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March 25th, 2024

General Joe Spraggins  
Executive Director  
Mississippi Department of Marine Resources  
Bayview Avenue  
Biloxi, MS

RE: Protection of the "Tom Reynolds property" on Beach Drive in Ocean Springs, MS owned by the State of Mississippi and in the custody of the Mississippi Department of Marine Resources.

Dear Director Spraggins:

Healthy Gulf has been contacted by its members and supporters in Ocean Springs, Ms. about plans that the City of Ocean Springs may have to use a piece of state land as a gravel parking lot as part of preparations for building a new marina in Ocean Springs.

Gulf Restoration Network (Healthy Gulf), founded in 1996, is an environmental advocacy non-profit organization with members in the five Gulf States. Our work is to provide people who love the Gulf with the information and tools they need to protect the Gulf's natural resources. I am the group's water program director and live and work in Madison, Mississippi.

The property in question is described as being in Claim Section 37, Township 7 South, Range 8 West Jackson County Mississippi. It appears on maps as a lot or lots at the corner of Jackson Avenue and Beach Drive in Ocean Springs. The parcel of land in question is owned and managed by the Department of Marine Resources with conditions placed on that ownership and management in the 2010 warranty deed that transferred ownership of the property from Tom Reynolds Sr. LLC to the State of Mississippi.

The Department bought the property using Coastal Improvement Assistance Program (CIAP) funds in 2010. The conveyance contains the following deed restrictions:

*"The property herein issued conveyed shall be used for the conservation and preservation of its natural features in recognition of the public benefits in protecting it as a coastal area and associated ecosystems in the interest of present and future generations. The property shall be used and maintained forever as a natural area for the preservation, protection, restoration and sustenance of its natural characteristics and features, and of its ecological integrity and associated habitats and for compatible use purposes. Grantee acknowledges that the property is being acquired for permanent preservation and public purposes only. Grantee shall not directly or indirectly convey the property to any person or entity for use in a commercial enterprise or other non-public use, and grantee shall make no use of the property that is inconsistent with the restrictions and uses contemplated by the covenant. The property shall be*

*managed and maintained to the fullest extent possible in its natural state, except for public outdoor recreational purposes consistent with preservation of the property in its natural state including but not necessarily limited to the undertaking of scientific and educational research, education and nature study, aesthetic enjoyment, ecological management, and maintenance of fences, a park, boat landings and foot trails as may be appropriate to effectuate the foregoing purposes without impairing the essential natural character of the property. These conditions shall run with the land in perpetuity. The grantor or any citizen of the state of Mississippi may enforce these covenants and conditions using all remedies available at law or equity, including injunctive relief."*

Our Jackson County members strongly object to the plans that the City of Ocean Springs has made to use this piece of property as a gravel parking lot. No amount of landscaping or planting or use of permeable paving bricks can change the fact that use of this parcel as a parking lot breaks the covenant which was a condition of the sale and transfer to the State of Mississippi. A parking lot is not a use that maintains the property as a natural area forever as contemplated by the deed language.

Even a parking lot to serve a public marina is inconsistent with "managing and maintaining the property to the fullest extent possible in its natural state." This means that the MDMR is bound to protect this property - much the same as it would protect its Coastal Preserves. Some public outdoor recreational purposes are enumerated in the deed: "maintaining fences, a park, a boat landing, or foot trails" - as long as they do not impair the essential natural character of the property. Parking vehicles on a gravel lot will also bring leaks of transmission fluid and oil to the property. A parking lot cannot be created here without impairing the essential natural character of the property. A parking lot provides very little ecological or habitat value and is certainly not a conservation and preservation use as contemplated in the first sentence of the above granting language.

The Bureau of Ocean Energy Management, the agency in charge of the CIAP funds that purchased the property needs to be informed of any conversion to another use, and it is not clear whether this agency has given assent to the proposal of the City of Ocean Springs to build a parking lot here. The federal agency continues to hold rights regarding the disposition of real property under 43 CFR 12.71 since that property was purchased with CIAP funds.

Your agency should inform the City of Ocean Springs that it cannot change the use of the parcel to build a parking lot. It may put a fence around it, and keep the trash picked up, but that is all.

Sincerely,

A handwritten signature in black ink that reads "Andrew Whitehurst". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

Andrew Whitehurst

Water Program Director, Healthy Gulf