for all the fish  
23 that they caught. And hopefully, then, we will  
24 keep those young kids and all looking at  
25 fisheries. You know, it's something we've got to

1 do. We've got to keep them involved, and as long  
2 as we can keep them working at it, we'll have  
3 people still fishing for a long time.

4 We have got a new charity event. It's  
5 called the First Annual Hook 'Em for Heroes, and  
6 it's to support local first responders and  
7 veterans and their families along the Mississippi  
8 Gulf Coast, so they're doing a fishing tournament  
9 on the 21st of September also. And if you're not  
10 involved in it -- it's in Pass Christian where  
11 they work out of, and if you want to be involved,  
12 you can go look up Hook 'Em for Heroes. All the  
13 proceeds will go into funds -- it's a 501C-3 -- to  
14 be able to help any of our first responders or  
15 veterans' families that need help in that -- any  
16 time. So I think that's fantastic to have  
17 something like that.

18 Our next Commission meeting, if it's  
19 okay with the Commission -- I think we looked at  
20 last time -- it's going to be changed to Tuesday,  
21 October 22nd at 9:00 a.m. Is that a problem with  
22 anyone?

23 MATTHEW MAYFIELD:

24 No.

25 JONATHAN MCLENDON:

1                   No.

2           RONNIE DANIELS:

3                   No.

4           JOE SPRAGGINS:

5                   Commissioner Osborne, are you okay with  
6           that?

7           JASON OBSORNE:

8                   Yes, sir.

9           JOE SPRAGGINS:

10                   Okay. So we'll do that. We'll change  
11           because we've got a Gulf States right before it in  
12           the time that we're supposed to have it, so just  
13           put you down as Tuesday, October 22nd at 9:00 a.m.

14                   Well, in about another two weeks,  
15           Cruisin' the Coast will be here, and DMR, through  
16           Gulf Fresh Seafood, is a title sponsor again this  
17           year. It's October 5th through 13th. We're going  
18           to have a -- we'll be set up at Centennial Plaza,  
19           and we'll be doing several days there where we'll  
20           be giving boiled shrimp to our visitors coming in  
21           town and telling them just how great these shrimp  
22           are coming out of the Gulf of Mexico.

23                   And we'll also be set up -- we're going  
24           to work in Ocean Springs, Pascagoula and  
25           Bay St. Louis and we'll have -- and then also in



1 Biloxi, so we're going to have about four  
2 different events that we will be at during that  
3 week and handing out stuff for the Gulf Fresh  
4 Seafood and DMR. So if you get a chance, stop by  
5 and see them at the booth where they're at.

6 And I know you'll enjoy Cruisin' the  
7 Coast. This year, Woody said they're working  
8 trying to top last year's, and there were a little  
9 over 10,000 cars last year and so around 100,000  
10 people. So that's a lot of people we're getting  
11 to see and we'll get to be able to see, and  
12 they -- from almost every state and then some  
13 other countries even. So that's a good deal for  
14 us.

15 Bonnet Carré update, we -- Traci, is  
16 there anything other than -- I got the part about  
17 the seafood -- the processors' technology. The  
18 other stuff is at -- normal. But out of that,  
19 there's a grant there for 3.694 million, and we  
20 have spent about 71,000 of that so far. But the  
21 grant application period was open on July 15th,  
22 and it will close -- it was closed on the 13th.  
23 Currently, we have 27 applications, and they're  
24 touching base with the people to make sure.

25 This is to be able to help our seafood

1 processors and all to be able to buy new equipment  
2 and do things to be able to update their factories  
3 and the plant. So hopefully, we'll be able to get  
4 that worked out shortly and people will be able to  
5 understand that.

6 And, Jonathan, I know you -- y'all know  
7 a little bit about it. Is there anything you have  
8 to say on that?

9 JONATHAN MCLENDON:

10 No. But we certainly appreciate the  
11 DMR, you know, running this program and going to  
12 bat for us in order to get this money. I think  
13 that, you know, the shrimping business all the way  
14 around in the past few years has been tough from  
15 the boat perspective and then to the plant  
16 perspective. So to be able to go out and get some  
17 of these capital expenditures certainly helps keep  
18 the facilities up.

19 JOE SPRAGGINS:

20 Good deal. But, hopefully, that will  
21 work and we will be able to get that out soon and  
22 get them some money to -- will it be reimbursable?

23 TRACI FLOYD:

24 (Nodding head affirmatively.)

25 JOE SPRAGGINS:

1           So, you know, the processors go in and  
2 buy their equipment after they've been approved  
3 for it and we pay up to this amount back to them.

4           All right. Other than that, let's see,  
5 actions updates?

6 STEVEN ECKERT:

7           Good morning. Regarding our August 2024  
8 meeting, the Commission recommended and the  
9 Director approved the following motions: First,  
10 there was a motion to elect Cam Roberds as chair  
11 and Jonathan McLendon as vice chair of Mississippi  
12 Advisory Commission on Marine Resources.

13           There was also a motion to amend the  
14 agenda and to move the following Commission  
15 meetings: September's meeting to this morning,  
16 October's meeting to October 22nd at 9:00 a.m.

17           There was a motion that the Executive  
18 Director grant the variance and issue the permit  
19 as requested by the City of Ocean Springs for the  
20 Washington Avenue Road elevation between  
21 LaFontaine Avenue and Front Beach Drive in Ocean  
22 Springs.

23           There was also a motion for the  
24 Commission to accept the proposed on-bottom oyster  
25 lease process.

1           And finally, some motions to recommend  
2 the following state saltwater finfish records:  
3 For conventional tackle, there was Maison Hallman  
4 with his 1 pound, 3.36 ounce barracuda; Dustin  
5 Conway with a 28 pound, 8.96 ounce golden  
6 tilefish.

7           With the all tackle, Garrett Jones with  
8 a record of a 3 pound, 8 ounce white porgy.

9           With fly tackle, Alan Williams with a  
10 2.4 ounce silver perch.

11           Under the youth conventional tackle,  
12 Braxton Necaise with a 16 pound, 10.24 ounce  
13 blacknose shark; Rodie Arms with a 2.24 ounce  
14 Atlantic silverstripe halfbeak.

15           And finally, under the youth fly tackle  
16 is a jack crevalle with Mr. Rodie Arms of  
17 25 pounds, 10.24 ounces; and, again, Rodie Arms  
18 with a 2 pound, 4 ounce bluefish.

19           And that concludes the actions update  
20 from the prior meeting.

21 JOE SPRAGGINS:

22           Any questions from Commissioners?

23           If not, sir, that's my report.

24 JONATHAN MCLENDON:

25           Any -- next item up is any Commissioners

1 have a report? Mr. Osborne?

2 JASON OBSORNE:

3 I do not. Thank you.

4 JONATHAN MCLENDON:

5 All right. Well, next up, we have Chief  
6 Wilkerson, report on citations.

7 KYLE WILKERSON:

8 Good morning. Everybody doing well?  
9 Outstanding.

10 Well, August was a busy, busy month.  
11 We're looking at probably 2,800 or more contacts.  
12 Nothing major stands out.

13 I'm going to be pretty brief on this due  
14 to the fact that I'm going to have Senior Master  
15 Sergeant Roy Lipscomb give you an update on the  
16 derelict vessel program.

17 Any questions?

18 (No response.)

19 KYLE WILKERSON:

20 All right.

21 ROY LIPSCOMB:

22 Good morning, Director, Commissioners,  
23 Legal.

24 When we first started -- the  
25 presentation is going to be about -- we moved it

1 over to the Office of Marine Patrol in August of  
2 2022 and the success. When we first started this,  
3 I kind of didn't realize all the -- every vessel  
4 has a story. Unfortunately, a lot of them aren't  
5 good stories. We've had a lot of vessels  
6 involving suicide, deaths, even murder.

7 So let's get a definition of what --  
8 just clicker? Oh, there.

9 What is a derelict vessel? It is a  
10 vessel ground without ability to extricate itself  
11 without mechanical assistance; it is sunk or  
12 resting on the bottom of a waterway; abandoned,  
13 how long, unattended for more than 30 -- 10 days  
14 or after a big storm or hurricane, it's 30 days;  
15 if it's wrecked, junked or substantially  
16 dismantled, docked, grounded or beached upon  
17 property of another without property owner's  
18 consent; it's obstructing a waterway or within 100  
19 yards of state, country or municipal port; if it's  
20 endangering the life or property; if it's broken  
21 loose or in danger of breaking loose from its  
22 anchor, mooring, or ties.

23 And one thing -- a pet peeve I have, we  
24 have everybody calling. It is not your neighbor's  
25 vessel just because you consider it an eyesore.

1 We have tons of people call. They don't like the  
2 way their vessel looks -- their neighbor's vessel.  
3 And I kind of tell them, what kind of car do you  
4 drive? What if they don't like your car? It's  
5 not illegal, so we have to defend those all the  
6 time.

7 There's some vessels in Hancock County.  
8 It's kind of a very interesting case. I was first  
9 called out there in 2019 with Lieutenant Michael  
10 Yontz (ph). It's a property where some sovereign  
11 citizens live. First, they called themselves --  
12 they sunk a houseboat across the bayou out there,  
13 and the neighbors couldn't -- so we had to go out  
14 there and talk to the people and the houseboat is  
15 still there.

16 Anyway, we found out afterwards what  
17 they're up to. They're using all these sailboats,  
18 dragging them up on land and cutting the lead out  
19 for ammunition. They're making -- there's  
20 ammunition all over the property. They had a  
21 falling out, the two sovereign citizens. One shot  
22 and killed the other one. And then the next  
23 morning after Hurricane Ida, Hancock County went  
24 in by boat and the other gentleman opened up with  
25 an AK-47. He is deceased now too. There is

1 buried treasure on the property. There's all  
2 kinds of crazy stuff going on, so it's quite...

3 I couldn't get anybody to talk to me  
4 about it, so I went down -- it was like 10:00 in  
5 the morning. There's a local bar down in  
6 Pearlinton by the Pearl River. Walked in there  
7 fully -- dark, people all stared at me. And I  
8 just sat down and made friends with the bartender  
9 and started talking. Then I started getting  
10 names, then I got another name, then I got another  
11 lead.

12 And that's how we put the whole case  
13 together with the help of Mr. Eckert. It's quite  
14 a puzzle. It is all kinds of characters, crazy  
15 characters involved, a jockey who stole the  
16 treasure, a lawyer who's -- anyway, he has got no  
17 firearm and no ammunition. He lives on his  
18 sailboat. He's half nuts too, so it's been a --  
19 it's just a crazy case.

20 All right. This is Harrison County.  
21 Lieutenant Casovich actually saw this vessel a few  
22 years before, very pretty vessel. It was --  
23 became derelict, sunk in the Seaway Canal and was  
24 just now recently removed. But anyway, that's one  
25 from Harrison County.



1 Jackson County, that's back over by  
2 Windsor Point. The son was deceased in a fatal  
3 boat accident and he had it parked behind his  
4 mother's -- docked behind his mother's property  
5 and it sank. Usually -- well, I sat there and I  
6 gave her a lot of time, working with her, working  
7 with her because the situation. She finally -- it  
8 took her about three months. Sometimes patience  
9 pays off by giving these people a chance. They  
10 want to do the right thing. They have a lot of  
11 different issues why they can't get them out of  
12 there.

13 All right. Since the Office of Marine  
14 Patrol -- August 2022, we've had 105 reported to  
15 the program; 61 have been removed; 14 are out of  
16 jurisdiction or not moving forward and 30 pending.

17 Also, when it moved to Office of Marine  
18 Patrol, we have the ability to go and investigate,  
19 knock on doors, work with the AG's office  
20 following leads. Following leads, we find a lot  
21 of these vessels end up with six different owners,  
22 and before, we'd just sit there and start sending  
23 out paperwork after we can't find the first owner,  
24 which is a large -- we go to court. It takes --  
25 sometimes takes a year, hundreds of hours for the

1 officer and with the attorneys.

2 And the 30 pending is -- right now, it's  
3 going to be still working with owners. We still  
4 have some boats in the court system. We're still  
5 investigating a few. We've also recovered seven  
6 stolen vessels. We have two open felony cases on  
7 some individuals still pending.

8 All right. So it's been -- August 2022,  
9 the cost to remove up and down the Gulf Coast from  
10 Texas to Florida is about 550 per foot, and a lot  
11 of different factors go into it, whether it's sunk  
12 or if it's floating, the equipment, how are they  
13 going to get it out. So since then, we've removed  
14 three vessels with state funds at 49,500. Four  
15 have been removed with a NOAA grant, which we  
16 applied for and received. It's a \$1.9 million  
17 grant granted to the DMR for large marine debris  
18 removal.

19 And we've had 54 derelict vessels  
20 removed by owners, which have -- it covers a whole  
21 different variety where we work with property  
22 owners. We've helped owners transfer it to  
23 somebody else, just worked with some of the  
24 cities, municipalities, and so it's a savings of  
25 \$730,000 so far to the taxpayers of Mississippi.

1           So if there is -- a lot of work on the  
2 ground with our Attorney General's office.  
3 Luckily, I have good command support me on this so  
4 we can go out and do all kinds of stuff all the  
5 time trying to find those people.

6           Any questions?

7 JOE SPRAGGINS:

8           Sir, I would just like to, first off,  
9 thank Roy and Steven for doing the great job that  
10 they've done. I'll tell you what, we have got the  
11 right people in the right place doing the right  
12 thing on this.

13           Roy goes out there and he's got the  
14 attitude and he's got the atmosphere about himself  
15 to do the things that need to be done.  
16 That's just like he said. He walked into a bar  
17 and gets all the worries of the world and, you  
18 know, he walked in there in the uniform probably.

19 ROY LIPSCOMB:

20           Yes, sir, I was. It was going to be  
21 hard to explain a DMR truck.

22 JOE SPRAGGINS:

23           So getting somebody in a bar in Hancock  
24 County to tell you something in a police uniform  
25 is probably hard to do, but he was able to do it.

1           The other thing is, too, that when you  
2 think about it, you know, once we get the cases  
3 and Roy brings them to them and says, hey, this is  
4 what I've got, Steven takes it to the court and he  
5 gets it worked through the system, and that is a  
6 great deal. We have a -- no state in the Gulf is  
7 anywhere close to us and what we've done so far.

8 ROY LIPSCOMB:

9           Yes, sir.

10 JOE SPRAGGINS:

11           It is amazing what's been done. Now --  
12 but the one thing on the right that you saw there,  
13 54 vessels removed by the owners, you know, most  
14 states can't get anybody to even touch their  
15 stuff. They're able to work it out by going  
16 through and working with the people as he said and  
17 talking to them and getting them to understand the  
18 situation and saying, hey, it's your  
19 responsibility. You're the one that owns this  
20 boat, and they are moving it. That's \$730,000  
21 that the State of Mississippi or the federal  
22 government didn't have to pay, and that is what we  
23 are talking about.

24           This is one of the best programs I have  
25 ever seen in my life, and I'll tell you what --

1 and I know it's the best program that we have.

2 And what is it, New York City called the  
3 other day?

4 ROY LIPSCOMB:

5 Yes, sir. City of New York Parks and  
6 Recreation is starting a derelict vessel, asked  
7 for advice, e-mails. We had the State of  
8 Louisiana, DEQ, looked at our site, sent an e-mail  
9 and we had a long conversation. They're trying to  
10 start up their program. And then I think last  
11 week we had Texas asking about a sunken barge.

12 We even had a homeowner who has a  
13 beach -- from Mississippi who has a beach house in  
14 Pensacola and a sailboat that came up on the beach  
15 and contacted her to advise her about Florida laws  
16 so she could help the boat owner. So word is  
17 getting out.

18 JOE SPRAGGINS:

19 Roy is getting out, and Roy may be on  
20 the *Wall Street Journal* here before long.

21 But thank y'all for -- you and -- thank  
22 you, both of y'all, for your great work and all  
23 the work that's being done on this and we  
24 appreciate it.

25 ROY LIPSCOMB:

1 Yes, sir. Thank you.

2 KYLE WILKERSON:

3 I would like to say also that Roy is a  
4 hard charger. And, Steven, thank you for all you  
5 do and Ms. Sandy.

6 Any questions for Marine Patrol?

7 JONATHAN MCLENDON:

8 No. Appreciate it, Chief. Great job.

9 KYLE WILKERSON:

10 All right, sir.

11 JONATHAN MCLENDON:

12 Next up, we have Office of Coastal  
13 Resources Management, Bureau of Wetlands  
14 Permitting, Katie Nelson.

15 KATIE NELSON:

16 All right. Good morning, everyone.  
17 Before I start, I want to preface this  
18 presentation by briefly explaining what type of  
19 certification that National Park Service is  
20 requesting.

21 We don't directly regulate federal  
22 agency activity, but we are able to review federal  
23 projects for consistency with our Coastal program  
24 and to condition those consistency determinations  
25 to ensure that the project will have no net loss

1 of Coastal wetland habitat or function.

2 So to begin, the National -- National  
3 Park Service at Gulf Islands National Seashore,  
4 they're requesting a consistency certification.  
5 The project is located along Park Road in the  
6 Stark Bayou area of Gulf Islands National Seashore  
7 in Ocean Springs. The project is within the  
8 General Use District. The agent is U.S. Federal  
9 Highway Administration.

10 And the purpose and need of the project  
11 is to enhance the public's use and/or enjoyment of  
12 natural resources by providing a safe place to  
13 walk and cycle within the Stark Bayou area,  
14 helping to offset adverse impacts to recreational  
15 uses from the Deep Water Horizon Oil Spill.

16 The applicant is requesting to fill for  
17 construction of multiuse trails by filling 0.07  
18 acre of vegetated wetlands and 0.23 acre on  
19 non-tidal wetlands. The placement of fill will be  
20 for shoulder widening, bike and pedestrian  
21 boardwalks, placement of riprap and installation  
22 of culverts.

23 Here is the project location. Again,  
24 it's along Park Road within Gulf Islands National  
25 Seashore. And this is a rough diagram that shows

1 the different impacts. Non-tidal impacts are  
2 shown in green, and then the vegetated Coastal  
3 wetlands impacts are shown in pink.

4 For unavoidable impacts to vegetated  
5 Coastal wetlands, the applicant is requesting two  
6 variances to our Coastal program. Their  
7 justification for the impact states that no  
8 feasible alternative sites or construction  
9 techniques are available. There is significant  
10 public benefit in the activity, and a public  
11 hearing has been held.

12 The applicant is proposing mitigation  
13 for the unavoidable impacts to wetlands. To  
14 mitigate for the vegetated Coastal wetland  
15 impacts, they are proposing to replace the  
16 existing 24-inch culvert under Park Road with a  
17 40-foot by 20-foot bottomless concrete culvert to  
18 improve the natural flow to 4.95 acres of tidal  
19 marsh habitat that is directly east of the project  
20 area, and I have shown it circled in red.

21 I forgot about the non-tidal mitigation.  
22 They are -- for the impacts to non-tidal wetlands,  
23 they are intending to purchase an appropriate  
24 number of mitigation credits from a local  
25 mitigation bank.



1 Notification of the project was  
2 published in *the Sun Herald* on August 4th of 2024.  
3 Notification also appeared on our DMR website from  
4 August 1st to September 3rd. No public comments  
5 were received. We also held a public hearing for  
6 the project on Tuesday, September 3rd in our  
7 Bolton Building auditorium. Again, no public  
8 comments were received.

9 MDEQ sent no comments, and MDAH and  
10 Secretary of State had no objections for the  
11 project.

12 After a thorough evaluation of the  
13 project based on the decision factors in our  
14 Coastal program, the project will serve a higher  
15 public interest by enhancing the public's use  
16 and/or enjoyment of natural resources by providing  
17 a safe place to walk and cycle within the Stark  
18 Bayou area helping to offset adverse impacts from  
19 the Deepwater Horizon Water Oil Spill.

20 Therefore, the staff requests a motion  
21 that the Commission recommend to the Executive  
22 Director to approve the requested variances and  
23 approve the consistency certification as  
24 requested.

25 Are there any questions?

1 (No response.)

2 JONATHAN MCLENDON:

3 Okay. Do we have a motion -- do we have  
4 a motion to accept the staff request of the  
5 requested variances?

6 RONNIE DANIELS:

7 I'll make a motion.

8 MATTHEW MAYFIELD:

9 I'll second.

10 JONATHAN MCLENDON:

11 All in favor?

12 (Unanimous vote.)

13 JONATHAN MCLENDON:

14 And do we have another motion to approve  
15 the consistency certification as requested by the  
16 DMR staff?

17 MATTHEW MAYFIELD:

18 I'll make a motion.

19 RONNIE DANIELS:

20 I'll second.

21 JONATHAN MCLENDON:

22 All in favor?

23 (Unanimous vote.)

24 JONATHAN MCLENDON:

25 Motion passes.

1 KATIE NELSON:

2 Thank you.

3 JONATHAN MCLENDON:

4 So we have no report for Office of  
5 Coastal Restoration and Resiliency.

6 No report on the Office of Finance and  
7 Administration.

8 Next up, Public Affairs, Ms. Charmaine.

9 CHARMAINE SCHMERMUND:

10 Good morning. The Mississippi  
11 Department of Marine Resources had 15 media  
12 mentions since the August MACMR. News items  
13 included the opening of gag and greater amberjack  
14 fishing seasons, Labor Day weekend boating safety  
15 tips and a grandfather and grandson working with  
16 our Shrimp and Crab Bureau to install a  
17 monofilament recycling station at River Park in  
18 Pascagoula.

19 The office of the Marine Patrol took  
20 part in the We Work the Waterways in Pascagoula on  
21 September 6th and the Vancleave homeschool co-op  
22 on September 12th.

23 CSO, Rick Burris gave a presentation for  
24 the GenSea field trip at USM on August 28th.

25 The agency sponsored the Biloxi Seafood

1 Festival and featured a booth at the festival,  
2 which was held this past Saturday. We had  
3 hundreds of visitors at our booth where MDMR staff  
4 handed out our publications, fish ruler stickers  
5 and various items promoting Mississippi Seafood  
6 and the National Heritage Area.

7 We launched our annual photo contest  
8 where the winning photos will be used in the  
9 agency's 2025 calendar. We ask that submitted  
10 photos depict an aspect of the marine resources  
11 available on the Mississippi Gulf Coast, including  
12 the recreational and commercial fishing, Coastal  
13 preserves, marine plant and animal life, marsh  
14 areas, boating and Mississippi seafood. The  
15 deadline to submit entries is Friday, October 25th  
16 and they can be mailed to  
17 [publicaffairs@dmr.ms.gov](mailto:publicaffairs@dmr.ms.gov).

18 JONATHAN MCLENDON:

19 Thank you.

20 Next up, Office of Marine Fisheries,  
21 MDMR, microbiological laboratory update, Becky  
22 Hargrove and Katherine Glover.

23 KATHERINE GLOVER:

24 Good morning. Hello. My name is  
25 Katherine Glover. I am a scientist with the

1 Shellfish Bureau, and today, I'm going to talk to  
2 you about how the MDMR Shellfish Bureau samples  
3 and manages our growing for oystering harvest.  
4 This program ensures Mississippi oysters are safe  
5 to eat and that the public's exposure to potential  
6 illness is minimized. We work very closely with  
7 the microbiology lab to reach this goal.

8 Okay. So just a little oyster biology  
9 to start. As we all know, oysters are filter  
10 feeders, meaning they take in the water around  
11 them to eat plankton and other small animals.  
12 They will then push out cleaner water back into  
13 their environment. This has been demonstrated  
14 many times by placing the oysters in cloudy  
15 aquarium tanks and then watching the water clear  
16 up as they feed.

17 One large downside, however, is that  
18 they will also eat bacteria and viruses that are  
19 in the surrounding water. These harmful organisms  
20 will collect in the oyster and they can cause  
21 problems when the oyster is harvested.

22 So how do we protect the public who  
23 enjoy eating raw oysters? We monitor the water  
24 quality in order to lessen the chance that someone  
25 will get sick from eating raw or potentially

1 cooked oysters -- or partially cooked oysters that  
2 have been harvested from Mississippi waters.

3 The NSSP model ordinance is a document  
4 that provides guidelines to shellfish producing  
5 states on how to mitigate public health risks and  
6 according to their most recent version, the state  
7 authority or MDMR will establish sampling stations  
8 to effectively evaluate the health of our oyster  
9 growing waters.

10 So here's a map of all of our growing  
11 areas within the state, and then within each area,  
12 the Shellfish Bureau has placed sampling stations  
13 between the oyster resource and areas that pose a  
14 potential threat, such as sewer pipes, lift  
15 stations, wastewater treatment plants, industrial  
16 areas, et cetera. There are 89 sampling stations  
17 that we monitor along the Coast and they are  
18 tested every single month throughout the year.

19 After the samples are collected, we are  
20 very lucky to have an in-house lab that analyzes  
21 the water quality. The samples are delivered to  
22 the lab staff and results are received after one  
23 to two business days. Based on these results, if  
24 the water is sanitary, we can open for harvest.  
25 However, if they are deemed unacceptable, the area

1 will close. When this occurs, we will continue to  
2 sample the water, but we will also sample oyster  
3 tissue to make sure that it's safe to eat. Once  
4 both water and meat samples are approved, the  
5 closed area will re-open for harvest.

6 Currently, we have more than 20 years of  
7 water sampling data that is used to monitor  
8 potential triggers for closing events and to aid  
9 our staff in mitigating public health risks.

10 Now I will turn it over to Becky  
11 Hargrove, who is the director of our microbiology  
12 lab.

13 BECKY HARGROVE:

14 As Kat just said, that -- I am Becky  
15 Hargrove. I'm the director for the Mississippi  
16 Department of Marine Resources Microbiology.

17 (Commissioner Osborne leaves meeting.)

18 BECKY HARGROVE:

19 And we do work closely with the  
20 Shellfish Bureau because we are the data  
21 generators. We are the ones that are getting the  
22 results of the testing that is needed for the  
23 Shellfish Bureau to be able to have these growing  
24 areas open or having to re-open to have a safe  
25 product of oysters that we all love to eat.

1           Okay. So why is it important to know  
2 what type of level of fecal coliforms are in the  
3 water or in the meats of the oysters of our  
4 growing areas? Well, we like to eat these oysters  
5 raw or we like to have them where they're  
6 partially cooked or charbroiled there on the  
7 grill.

8           And so to be able to have a safe  
9 product, we need to look at the amount of fecal  
10 coliforms that are either in that water area, in  
11 the water samples around that area, because we  
12 know oysters are filter feeders that water is  
13 going to be filtered through; so if you have fecal  
14 coliforms and other bacteria and viruses, then  
15 that is going to be getting into that meat that we  
16 like to eat.

17           And so one of the fecal coliforms that  
18 we are very familiar with is e. coli. And e. coli  
19 is a bacterium that you find commonly in the gut  
20 and the lower intestines of the warm-blooded  
21 animals, but it's also a great indicator for other  
22 organisms that might be in there, and that's why  
23 it's considered an indicator organism. It's very  
24 easy to detect. You can detect it at very low  
25 levels, but if you're seeing fecal coliforms



1 around, then you might be also seeing other  
2 disease-causing bacterias that causes illnesses as  
3 typhoid, dysentery, hepatitis A and cholera.

4 So in order to be able to have these  
5 growing areas open or to re-open after a storm  
6 event or if the area has been closed, you have to  
7 have testing, and we are super elated and excited  
8 to say that in March 26th, 2024, the microbiology  
9 laboratory was compliant to be able to run these  
10 tests. The tests for opening them are regulated  
11 in the protocol set forth by the National  
12 Shellfish Sanitation Program administered by the  
13 FDA, and so, therefore, now we're able to do this  
14 testing, quote/unquote, in-house. That's why we  
15 have such a great -- we get -- the samples are  
16 being taken with the Shellfish Bureau and then now  
17 the microbiology lab is able to run these samples  
18 all together.

19 All right. Two of -- I forgot to  
20 mention to you. These are the two tests that we  
21 are compliant for, so that first slide is the  
22 multiple tube fermentation technique. That's what  
23 we use to test on the sea water that is around  
24 those oyster reefs.

25 And then the second test is the type of

1 test we use to actually test those meats in the  
2 oysters. Again, it's a multiple tube test and we  
3 add a standard plate count for those shellfish  
4 meats, and I will explain that you to in these  
5 next slides.

6 Okay. So here is our fecal coliform  
7 water testing. As you can see, Raul and I are on  
8 the first photo there. And it takes a lot of  
9 tubes to be able to do this type of test, so what  
10 we use is we use these test tubes full of media  
11 and we make the media all ourselves in-house as  
12 well, and the media is the food for the bacteria.  
13 And, so, of course, we have to have that special  
14 food for them in the -- inside those tubes.

15 We go ahead and we take three dilutions  
16 of that water sample. While we're taking all  
17 these different dilutions -- because we're trying  
18 to find that perfect sweet spot of what bacteria  
19 level could be -- if we go ahead and just put  
20 100 milliliters, maybe then we go to see that, the  
21 results the next day, it's too high. We can't do  
22 anything with that result. It's just too much,  
23 and then -- or if we have too low, so that's why  
24 you have different dilutions, to try to find that  
25 sweet spot in there for -- we can actually use

1 these numbers to help with the opening and the  
2 closing, so it's five tubes each of each dilution.

3 And then also what's unique about fecal  
4 coliforms is that they will ferment sugar, so  
5 there is sugar inside that media lactose. And it  
6 will take -- at 44.5 degrees Celsius, you push  
7 this bacteria up to that temperature, it will  
8 actually ferment the sugar. So that's what we're  
9 trying to capture here in that picture there on  
10 the far right. It's a test tube that has the  
11 media in there that has the sugar. After 24 hours  
12 of us putting those tubes at 44.5 after we put the  
13 water sample in, now you will see -- can you see  
14 the effervescence, the growth, the bubble inside  
15 of there? So that is considered a positive tube  
16 for fecal coliform, so you're seeing effervescence  
17 and you're seeing growth.

18 So after we run the samples and we look  
19 at them the next day, we count how many of those  
20 positive tubes there are. And once you take that  
21 number, how many that are positive, we are able to  
22 calculate what is known as a most probable number,  
23 an MPN. And really, what you're doing is you're  
24 getting an estimate of how many colonies could be  
25 there because we're just looking at presence and

1 or absence. Is the fecal coliform there? Yes,  
2 it's in the tube, but then how many tubes is it in  
3 there? And then from there, we can come up with a  
4 calculation, which they call most probable number,  
5 and that's the number we give shellfish and that's  
6 the number that they were able to do their  
7 regulations that they need to do on the oyster  
8 growing areas.

9           The meats are a little bit different.  
10 The meats, we actually have to shuck the oysters  
11 and find out how many fecal coliforms are inside  
12 the meat. So it's not so much fun as if you go to  
13 a bar and watch them shucking in front of you or  
14 if you've gone to shuck yourself because you're  
15 able to go behind and on that hinge. It's easy to  
16 pop. We actually have to go in the front.

17           We have to use aseptic technique.  
18 Everything has to be sterile. We can't -- we want  
19 to make sure the fecal coliforms we're seeing  
20 inside of that meat is true to that meat source  
21 and that we're not getting anything, contaminates,  
22 from the mud of the hinge and even from our hands  
23 and from the instruments we're using.

24           So we actually have to pop it from the  
25 bill. So when we hear, oh, we will help you

1 shuck, we're like, it's a little different type of  
2 shucking. You have to get into the bill and it's  
3 a lot harder to do.

4 And then you can see, we nicely put that  
5 meat in there in that next picture and we make a  
6 wonderful oyster shake. So if you didn't like to  
7 eat oysters before, after you see the shake,  
8 you're not going to want to -- or the smell,  
9 you're probably not going to want to eat them  
10 anyway.

11 But then we take -- again, it's kind of  
12 the same type of testing. We take the sample. We  
13 take the oyster meats, sample that nice slurry.  
14 We put it in the test tubes again, and then this  
15 is a four dilution this time. Instead of just  
16 three dilutions, we actually just break it down  
17 into four dilutions, count how many are positive  
18 and, therefore, we can get that MPN number.

19 What's a little bit different, though,  
20 we actually take some of that, put it in a plate,  
21 put the media on top of it, the gel part of it,  
22 and in 48 hours, we can actually have a colony  
23 count. So we're getting not just, oh, is it  
24 present there and kind of an estimated most  
25 probable number, we're also getting a true colony

1 count and that also helps with us to make sure how  
2 our testing is. It's almost a checks and balance  
3 in our testing, because if we're getting a very  
4 high MPN number, but we barely have bacteria  
5 counts on the plates, uh-oh, what did we do wrong  
6 or vice versa.

7 Okay. Moving forward, what are some  
8 capabilities we'd like to move forward with the  
9 micro lab? One is for our potable water testing.  
10 This is something for the seafood processors.  
11 Some of the seafood processors are still using  
12 well water, so the water is not being tested by  
13 the City. So, therefore, it needs to be tested to  
14 see -- especially the water that they're using to  
15 clean the shrimp or clean the shellfish that  
16 you're -- that you're wanting to package.

17 And so what we look for is a total  
18 coliform type testing. It's just a presence and  
19 an absence. And also, we do a colony count as  
20 well. If it's there, then we let the processors  
21 know and they have -- there's regulations and  
22 protocols they have to go through, so it's a  
23 presence/absence. Is this there or is it not?  
24 And so that's something that we can start moving  
25 forward and doing that type of testing.

1           Vibrio testing, we hear about vibrio a  
2 lot and vibrio testing is that something that,  
3 with technology, has moved forward quite a bit, so  
4 we actually test vibrio, different species of  
5 vibrio by plating. You can see on that left-hand  
6 side, the special type of auger. It's pretty  
7 neat. It actually -- you can see four different  
8 species of vibrio just by the color, and so you're  
9 able to do testing that way.

10           And PCR work, this is where, okay, we  
11 have a lot of vibrio. We might have -- what type  
12 of vibrio do we have? And so, yes, you can look  
13 at the plates, but we can actually get into the  
14 DNA part of it. Is this the actual strand of  
15 vibrio that may be pathogenic, and so that's  
16 another avenue that we can go on with.

17           And wet storage, we're wanting to move  
18 along with the industry. What can we give? What  
19 can we do? How can we help? And so one other  
20 thing is also wet storage is also a topic and if  
21 that comes about, then we are hoping to be able to  
22 help with that testing. So when these oysters are  
23 coming out of the growing areas or with the  
24 aquaculture and then they're putting into these  
25 tanks for wet storage, you have to test if there

1 is bacteria in there as well because as we know,  
2 they're filter feeders. They're going to pick all  
3 that up.

4 And at the end here, this is our crew in  
5 the micro lab, and if you have any questions for  
6 me or Kat. All right.

7 JOE SPRAGGINS:

8 I'd just like to say thank y'all for  
9 what to do, and we're lucky to have two new labs.  
10 I'll tell you what. We're able to test a lot of  
11 things that we were not able to test before, and  
12 we've very lucky to have the people here to help  
13 us to do that and we appreciate everything that  
14 y'all are doing.

15 JONATHAN MCLENDON:

16 Yeah. Absolutely. I think you see  
17 anything with something that's going good, it's  
18 got a good price, it's got a good demand -- you  
19 can just look at the recent deli meat recalls and  
20 look at how fast and how hard these things can go  
21 south, so appreciate you.

22 Next up, we have Grand Bay National  
23 Estuarian Research, Ayesha Gray.

24 AYESHA GRAY:

25 Yeah. Hey.



1 JONATHAN MCLENDON:

2 Hello.

3 AYESHA GRAY:

4 So how are y'all doing today? Good.

5 So I just want everyone to come out and  
6 celebrate National Estuaries Day with us. So I  
7 mentioned this last time I was here, is we have a  
8 program called Seaside with a Scientist where we  
9 take the public out on boat rides and they can go  
10 around the reserve and meet our scientists as they  
11 are working in the field and it's a really fun  
12 day.

13 The boat rides are all full at this  
14 point, so they usually fill up right away, but  
15 there is always -- there is a waiting list and  
16 there is kind of always -- you can -- you show up  
17 sometimes -- at the early one, sometimes people  
18 aren't there and you can snag a spot.

19 And then, also just as a reminder that  
20 the building is also open. Our trail is open.

21 Next slide.

22 Our trail is open. The building is  
23 open. The boardwalk is open. And we have a lot  
24 of our partners that come and they set up  
25 different displays, so you can see all kinds of

1 critters. There is all kinds of activity. Kids  
2 can do art projects, so there is a lot going on,  
3 even if you're not able to get on the boat and go  
4 out with us.

5 Any questions?

6 RONNIE DANIELS:

7 So it says, Saturday, September 30th. I  
8 was just looking at my calendar. Saturday is the  
9 28th.

10 AYESHA GRAY:

11 Well, that would be the mistake. I'm  
12 sorry.

13 RONNIE DANIELS:

14 Okay. I thought I was going crazy.  
15 Sorry.

16 AYESHA GRAY:

17 No. No. That would be me. Yeah. It  
18 should be the 28th. It's the last Saturday in  
19 September, yeah.

20 RONNIE DANIELS:

21 Yeah.

22 JOE SPRAGGINS:

23 Well, we do want to -- Ayesha, Dr. Gray  
24 has a great organization out there, and it's kind  
25 of a kept secret that we don't want to be kept.

1       AYESHA GRAY:

2                   Yeah. We're trying to tell as many  
3 people as we can.

4       JOE SPRAGGINS:

5                   Yeah. We're trying to get it out there  
6 to everybody. We're lucky to have this -- the  
7 NERR here, and they are doing a great job. They  
8 do a lot of things for a lot of -- a lot of kids  
9 get a lot of education there, so don't hold it as  
10 a secret. We're not trying to hide it. Okay? So  
11 y'all please advertise it for us.

12                   And Dr. Gray, we appreciate everything  
13 y'all do over there.

14       AYESHA GRAY:

15                   Yeah, sure thing.

16       RONNIE DANIELS:

17                   They've got a great staff there, too,  
18 Joe. They've come out the past two or three years  
19 to our kids' event at the boat shows and set up a  
20 display, and that's been a huge hit every year.

21       AYESHA GRAY:

22                   Yes. That's great. All right. Thanks.

23       JOE SPRAGGINS:

24                   I think I have one other thing.

25       JONATHAN MCLENDON:

1 All right. Moving on to other business.

2 JOE SPRAGGINS:

3 I do have one thing. I forgot to do it  
4 earlier. The on-bottom -- on-bottom oysters, we  
5 are finishing up now. We have, I think, our  
6 process of how we want to operate. I need to get  
7 everything 100 percent approved. I think we're  
8 there. Hopefully, we will go out with a press  
9 release in the next day or so, and we're shooting  
10 for 1 October as being the date now as to whenever  
11 we will open it up, the leases and we'll open them  
12 up for around 60 days, and so that will put us to  
13 the end of November.

14 And we will be able to get those leases  
15 and hopefully have them in effect so we can start  
16 getting them done and by the first of the year  
17 next year that everybody will have -- we can have  
18 leases for people that want to be able to put  
19 their on-bottom oysters.

20 So a long process, but we want to get it  
21 right and we want to do it right. And the team is  
22 working very hard on it and so we appreciate that.  
23 But we want to make sure that we get everything  
24 and we take care of the things in the right way.  
25 Any questions on that?

1 (No response.)

2 JOE SPRAGGINS:

3 Thank you.

4 JONATHAN MCLENDON:

5 Any public comments today?

6 JOE SPRAGGINS:

7 None that I know of.

8 JONATHAN MCLENDON:

9 All right. Can I get a motion to  
10 adjourn?

11 MATTHEW MAYFIELD:

12 Motion to adjourn.

13 JONATHAN MCLENDON:

14 I'll second.

15 All in favor?

16 (Unanimous vote.)

17 (Meeting adjourned at 10:16 a.m.)

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**CERTIFICATE OF COURT REPORTER**

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

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

15 Witness my signature and seal, this the 7th  
16 day of October, 2024.

17  
18 /s/ Melissa Burdine-Rodolfich

19  
20 Melissa Burdine-Rodolfich  
21 My Commission Expires 4/03/28  
22  
23  
24  
25