COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

December 18, 2012

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COMMISSION ON MARINE RESOURCES

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COME TO ORDER

DR. ASPER: Good morning. I'd like to welcome everybody to the regular December meeting of the Mississippi Commission on Marine Resources. I'd especially like to welcome Senator Coletti. I believe he's back there. Always great to have you here. Welcome.

We have an agenda, copies of the agenda, in the back of the room, and we also have these little forms. If you would like to speak during the public comments section, please fill one of these out and give it to the ladies up front here, and we will enjoy hearing your comments.

B. Approval of Minutes

DR. ASPER: The first item on that agenda is to approve the minutes. Are there any modifications, or is there a motion to approve as distributed?

MR. GOLLITT: I make a motion that we approve as distributed.

DR. ASPER: Is there a second?

MR. DRUMMOND: I'll second the motion.

DR. ASPER: Now, this is for -- we did not get minutes from the special meeting. This is just from the regular meeting. Okay. Make that clear.

Those in favor of approving the minutes as distributed say aye. Carries unanimously.

C. Approval of Agenda

DR. ASPER: The next is approval of the agenda.

Are there any items that need to be added or removed from the agenda?

DR. WALKER: No, sir, Mr. Chairman.

DR. ASPER: Okay. Is there a motion to approve the agenda?

MR. DRUMMOND: So moved, Mr. Chairman.

DR. ASPER: Is there a second?

MR. GOLLITT: I'll second it, Mr. Chairman.

DR. ASPER: Those in favor say aye. Carries unanimously.

D. Public Comments

DR. ASPER: Next we have the time for public comments. We have one of these so far. And that is for Brad Stapleton. Please come to the podium, state your name, and let us know what's on your mind.

MR. STAPLETON: How are you doing? I'm Brad Stapleton. I'm a commercial fisherman. I dredge and tong. And what I'm here to ask for is if we can get a possible extension on the tonging reef.

The resource is there. It's not being overworked. The economy is bad. It's not a lot of jobs out there. We ask if you all would like to reconsider closing it on the 29th and maybe give a possible extension.

DR. ASPER: Are you talking about dredging or tonging on the tonging reef?

MR. STAPLETON: Tonging on the tonging reef.

DR. ASPER: Tonging on the tonging reef.

MR. STAPLETON: We worked out there yesterday was our first day. We've been dredging all year. We tied the dredge boat up. Went. We had them in just over two hours yesterday. So the resource is there.

We just ask ya'll to let us work it.

MR. BOSSARD: And how many people do you think may switch from dredging to tonging?

MR. STAPLETON: I imagine there's 15 or 20 of them that will go do it, also. And it may be more, being that the cap is off the license, more of them may come and try.

MR. BOSSARD: And I think Scott Gordon is going to talk about some of this. That's great. I think it's a good idea. But we'll see what Scott's got to say.

MR. STAPLETON: All right. Thank you all.

DR. ASPER: Next item on the agenda is executive director's report.

E. Executive Director's Report

DR. WALKER: I don't have anything, Mr. Chairman.

Okay. Next is marine patrol.

MS. CHESTNUT: I do have some administrative penalties to go over.

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The first two on the agenda, Elijah Troutman, Administrative Cause Number 011412-01, and Sean Bartosik, Cause Number 011412-02. These individuals were stopped on approximately 1:00 p.m. January 14, 2012, in a vessel bearing MI 4720AY near Beacon 22 east Biloxi channel.

Upon questioning, it was determined that the vessel had been at the Triple Yellow Rig in federal waters. The ice chest contained 28 red snapper, 12 of which were under the legal size limit of 16 inches. And the cooler also contained two redfish.

Service was made on the two minor individuals and their parents. And a meeting was held, an informal settlement conference was held with the executive director on November 19.

The executive director's recommendation to the commission is that an administrative penalty against Elijah Troutman and Sean Bartosik in the amount of $1,000, with $500 suspended, contingent upon no new fishing violations being committed in any jurisdiction for a period of two years, and payment of fine of $500 within 45 days of the approval of the recommendation of the commission.

I would like to note that at the informal settlement conference, both of the minors asked that they be allowed to perform community service in addition to any fine that the commission may impose.
DR. ASPER: Could you say that again? They requested permission to perform public service in addition?

MS. CHESNUT: Right. Their parents attended the informal settlement conference with them. And they did wish to be allowed to do some community service, as well.

I talked to marine patrol about that, and they said they could work with them to have them do some community service.

And I think that both of the individuals are here, and if there's anything they would like to say, they can come forward.

MR. BARTOSIK: I'm Sean Bartosik. And I would just like to say that I'm sorry for what we did. We got caught up in the moment, and we weren't really thinking about the risks over the rewards. So sorry for that.

MR. TROUTMAN: I'm Eli Troutman, and I'm also sorry for everything I've done. I've learned from my mistakes and everything that I've done. So thank you for the small fine you've given us, but community service would help me out, if you could.

Thank you.

MS. CHESNUT: We just need a motion on what the recommendation would be.

DR. ASPER: So the recommendation, just to summarize it here, it lists the amount of $1,000 fine, with
$500 suspended, contingent on no new fishing violations in the next two years.

MS. CHESNUT: Correct.

MR. BOSARGE: Would that be per person?

MS. CHESNUT: Yes, that would be for each individual.

DR. ASPER: Is there a motion?

MR. GOLLOTT: Mr. Chairman, I'll make a motion that we accept the staff's recommendation and that we work out the public service.

DR. ASPER: So you're making the motion that we accept the recommendation of $500 per person fine and also that the enforcement personnel work with them for the public service?

MR. GOLLOTT: Yes, sir.

MS. CHESNUT: Just specify a number of hours.

PERSON IN AUDIENCE: We'd like 20 hours.

DR. ASPER: Twenty hours. Would that be okay with the motion?

MR. GOLLOTT: No. I think 50 hours would be more acceptable.

DR. ASPER: Okay. Is there a second to the motion?

MR. BOSARGE: I'll second the motion.

DR. ASPER: Is there any further discussion?

I believe that concludes the executive
director's section.

We'll now move to marine patrol. Rusty.

F. Marine Patrol

2. Marine Patrol Report

MR. PITTMAN: Good morning, Mr. Chairman, commissioners, Dr. Walker, Sandy. You have in front of you our report for the month. You'll notice on the front page the violations we had during oyster season so far.

On the second page, we have the fishing violations. A few no saltwater fishing license citations, not as many as has been in the past. There was some commercial activity north of CSX. And we had some sale of recreational caught fish. All those cases are all together.

Boat and water safety violations were down, most likely due to the weather this past month.

Boating accident without injuries, we had four. Special events, we had two. It was Biloxi Night Out Against Crime, and Mothers Against Drunk Driving program at the Edgewater Mall with Biloxi PD.

JEAn patrols, we had 51 patrols, 743 man hours, 558 contacts, no EARs, but 12 citations, state citations.

DR. ASPER: Thank you. I just have a couple of quick questions.
First of all, regarding gill nets, this is the line of your where we used to have lots of problems with that. What's the status on that issue?

MR. FITTMAN: We've had a couple of calls come in about gill netting activities. Our officers been working at night and during the day trying to locate them. So far we haven't come across any.

DR. ASPER: Okay. And regarding the JEA activity, could you just refresh us a little bit on what that entails, what vessel do you use and how far out you go, so forth?

MR. FITTMAN: We use our offshore vessels, 27 foot and 33, and we also have the MISSISSIPPI, the 52 foot that we can -- we can patrol up to 200 miles as long as our fuel will allow us to go. It's usually at the most 100 miles offshore. But we check all boats for federal fishery regulations.

Now, if we make minor cases like what comes up before you, the National Marine Fisheries would rather not handle, we bring those to the administrative penalties.

DR. ASPER: So this is a program, just to refresh our memory, this is a program wherein the federal government actually pays our expenses to go out?

MR. FITTMAN: It's through NOAA. And we get a certain amount of money each year from the Federal Government.

Out of the allotment that we get, we divide it up to where so much goes to equipment and fuel, the other goes towards man hours where our officers can work on their days off and earn extra pay instead of having to go out if they need to to find another job, and we have several officers that work this program. And it brings in time and a half overtime pay after the first 11 hours.

It's all through the federal government. No state tax money.

MR. BOSARGE: And those officers have to, I believe, be deputized?

MR. FITTMAN: They're deputized federal agents. They attend the school in Glycine, Georgia, federal law enforcement training center, where they go through a four week course with the federal regulations in boarding vessels offshore.

MR. BOSARGE: Good.

MR. DRUMMOND: Rusty, I see there are four no captain's license here. I assume they were on dredging vessels?

MR. FITTMAN: Yes, sir.

MR. DRUMMOND: Don't they have to have a captain's license to get a license to dredge?

MR. FITTMAN: When they buy an oyster license for that boat, there is a special captain's license that's on

1 that. But these individuals were running the boat didn't have a captain's license. They were running it for the owner of the boat. So the captain that was listed on that license wasn't even on board.

MR. DRUMMOND: Thank you.

DR. ASPER: I've got to ask about the no marine sanitation device. And I recognize one of the names on the list. And I know that the boat is just an old skiff.

What sort of sanitation device is required on boats like that?

MR. FITTMAN: Marine sanitation device -- actually, the department last year gave out or two years ago gave out 200 to 280 of them that were supplied to them. And it's like a sanitation device like you have in a portable camper type situation that will hold and not spill over the sewage.

This person didn't have anything on the boat.

DR. ASPER: Okay.

MR. FITTMAN: I'd like to wish you all a very Merry Christmas, too, and a safe holiday.

DR. ASPER: Likewise.

Fisheries. Joe.

G. Marine Fisheries

MR. JENELL: Good morning, commissioners, Dr.

Walker, Sandy.

I want to wish everybody a Merry Christmas and Happy New Year.

Dale sends his apologies. He was unable to attend this morning.

We have three items on the agenda. And first up is Title 22 Part 17, the means test, action item by Matt Hill.

3. Title 22 Part 17 Notice of Intent

MR. HILL: Good morning. Good morning, Sandy. I'd like to take Title 22 Part 7 out for notice of intent. It's establishing the means test for the commercial harvest of spotted seafloor.

Part 7 is the regulations to provide size limits and bag limits for certain fish species and to prevent sale of seafood by recreational fishermen.

The proposed changes will establish a means test in which commercial fishermen must qualify in order to harvest spotted seafloor.

This change will be made on Chapter 9 Section 110, and it shall read: Individuals harvesting spotted seafloor for sale must possess a spotted seafloor endorsement in addition to a current applicable harvester's license. To qualify for this endorsement, an application must be completed. The fishermen must present proof that $5,000 of seafood product was sold in any 12 consecutive months. Proof will be copies of

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sales records and a copy of the applicant's harvester's license for the appropriate time period or the fisher must present proof that ten percent of their net income came from commercial fishing activities in a previous tax year. Proof would be a form provided by the DMR, completed by a licensed tax preparer, possessing a preparer tax identification number, must be notarized, and submitted to the department. This endorsement will be valid for a three year period at which time a new application with qualifying documents must be submitted for a new endorsement. The income requirement and seafood sale provision of this section shall cease to be in effect April 30, 2020, unless further commission action is taken to extend this requirement.

What will be required today would be a motion for notice of intent of the proposed rules upon the completion of the economic impact statement.

MR. GOLLOTT: Would you back it up one...
What I'd like to do if it's possible is take out that sunset provision in there April 30, 2020, just take that out.

Does anybody have any comments on that?

DR. ASPER: Could you comment as to why that's in there?

MR. HILL: It was a recommendation given from the executive department that we put a sunset clause in there.

So we put a sunset clause in there. It was not a recommendation from the commission.

DR. ASPER: You say executive department.

MR. HILL: It was a recommendation from Mr. Guice.

MR. JEWELL: The reason a sunset clause is put in there is that there may be unanticipated issues that arise. There may be issues from the fishermen that may come up. And it simply allowed the commission to go a period of time and then review that at the end of that time. It would almost be like a mandatory requirement for you all to review it at the end of that time.

It doesn't set a limit or extinguish the actual provision within the ordinance.

MR. HILL: You would be allowed -- you would be allowed to remove this clause without going through an economic impact statement with the sunset clause. You would let it run out, expire.

DR. ASPER: So there's really no negative to leaving it in there because the commission at that time could simply renew it. But it does allow us the possibility if conditions exist where we simply want to cancel it of letting it expire without doing that economic impact.

MR. HILL: It would eliminate the stop of the economic impact statement for eliminating that for this particular rule. Or you could just renew it at a certain time.

MR. TAYLOR: Would we need an economic impact statement to renew it?

MR. HILL: No, you would not.

MR. GOLLOTT: Okay, Mr. Chairman, I'll make the motion that we accept this and send it out for public review.

DR. ASPER: With the sunset clause?

MR. GOLLOTT: Yes, sir.

DR. ASPER: Is there a second?

MR. BOSWORTH: Second.


MR. HILL: Thank you.

MR. JEWELL: Our next presentation is an oyster season update by Mr. Scott Gordon.

4. Oyster Season Update

MR. GORDON: Good morning, Mr. Chairman, commissioners, Dr. Walker, Ms. Chesnut.

Very short presentation for you today. It's limited oyster season update.

These are preliminary numbers through this last Saturday, December 15.

The limited oyster season opened November 5, 2012. So far we've had 48,964 sacks harvested. And that was over 3,117 trips. And that's an average of 15.7 sacks per trip for all harvest types, both dredging and tonging.

The dredging limit is 20 sacks per boat per day, and the tonging limit is 12 sacks per boat per day.

Dredgers have harvested a total of 47,965 sacks over 2,934 trips. That averages out to 16.3 sacks per trip.

And the tongers have harvested again through the last Saturday 999 sacks over 183 trips. That's averaging five and a half sacks per trip.

Now, early on the tongers had some difficulty locating them. I believe that they have found a pretty good spot out there on the reef, and a good number of the tongers are able to make their daily sack limit of 12 sacks per day.

Something that I wanted to point out to the commission. We've been very lucky throughout this limited oyster season with not having any closures due to rainfall and river stage. We've got that coming, and it looks like it's going to happen tomorrow.

As you can see, the ten foot stage right there, that will shut down the inshore waters, so that will shut down Area II-A and II-B. But it will leave some of the other areas open. The areas the tongers are working right now, that will stay open. And there are some areas of II-B and II-F that's in the larger II-C area that shuts down on 12 and a half foot river stage.

The rain that we had this week was
in insignificant. I would like to see a little more rain. You
know, I think we're still under kind of drought conditions.

There's supposed to be pretty good blow coming I think on
Thursday, so that's going to be interesting. But we've been
very fortunate in what we have done.

The request on keeping these areas open for the
tongers, Dale and I have already discussed, and we don't
see any problem with that. And it looks like I do anticipate
that we will see additional tongers get into it. And with the
limited season, the opening order, the commission did authorize
the executive director to extend that December 29 closure.
Also that's what our recommendation will be to the executive
director.

Are there any questions?

MR. GOLLOTT: Scott, how did your season between
the bridges and the dredging and tonging reef, do you have any
preliminary sacks on that?

MR. GORDON: Yes, I do. And again, this was
through Saturday, so it was Monday through Saturday. That was
a six day time period.

We had a total of 452 dredging trips, and 7,257
sacks were harvested. And with the tonging, we had 37 tonging
trips, 225 sacks harvested.

So that's just about 7500 sacks in a week. That
is still, since this is a limited season, that was very low.

In a real good year, we can have 5,000 sacks a day come through
the Pass.

But as far as this being a limited season and
the oyster fishermen have been having to work the hook mussels
pretty heavily. I think the gentleman in here that had been out
chopping on those hook mussels can testify that's pretty tough
work.

But they are working those areas, and we are
seeing some benefit from it. But I think we're about to the
end of where the dredgers need to be.

MR. GOLLOTT: I had a fisherman from Pass
Christian call me, I think George Storrs, and was worried about
us closing this thing, the tonging reef down on -- was it the
29th I think he said.

What I'd like to do is encourage y'all to keep
this reef open until April, the last day of April, for these
tongers so they can make as much as they can, making a living on
this reef as long as we can.

MR. GORDON: Well, we will continue to monitor
it. And like I said, we're going to make the recommendation to
Dr. Walker to extend it past the 29th for the tongers. Not
sure the amount of resource that we have out there. But, you
know, we'll also keep up with the amount of the participation
that we have. And it's encouraging to see that. In fact, one
20
of the gentlemen I spoke to today was out on the tonging
reef said there were about eight or ten boats out today. So
some of the dredgers have already moved over into the tonging
area.

So we'll try to keep it open as long as we can.

MR. GOLLOTT: How long do you think? That's
like having an axe hanging over your head with these fishermen.
I mean, you need to come up with a figure.

MR. GORDON: I wish I had a crystal ball, and I
could give you an exact answer on that. But we will continue
to monitor it.

It took them a while to find this one spot and
to work through. But, you know, if we can, we'll certainly do
that.

Is that a vague enough answer for you?

MR. GOLLOTT: That's about as vague as you can
possibly get.

MR. GORDON: That's about as good as I can do
right now.

MR. GOLLOTT: Do we need to make a motion to
hold the season open until April 29 or 30? I mean, would that
help it?

MR. GORDON: You don't have to do that with how
the limited season --

MR. GOLLOTT: (Inaudible) to hold this thing
open.
pipeline has not been covered up yet. So I will have some
discussions with the people with that company to see if we
can't get that pipeline reburied so we can in the future open
up that area to some harvest.

That area would be open for tonging and has been
open for tonging, so that's the place -- another place where
the tongers would be able to go right now. There's no concern
of the tongers snagging into one of the cables or doing any
damage to the pipeline. So we will look at that.

MR. GOLLOTT: How large an area are we talking
about?

MR. GORDON: It's not a very large area. If we
have low participation, you know, maybe a dozen or so boats, I
think that area could last for a while. If we have a huge
influx of boats that come in here, I wouldn't anticipate it
lasting very long, not more than a few weeks.

But there are some oysters in there that I think
could be worked.

DR. ASPER: Okay. Thank you, Scott.

MR. JEWELL: Our final presentation is an action
item. It's a state record by Mr. Erick Porche.

5. State Records

MR. PORCHE: Good morning. I have one record
today to submit for your approval.

It is for a scamp, Mycteroperca phonax. The old
record was 24 pounds, 0.48 ounces. The new record will be 26
pounds, 15 ounces caught by Thomas O'Brien. That's our fish,
and Mr. O'Brien and scamp.

MR. DRUMMOND: Nice scamp.

MR. PORCHE: Any questions? Yes, sir.

DR. ASPER: Is there a motion to approve the
record?

MR. GOLLOTT: Make a motion we approve the
record for the scamp.

MR. DRUMMOND: I second the motion, Mr.
Chairman.

DR. ASPER: Those in favor say aye. Carries
unanimously.

MR. JEWELL: That concludes marine fisheries if
there's no other questions. Thank you.

MR. POWELL: I'm sorry. I got here late.

DR. ASPER: Come to the podium and state your
name.

MR. POWELL: My name is Jeffrey Powell. I'm a
commercial fisherman, but I'm also connected in -- some people
know who my mother is. She's a local historian, 36 years
retired from the Biloxi Library.

And I'm sorry again for being here late, but
I've got something I would like to propose to you all if you all
could look it over and tell me where I need to go from here.

I have locations of a scowl schooner that sunk
in the Tchoutacabouffa River or was abandoned. And we have
records indicating it may be a pretty well-known schooner for
its time. It was called a Haroun. And the boat is sunk in
very, very shallow water. And I'm trying to get in touch with
the people that would allow me or get in touch with
archaeologists to come and see if we can raise this thing and
donate it to the Seafood Industry Museum because there's 29
schooners that I know of myself on the Tchoutacabouffa River,
and that one is the most easiest accessible. And I don't know
if you've all been up in Natchez to see the ironclad they got
up there.

But I've been talking to Ms. Robin at the
Seafood Industry Museum, and she's interested in it, to see if
we can get this thing raised because it's a historical piece of
artifact that it's going to go away if we don't do something
with it. And it would be such an easy thing to get up. And I
can get the people to help volunteer and to help get this thing
up. All you need basically is a barge and a backhoe and about
a week, and we can have the thing sitting up and try to put it
inside the museum because the museum has lost most of their
stuff. And I know where a lot of artifacts are that I would
like to donate to the museum, but we're not allowed to do it
because we're not allowed to take anything off the bottom of
the rivers. But if I can get enough people involved in it and

was interested in seeing this, we could raise this thing. It's
about 95 percent still intact.

And I know it looks like a bunch of pieces on
the bottom, but when you wash it away, you see the deck is
still there and most of the boat is still there. And if we can
raise this thing and put it in a room as a display, it would be
wonderful, you know.

And just wanted to know if you all can help me get
in touch with the right people to get the ball rolling with it.

DR. ASPER: That sounds like an outstanding
project. I'm not sure personally who to recommend that you
would get in touch with.

MR. POWELL: I have photos of other schooners
that are in the river, but this is the smallest and most
intact. I think I have photos of the EVENUM DESFOREST that
is up at Schooner Harbor. And she is mostly intact herself. But
she's so big, you'd never get her out without digging a trench
through there to get to it. You'd never get her out of there.

This one on the other hand is very easy to go
to. With a couple of divers and a barge and a backhoe, we
could get that thing out of there and try to save it as a piece
of historic significance to Biloxi.

They weren't the prettiest in the world, but
they were scows. And that picture you showed them guys
tonging, there's a scow sitting alongside the guy who's
tonging. That's an actual scowl schooner.

DR. ASPER: The representative from the Secretary of State's Office is in the back there waving his hand. I suggest you start by talking with him, and he will point you in the right direction.

MR. POWELL: Thank you very much.

DR. ASPER: If there's anything that we can do, we'll help.

MR. POWELL: Like I say, if I can just get the permits and get the ball rolling for this and get some people involved, the ones that have volunteered to work to do it. I got two boats myself that I could put up there. Basically need a harge and a backhoe, and we can get the thing up.

MR. TAYLOR: And Jeffrey, another thing, volunteers, a lot of colleges like Jeff Davis and USM in the marine departments could probably get -- students could get credit for helping you do it. I don't think you'll have any problem getting volunteers if you can get it going.

MR. POWELL: Yes, sir. I'd like to get it going. I'm going to be leaving to go overseas, but if I can get it going and continue going, there's actually two schooners there. There's actually two of them. I haven't been able to relocate the other one. I've been doing it since I was 11 years old. And that one is kind of vague in my mind. But I know there's two of them close together, and that one I got relocated. Where the other one got buried, we don't know for sure. But I'm pretty sure there's two of them, and they're exactly the same size, exactly alike.

So, yeah, I appreciate any help I can get.

Thank y'all.

H. Coastal Ecology

MR. BOYD: Good morning, Mr. Chairman, commissioners, Dr. Walker, Ms. Cheesem.

Coastal ecology has one action item for your consideration this morning. And Greg Christodoulou will be presenting that.

3. Bureau of Wetlands Permitting
   a. Mississippi Phosphates

MR. CHRISTODOULOU: Good morning. My name is Greg Christodoulou, and I have the sole project for coastal ecology this month.

It's a permit extension request by Mississippi Phosphates Corporation and located in Bayou Casotte at 601 Industrial Road in Pascagoula. It's in the industrial development use district.

Here is the project location indicated by the yellow thumb tack, northern portion of Bayou Casotte, and here is Highway 90, and this is Pascagoula.

In November commission meeting in 2007, the commission approved permit to allow Mississippi Phosphates to maintain dredge approximately 22,500 cubic yards of material. And they had a five year maintenance agreement to do this work.

In November of this year, we received a request to extend that permit for an additional six months. Some of the recent bathometric work they've done indicated that they had some shoaling following Hurricane Isaac, and with the lower tides during the winter they thought that might be a concern with docking some of their vessels that came in.

They do have about 9600 cubic yards left on their permit to dredge, so they're asking for that amount.

The area indicated in red on the diagram is where the maintenance dredging will take place. The original permit had dredging a little bit farther out and in some of the boat slips. But this area is almost immediately adjacent to their docking areas.

Staff's recommendation is that the project is consistent with the Mississippi Coastal Program and serves a higher public purpose by restoring navigable depths to the company's docking facility. So staff recommends extending the permit for an additional six months until June 4, 2013.

DR. ASPER: Comments? Or is there a motion?

MR. BOYD: I make a motion that we accept staff's recommendation.

DR. ASPER: Is there a second?

MR. DRUMMOND: I second the motion.

DR. ASPER: Further discussion?

MR. DRUMMOND: I'd just like to know where the spoils are going to go.

MR. CHRISTODOULOU: Back in 2007, we did not have a beneficial use statute. So they were going to just upland disposal. They have their own onsite facility for upland disposal. So this material would be for upland disposal at their location. But any new dredging plans that they put forth would have to go toward beneficial use.

MR. DRUMMOND: Thank you.

DR. ASPER: We have a motion that's been seconded. Any further discussion? Those in favor say aye.

Motion carries unanimously. Thank you.

MR. BOYD: That concludes our presentation.

DR. ASPER: Financial report.

J. Administrative Services

2. Financial Report

MS. WESFA: Today's report reflects the status of our budget as of November 30, 2012. Our budget was $6,152,176. At that date, we had spent $3,225,441, leaving a remaining balance of $2,926,735.

And our tidelands are all obligated and going.

Thank you.
DR. ASPER: There was some discussion about the possible need for an executive session. Would any of you like to make the motion that we go into closed session for the purpose of considering the need to go into executive session?

MR. GOLLOTT: I'll make that motion.

DR. ASPER: And the purpose of this would be to consider some potential personnel actions and some legal issues.

Is there a second to the motion?

MR. BOSARGE: I'll second that motion.

DR. ASPER: Those in favor say aye. Okay. So we will adjourn from here and go into a private room with our legal staff, and we will take a vote regarding the need for going into executive session and send somebody down here to tell you whether or not that was decided.

(Off the record 9:20 a.m.)

COMMISSION ON MARINE RESOURCES

COURT REPORTER'S CERTIFICATE

I, Norma Jean Ladner Soroe, Certified Shorthand Reporter, do hereby certify that to the best of my skill and ability I have reported the meeting of the Commission on Marine Resources and that the foregoing 29 pages constitute a true and correct transcription of said meeting held on the 18th day of December 2012.

I do further certify that my certificate annexed hereto applies only to the original and certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control and direction.

Witness my signature this the 2nd day of January 2013.

[Signature]

NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter

N. J. SOROE, CSR #1297