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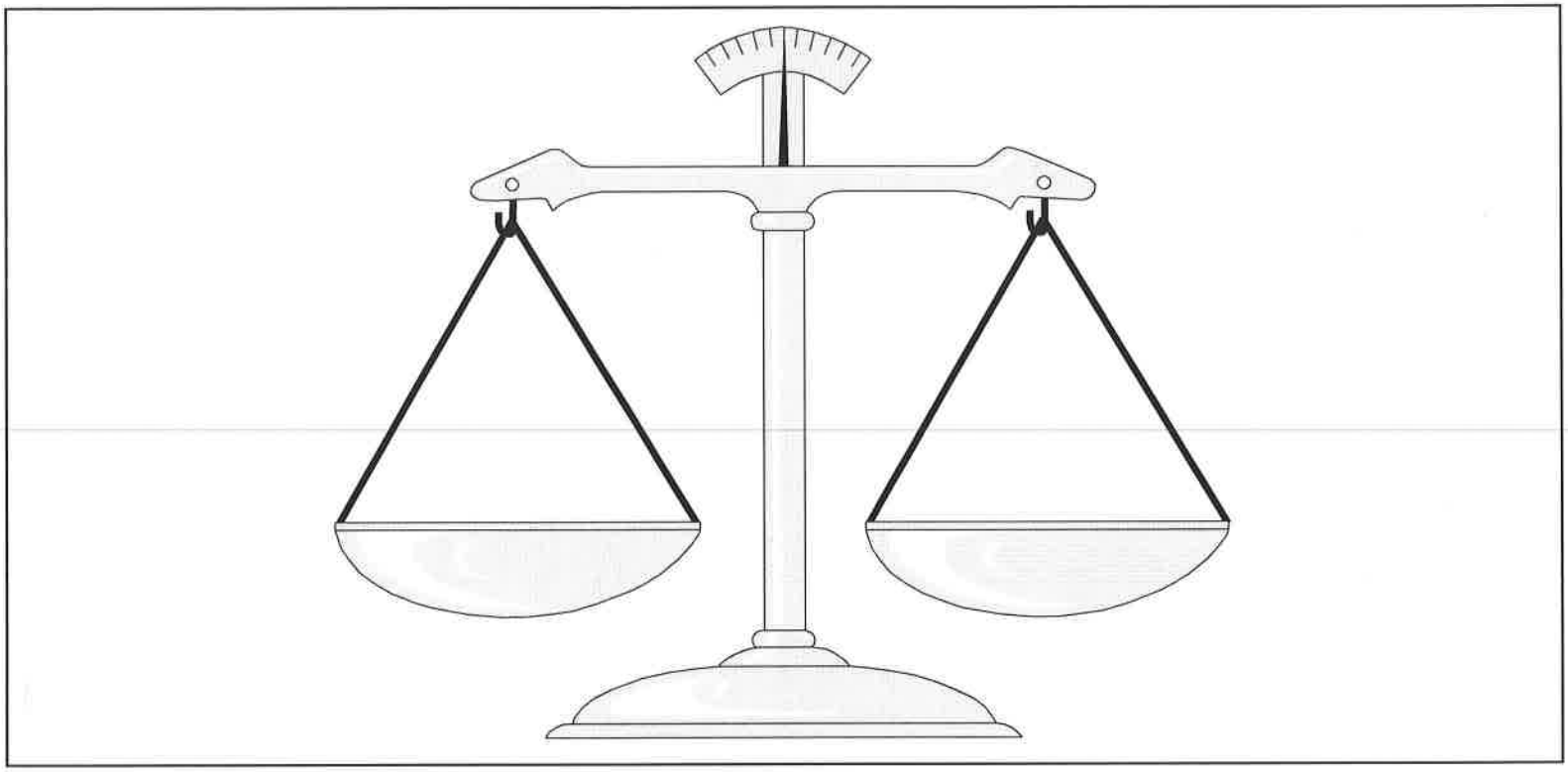

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

May 15, 2012

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COMMISSION ON MARINE RESOURCES

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TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW AVENUE, BILOXI, MISSISSIPPI, ON THE 15TH DAY OF MAY 2012 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.
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COMMISSION MEMBERS PRESENT:

DR. VERNON ASPER, Chairman
SHELBY DRUMMOND
STEVE BOSARGE

ALSO PRESENT:

DR. WILLIAM WALKER, Executive Director DMR
JOSEPH R. RUNNELS, ESQ., Asst. Attorney General
SANDY CHESNUT, ESQ., Asst. Attorney General

A. Call to Order

DR. ASPER: Good morning. I'd like to welcome everybody to the regular May meeting. Can everybody hear this okay?

How is that? Better? Okay.

I'd like to welcome everybody to the regular May meeting of the Mississippi Commission on Marine Resources. Great to have everybody here.

We have agendas in the back, and there's also a sheet that if you want to make a comment, a public comment section, please fill one of those out right away and get it brought up here.

B. Approval of Minutes

DR. ASPER: The first item on our agenda is the approval of the minutes. Are there any corrections to the minutes? Or is there a motion for approval as distributed?

MR. DRUMMOND: So moved, Mr. Chairman.

MR. BOSARGE: Second.

DR. ASPER: Those in favor say aye. The minutes are approved.

C. Approval of Agenda

DR. ASPER: We have the agenda. Any changes to the agenda?

DR. WALKER: No, sir.

DR. ASPER: Is there a motion to approve the

agenda as distributed?

MR. DRUMMOND: So moved, Mr. Chairman.

MR. BOSARGE: So second.

DR. ASPER: Those in favor say aye.

Thank you. The agenda is approved.

D. Public Comments

DR. ASPER: We'll move on now to public comments. So far, I have three. And again, if you do want to make comments, please fill one of these out. We don't mean to exclude anybody; we just like to have an orderly process.

The first person on the list here is F.J. Eicke.

MR. EICKE: Good morning. My name is F.J. Eicke. I'm with the Coastal Conservation Association, Mississippi. And would like to make the commissioners and the public aware of two items, both of which involve DMR.

One is that we have now completed three or four what we call Casting for Conservation kids fishing rodeos, Waveland, Gulfport, and Pascagoula.

These things wouldn't happen without DMR's involvement. Would like to thank Lauren Thompson and her staff in public relations, Buck Buchanan and the guys from fisheries who come and show the kids some unusual fish, as well as some common fish, and Rusty Pittman and Chief Chatagnier for the help of the marine enforcement people.

We've got one rodeo left to do in August as part

of the Leggett tournament. We're incorporated in the Leggett tournament, so we're looking forward to doing that.

This is a thing that's kind of become a tradition. Jokingly, I sometimes say one time in Mississippi is a tradition; five or six times, I don't know what you call that. That just happens every year. But it is.

The other thing is I think you've been given a flyer, one page flyer, with a lot of color on it. That's an announcement of our live catch tournament. I think the commissioners and the public I hope, at least the public that's here, is aware that there's a project out at the Gulf Coast Research Lab that's a joint project between the lab and DMR called the SPEC, the spotted seatrout population enhancement consortium.

What we're doing this Saturday with a captains' meeting on Friday is having a live catch tournament. This is what I like to call a feel good tournament. People are not going to win a lot of prizes but the participation is a reward in itself.

We have, like I said, a captains' meeting on Friday that's real important for some member to be there because we have to advise our people how to handle these fish so that the lab can use them.

These are the fish, of course, that become the spawning stock and produce little fish that are then released

into the waters of Mississippi. In fact, I think the lab and the DMR folks are releasing fish this week in the Bay St. Louis area. And the spawning stock in the Biloxi Bay area had gotten a little old and too big. Mike Lee was telling me that the 12 pound trout that they had nurtured up to 12 pounds was bumping the sides too often and died. So we need some new fish.

So, this weekend the captains' meeting on Friday night, the fishing is from whenever you can get out there at light on Saturday to noon. It will be at the Biloxi Boardwalk Marina which has ideal location, lot of docking space. And the trailer with the big thing that holds the fish to be brought back to the lab will be there, as well as a lot of other things.

We never get together without having a good time, so we're going to do that, too.

Any questions about either?

MR. DRUMMOND: Where are you having the August tournament?

MR. EICKE: The August tournament is at Point Cadet. It will be part of the Leggett tournament but is a Casting for Conservation type thing.

This is something that we've kind of put together. We've got a distinctive logo and hope to draw kids and make them aware of what fishing is and how much fun it is.

I have never in all the times that I've done

kids rodeos walked away at around noon or thereabouts not feeling good because it's just something that works.

Any other questions? Thank you,

DR. ASPER: Thank you.

Next is Matt Dubuisson.

MR. DUBUISSON: Yes. I'm Matt Dubuisson from Pass Christian.

And I'm here to approach the board about the trout quota.

Last year, we presented to a number to come up to, and they raised it to 10,000 and they changed the dates to try to stop some of the winter fish coming in maybe from out of state which nobody shows.

But we went from October to January opening season to set the date from January to December.

And we had nine months last year, and the season closed. And June 15, we had 50,000 over, 50,000 plus pounds.

This year, it's May already, and we're 7,000 pounds out of the 40,000.

Approximately we figure about 275 license have been sold. And with just 40,000 pounds, it's not a number that -- I mean, that's a little over 100 pounds per license if it's divided out.

And that's not even paying for your license back if everybody has to catch 100 pounds of fish.

And we'd just like to see about raising the -- give us a little bit on the quota, raising the quota, looking at something to change.

DR. ASPER: Okay. Thank you very much. Thanks for bringing that to our attention. This is exactly the kind of thing that the public comments section is really anxious to hear. Thank you.

Tom Becker.

MR. BECKER: My name is Tom Becker with the Mississippi Charter Boats Captains Association.

And first thing I would like to mention, the public needs to know -- we're working with GCRL quite a bit, me and my son, with the big boat and the little boat, and they're going out there and putting sensors down and coming back a week later or two weeks later and they're gone, they can't find them.

The public needs to know don't pick those up. Leave them there. They're on reefs. And they're getting data for their benefit. So leave them alone. Tell the people, let the public know don't mess with them.

I asked one of the DMR men, do you guys mark yours. No, they don't mark theirs, either, neither does the GCRL. But when you go to pick them up, they're heavy because of what they have down in the water.

And data is being lost, and they're concerned

about that.

The second item I have is not very nice. May 4, 2012, I got a letter about Louisiana Department of Wildlife and the state thinking about going to a Saturday preceding Palm Sunday and ending the year September 30, same year, with a recreational bag limit of three fish per day, 16 inch limit, minimum, for red snapper.

This is taking away from these people's fish that will go out there and be able to only catch two.

Also in this, Louisiana Department of Wildlife & Fisheries was given authority to modify the portions of the rule pertaining to red snapper daily harvest and limits.

In a related action, next month, this will be in June, the commission will consider extending the state waters from three miles offshore to three marine leagues or approximately 10.35 miles.

What does that do to Mississippi?

If you start and put it on a map, you will see that in our little corner over there, Bay St. Louis and that area, Cat Island, three miles offshore and then move that ten miles -- because Chandeleur down there would take -- bringing up that -- that's part of their land, too.

One, it's going to take some of our reefs. Oh, yeah, they may pay for them. That isn't the point.

The point is our people need to know and hear

about this, say something, because we are not utilizing what we and you put down there. It would be Louisiana's property. That's not right.

Plus, the rules are out there if you go through Louisiana waters or Alabama's waters and you are fishing offshore and you're going into say Alabama, you have to put all your tackle away, otherwise they can stop you and give you a ticket assuming that you fished in their waters.

I've gone over there. I've talked to the Wildlife, Fisheries people, and that's exactly what they're telling me.

Now I'm going to have to do it all the way from way down south if I go on a 24 hour, 36 hour trip, I'm going to have to come up or go way out to the east to get around that.

We need to speak up,and we need to let the public know what is going on or possibly could do to the fishing regulations that will really affect them.

Our boats, charter boats, I know of one that probably will have to retire, would have to quit, and that one provides service for the Military. That's at Keesler. Because they don't think they would like to pay for what the license, the guide licenses are. It's $2,000 for a multi-passenger boat, one thousand for a six-pack to go fish the waters. Plus you've got to get a license for every one of those passengers. And if you decide to go over there at the last minute, you're

offshore on that side, telephone lines just don't work.

And I've heard that you have meetings, and we would like to hear what happens on these meetings. Are they really going to do this? If they are, we need to start speaking up now.

Thank you. Any questions?

MR. DRUMMOND: This Louisiana process that's going on now, is it strictly a proposal, Tom?

MR. BECKER: It's a proposal. And the action that they're considering is based on the recent legislative action taken in 2011, and I have a person that is very good at looking this stuff up, and she's going to let me know today, Act 336 which recognizes a Gulfward boundary historically consists of three marine leagues and designates the boundary to be enforced by state law regarding the protection and restoration of coastal lands, water, and natural resources and regulation of activities affecting them.

So this is a proposal. And like I say, I don't know how far along they are with this. But this come out 4 May of this month, so they're talking next month. They implement this in 2013, we're in trouble.

MR. DRUMMOND: I don't see how they can up the limit to three fish. That's a federal regulation.

MR. BECKER: It's a federal regulations, but now they're in state waters. If that water is theirs, they can do

in state. We could do it, but we don't have any red snapper reefs that will produce in state waters. They're all in federal waters.

MR. DRUMMOND: Do they have reefs that they can produce snapper on?

MR. BECKER: They've got reefs. That would take some of the rigs that they're at because they're everywhere right now. I've caught them in their waters down at the north end of Chandeleur in 11 feet of water. Had to throw them back. Season wasn't open.

But I don't have a license, either.

So, yes, it will hurt. It's something -- Florida does it, they have four fish. So does Texas. What it does is at the end of the year their data comes into NOAA, they go ahead and compile what they have from the recreational people from the four other states,and then they get their data by March, April, and say, okay, we overfished it by X number of pounds, we're going to have to cut your season back. And that's what's been happening year after year.

Thank you.

DR. ASPER: Thank you, Tom.

Next is Tim Lester.

MR. LESTER: Hi. My name is Tim Lester from Long Beach, Mississippi.

I just wanted to iterate on what Mr. Matt

Dubuisson said about the speckled trout quota.

Last year, it closed around June 7, and it looks like it's pretty much projected to close real close to it this year. The year before it closed April 16 prior to the oil spill.

If we don't raise the quota, then our restaurants will do without over the summer, the height of the tourist season, unless they buy them from Mexico. That's what they've been doing the last few yeas. It's flash frozen fish. They're not very fresh. Probably doesn't leave a very good taste in our tourists' mouths, you know, compared to the fresh fish.

So if we could raise that quota, that would really help us out or maybe limit the sales of license or go up on the sales of license so that these weekend warriors don't buy them just to supplement their fishing cost, the cost of going fishing, you know. There's a lot of that going on out there.

And that's pretty much it. Thank you.

DR. ASPER: Thank you, Tim.

Move on now to our executive director's report.

E. Executive Director's Report

DR. WALKER: I don't have anything.

F. Marine Patrol

DR. ASPER: Now to marine patrol. Is that going

to be Rusty?

MR. PITTMAN: Good morning, Mr. Chairman, commissioners, Dr. Walker, Sandy.

You notice in the report, we have two items that stand out again. Of course, one is the fishing license, and the second will be boat and water safety violations that went up this month.

We taught one boat and water safety class, certified 28 students.

We had one boating accident with injuries in the Hancock County Jourdan River with a jet ski operator.

We had one boating accident without injuries.

We provided support during the Smokin' the Sound boat races in Biloxi, Rocking the Riverfront in Moss Point, and for the Ocean Springs Yacht Club regatta.

We had two outreach presentations, one at Lizana Elementary and one at North Bay Elementary. Had 500 students and 125 students.

In our JEA patrols, we had 20 patrols, 237 man hours, 112 contacts. We had three enforcement action reports and six state citations issued.

Any questions?

MR. BOSARGE: I see where you got seven strandings on turtles. I'm curious as to -- we haven't heard a lot -- how are the strandings coming this year compared to last

year?

MR. PITTMAN: Seems like they're down this year, I believe. Of course, we're turning all these over the IMMS, and they're the ones that are responding to them.

MR. BOSARGE: All right. Thank you.

MR. DRUMMOND: Rusty, how about all these no saltwater fishing license? Is this ever going to slow down a little bit?

MR. PITTMAN: I don't know. It seems like it went up from last month.

MR. DRUMMOND: They don't have the money to buy a fishing license?

MR. PITTMAN: Some of the excuses are they don't have the money to buy them. Some they forgot to get them. And some excuse is, well, we didn't have to have them before, which was true before 1994.

But since 1994, you have to have them.

So they come up with all kind of things.

The ones that say they don't have any money, if you look, they've got live bait, and I'm not sure what live bait is going for, and, of course, they have the ice chest with their drinks and their sandwiches. I just think they're just not buying them.

I don't know how to get the information out.

MR. DRUMMOND: How about the gasoline?

MR. PITTMAN: Yeah, and gasoline, too.

MR. DRUMMOND: You got any idea how many recreational saltwater license have been sold in Mississippi this year?

MR. PITTMAN: As of April, we have 71,404 saltwater licenses sold. So we do have a lot of people that are buying them. Of course, we don't check every person that's fishing. There's no way to check everybody.

As of April, we only had -- well, I say only, there's 212 citations issued for no fishing license. So if you compare that with the 71,000, it doesn't seem like a lot. But if you go by monthly, 28 last month, 63 this month, seems like it's going up every month.

MR. DRUMMOND: Lot of fishing license sold.

MR. PITTMAN: Lot of fishing license.

DR. ASPER: Thank you.

Move on to fisheries.

G. Marine Fisheries

MR. DIAZ: Good morning, Dr. Asper, commissioners, Dr. Walker, Ms. Chesnut.

I got a couple of things I want to bring up before we get into the fisheries presentations.

Fist I want to update you on the yearly commercial quotas for flounder, red drum, and speckled trout. These quotas start on January 1 of each year.

For flounder, the yearly quota is 74,000 pounds. And through April, we've harvested 4,270 pounds. That leaves a remaining total to be harvested of 69,721.

For red drum, the yearly quota is 35,000 pounds. And through April, we've harvested 15,973 pounds. And that leaves a remaining total to be harvested of 19,027.

For speckled trout, the two folks that just come up and quoted a number, Mr. Dubuisson and Mr. Lester, they probably talked to Christine the last few days, and it was the number that they quoted a few days ago. But she did get a report in this morning from an additional dealer that we have to add into the total, so my number is a little different than theirs. I just want to give an explanation why so they would know. For speckled trout, the yearly quota is 40,000 pounds. Through April, we have harvested 38,182 pounds. And that leaves 1818 pounds remaining to be harvested.

MR. BOSARGE: Dale, while we're on the subject, I mean, it appears that there are a quite a few speckled trout and quite a few being caught and quite a few people catching them.

And I agree with them in an effort to prolong it to where these fish can be caught a little later on, could we get Buck to look at possibly what we could do about it? In other words, is it feasible to increase the quota?

MR. DIAZ: I'll tell you what we could do. We

could get Buck to work with Reed Hendon over at GCRL and they could put some data together, and we can compile the sampling data that we have, and we could kind of give you an overview of the status of that stock, and we could do that at the June meeting if you'd like.

MR. BOSARGE: Yes, sir.

MR. DIAZ: Okay. We'll take care of that.

Next up, I'd like to give you an update on oyster license sales. We had a cap on oyster license sales for the last several years, and the way we have been doing this is during the month of April, we've only been selling licenses to people that had a license in the prior year. And then after the month of April starting on May 1, we'll sell licenses on a first come first serve basis.

So we cap these by category, and I'm going to report them that way. For resident tonging, the cap is 94, and there are 20 license remaining. For resident dredging, the cap is 288, and there are 32 licenses remaining. For nonresident tonging, the cap is 98, and there's 55 remaining. And for nonresident dredging, the cap is 122, and there's 48 remaining.

I would like to say the business office and the license people have done a really good job dealing with the crowds because since the 1st of April, there's been a lot of people coming through here in addition to the other licenses we sell this time of year. It piles all these oyster fishermen

through here in a short amount of time. And Tom and his staff and the people that work in the license office has done a really good job handling the crowds and getting people through as efficiently as possible. So we appreciate that.

MR. BOSARGE: When you talk about licenses remaining, I remember with the oyster -- especially oyster sales, isn't it on May 1, is that when it opened up to anybody?

MR. DIAZ: Yes, sir. On May 1 -- during the month of April, only people that had a license in the prior year could buy a license. And then starting on May 1, it's first come first serve basis. If somebody comes down here with the proper paperwork and we have licenses available, we sell them to them.

MR. BOSARGE: And we still have some that are open to --

MR. DIAZ: Yeah.

MR. BOSARGE: Thank you.

MR. DIAZ: And it's worked out well.

The last thing I'm just going to touch on briefly, F.J. did a good job talking about the kids fishing rodeos. This is something that I'm glad we are participating in. Fisheries people, public relations folks, marine patrol, it's a good opportunity for us to get out and talk to kids about marine fisheries management issues and boat and water safety and try to have a positive influence on them.

And like F.J., I'm really glad we're participating in these things. And I think it's a very good thing.

I would like to thank the commission and Dr. Walker and the legislature for supporting us now with some tidelands funds that was a grant that was made available to support this activity. And I think it's a very good use of those funds. And I appreciate y'all's support in making that happen.

First up for marine fisheries --

MR. DRUMMOND: Can I ask a question?

MR. DIAZ: Yes, sir.

MR. DRUMMOND: When is the last time you sampled the oyster population over there in East Jackson County; do you remember?

MR. DIAZ: We do interjurisdictional fisheries sampling quarterly. And I don't know if Scott's in here or not.

I do know -- I don't know for sure if they've been done for the second quarter this year. But they would have been done in the first quarter this year.

If they haven't been done for the second quarter, they will be done before June 30.

So I can check on that, and I could give you the latest sample results. I'd be happy to e-mail that to you.

MR. DRUMMOND: We're still going out there; right?

MR. DIAZ: Yes, sir.

MR. DRUMMOND: Down the Mississippi-Alabama line?

MR. DIAZ: Uh-huh. We still sample that area. We sample it -- we do water quality samples in there twice monthly, and we do the resource sampling quarterly.

MR. DRUMMOND: We had a discussion last night that Alabama was -- I don't guess they're harvesting oysters now, but they did harvest oysters up to the Mississippi line which means that right over the line they're polluted.

MR. DIAZ: I don't know that I can speak to Alabama's water sampling program. But we do follow the National Shellfish Sanitation guidelines, and we do our water sampling, and we meet the specifications in those guidelines.

And water quality just has not been good enough in that area where we can make it a conditionally approved for the sample results that we're getting in Mississippi.

I talk with Scott about this a good deal. And the problem over in that area is more than likely wildlife. There's significant populations of pelicans, alligators, nutrias, and deer, hogs. There's a whole lot of things over in that area that could potentially give us some problems with water quality. And that's what we feel like it is.

1 We are working to do everything we can to get
2 that area back to approved status, but, you know -- and we'll
3 keep looking at it and examining it regularly.
4 MR. DRUMMOND: Dale, there's a lot of interest
5 over in Jackson County regarding this issue. And I get asked
6 about it occasionally over there. And as a matter of fact,
7 last night I got asked about it.
8 I'm just inquiring about the situation.
9 MR. DIAZ: I understand. I get the same
10 questions.
11 And people don't understand wherever there's a
12 line, why couldn't you do this on that side of the line and
13 this you can't on the other side of the line.
14 But this particular situation, it is driven by
15 sample results that we collect regularly.
16 MR. DRUMMOND: Thank you.
17 MR. DIAZ: Thank you.
18 First up for marine fisheries is going to be Ms.
19 Traci Floyd, and she's going to give you a shrimp season
20 update, and this is an action item.
21 3. Shrimp Season Update
22 MS. FLOYD: Good morning, Mr. Chairman,
23 commissioners, Dr. Walker, and Sandy. I'm Traci Floyd, and
24 this is the shrimp season update.
25 The shrimp fishery in Mississippi is very

1 important, and an economic impact study recently done by
2 Mississippi State University discovered that it produced $78
3 million in total economic goods, created over 1,000 jobs, and
4 generated $20 million in income. It generated fourteen million
5 in proprietary or privately owned business income, and economic
6 output contributed to indirect business tax collection of
7 nearly $2 million.
8 The shrimpers in Mississippi follow many
9 conservation directives. We have seasonal closure guidelines
10 to protect our undersized shrimp. And we close typically every
11 year on December 31 north of the Intracoastal and south of the
12 Intracoastal on April 30. And there may be other closures
13 based on sampling throughout the year.
14 We have permanent area closures or protected
15 areas. All shrimping is prohibited within one mile of the
16 barrier islands and in the bays. Only live bait shrimping is
17 allowed within a half mile of the shoreline.
18 We also have gear limitations on trawl and door
19 size. And our shrimpers follow federal TED and tow time
20 requirements to protect sea turtles.
21 You'll recall last year in April you approved
22 new trawl door rules under Title 22 Part 2 shrimping
23 regulations that now allow doors to be up to eight feet in
24 length and 43 inches in height. And this was just to be
25 consistent with other states and to help our fishermen as they

1 cross state line.
2 Currently in the state, we have 544 resident
3 commercial shrimpers. We have 257 nonresident commercial
4 shrimpers. This is about half of what we saw ten years ago,
5 and this is, of course, due to the many hardships faced by the
6 industry, foreign competition, high fuel costs, or natural and
7 manmade disasters.
8 Currently in the state, we have 160 recreational
9 shrimpers and six from out of state.
10 A look back at last year's season. The Bonnet
11 Carre Spillway opened and kind of overshadowed things on May 9.
12 The shrimp season opened on May 25, and this was our earliest
13 opening on record. The Bonnet Carre thankfully closed on June
14 20. We were able to open additional legal waters in Biloxi
15 Channel on August 26. And as I mentioned before, we closed
16 north of the Intracoastal on December 31 and south of the ICW
17 on April 30.
18 Now, as a result of the spillway opening, a
19 request was submitted to the Department of Commerce, and we
20 asked that a fisheries failure be declared for Mississippi's
21 inshore shrimp fishery. And this was along with the blue crab
22 and oyster fisheries.
23 And that request is still being considered by
24 the federal government.
25 Last year opening day, we only had 162 boats

1 working. This is a little more than half of what we saw in the
2 years following Katrina and only 20 percent of what we saw back
3 in 2001.
4 So overall for 2011, we had ten million pounds
5 of shrimp landed, and that is valued at about $18 million.
6 This is heads on.
7 As you can see overall, we're on par with the
8 better years since we've seen since Katrina in 2007 and 2009.
9 Only about two-thirds of what we saw ten years ago.
10 Back in 2005, we had 76 seafood dealer
11 processors. Currently, we have 45 in the state. About 16 of
12 those deal with shrimp.
13 So now we'll look at conditions contributing to
14 this year's shrimp season.
15 Here we're looking at January through April
16 monthly rainfall. The final bar for each month is 2012, and
17 we're comparing it with the past few years.
18 So for January, you can see we had less than
19 half an inch of rain. In February, a little over four inches.
20 In March, we had very heavy rains at the end of the month at
21 6.15 inches for the month. And all that was par for the
22 course. In April, we had very heavy rains early in he month,
23 and you can see we had nearly five and a half inches of rain.
24 So that's a bit more than we've seen in the past few years.
25 However, our salinities overall still look good.

1 And again, we're comparing 2012 this final bar to past years.
2 The base line here is ten parts per thousand,
3 which I've said many times that's the level that is good for
4 shrimp growth. And you can see for 2012, we're well above the
5 ten parts per thousand that we need. Those heavy rains I
6 discussed earlier did bring down our salinities in April, but
7 still overall we're above the ten parts per thousand that we
8 need.
9 We had a very mild winter, and that was good for
10 water temperatures. Again, our base line is the optimum level
11 for shrimp growth. Here it's 68 degrees Fahrenheit. You can
12 see for 2012, we warmed up more swiftly than the past years.
13 And in March, we did reach that 68 degree threshold, and we
14 have been over it in April. So we've had very good conditions
15 for shrimp growth as far as temperature.
16 So these are post-larval numbers based on our
17 sampling, and this is abundance for brown shrimp post-larval in
18 Biloxi Bay.
19 And you can see as early as February, we had a
20 peak. We had some lesser peaks in March and April, and then a
21 another higher peak on the 25th of April.
22 So we'll just add up those numbers and look at
23 it cumulatively. And the second to the last line on the bottom
24 is 2012. And it's where we'd expect to see it compared with
25 the past few years. You may recall last year, this green line

1 on the top, we had a lot of post-larval shrimp discovered very
2 early on. So we really would expect to be for an average
3 season.
4 So with that, I'd like to mention our seafood
5 safety. We have ongoing sampling for PAHs in response to DEEP
6 WATER HORIZON. And there are over 490 seafood tissue samples
7 tested to date for shrimp, crabs, finfish, and oysters, all of
8 them well below levels of concern. And the information is
9 found on our website updated monthly.
10 The official long-term studies that include
11 shrimp and their habitat are, of course, ongoing through the
12 Natural Resource Damage Assessment Program, and the trustee
13 agency overseeing that is the Department of Environmental
14 Quality.
15 Of course, our DMR seafood marketing program
16 continues their important work spreading the word about
17 Mississippi's Gulf fresh seafood through their campaign.
18 Mississippi resident shrimpers in the next week
19 will receive their 2012 edition of the Shrimping the Sound
20 newsletter which is one of our many outreach efforts to share
21 relevant and helpful information with the fishermen.
22 A reminder to everyone. We have our shrimp
23 information hotline 1-866-WETRAWL with season openings and
24 closings and can be reached 24 hours a day toll free.
25 And with that, I'd like to request that

1 authorization be given to the executive director to open shrimp
2 season when sampling shows that shrimp have reached the 68
3 count per pound statute requirement, if you would like to make
4 a motion.
5 MR. BOSARGE: I'll make a motion.
6 MR. DRUMMOND: Second the motion.
7 DR. ASPER: Further discussion? Those in favor
8 say aye. Carried unanimously.
9 MR. BOSARGE: I did have one question.
10 Your sampling for the year for shrimp, is it
11 shrimp look like average, above average size-wise in volume?
12 MS. FLOYD: We have some very nice large shrimp,
13 but we also have some smaller shrimp coming out of the bays.
14 I would say as far as abundance, it's just
15 average, as you saw in the graph.
16 MR. BOSARGE: Good. Thank you.
17 MS. FLOYD: Thank you.
18 MR. DIAZ: Thank you, Traci.
19 Next up is Buck Buchanan, and he's going to give
20 you a public hearing report and the final adoption on the bait
21 mullet proposal, and it is an action item.
22 4. Title 22 Part 6 Bait Mullet
23 MR. BUCHANAN: Good morning, commissioners, Dr.
24 Walker, Sandy.
25 In April -- in March of this year, we had some

1 people come forward and request something to do with harvesting
2 juvenile mullet for bait. And we sent out a notice of intent
3 with this particular language and did have a public hearing on
4 the 10th of April and requested public comment on this
5 particular language.
6 It shall be unlawful for any minnow fisherman or
7 live bait catcher boat to have in possession in excess of five
8 pounds of dead mullet.
9 Commercial minimum length limit for mullet Title
10 22 Part 7 Chapter 9 Section 100.5 which is ten inches shall not
11 apply to resident licensed minnow fishermen, licensed live bait
12 catcher boats fishing below the CSX, or licensed live bait
13 dealers selling mullet for bait.
14 Minnow fishermen shall only sell mullet to
15 licensed Mississippi live bait dealers or Mississippi
16 recreational fishermen.
17 It shall be unlawful to possess mullet north of
18 the CSX railroad bridge while engaged in minnow fishing.
19 Took this out to public hearing. We had four
20 people show up. One of them did speak and said they would like
21 to not have the be restricted to selling just to Mississippi
22 live bait dealers. That was the only comment that we had.
23 Otherwise, they were in favor of this particular language.
24 And I bring it up for final adoption. And staff
25 recommendation is to adopt it as it is here.

DR. ASPER: Is there a motion?
MR. DRUMMOND: So moved, Mr. Chairman.
MR. BOSARGE: So second.
DR. ASPER: Further discussion? Those in favor say aye. Carried unanimously. Thanks, Buck.
MR. DIAZ: Thank you, Buck.
And last up for marine fisheries is state record report from Mr. Erik Porche, and it is also an action item.
5. State Records
MR. PORCHE: Good morning. We have one record submitted for your approval this morning. It was caught on conventional tackle. It's for a Sphyma tiburo or a bonnethead. It as an old record of eight pounds. The new record will be 12 pounds 11 ounces, caught by Michael Fournier, Sr.
There's the bonnethead and Mr. Fournier.
Any questions?
DR. ASPER: Is there a motion to approve the record?
MR. DRUMMOND: I make a motion we approve the record, Mr. Chairman.
MR. BOSARGE: I so second.
DR. ASPER: Those in favor say aye.
MR. PORCHE: Thank you.
DR. ASPER: I believe that concludes marine fisheries.

We'll move on to coastal ecology. Jan.
H. Coastal Ecology
MR. BOYD: Good morning, Mr. Chairman, Dr. Walker, commissioners, Sandy.
Coastal has four action items for your consideration this morning. But before we do that, Ms. Judy Steckler with the Land Trust for the Mississippi Coastal Plain is going to give a presentation on restoration project at Bayou Auguste.
a. Judy Steckler, Land Trust for the Mississippi Coastal Plain
MS. STECKLER: Good morning. Thank you for giving the Land Trust and the Gulf Coast Design Studio an opportunity to share with you a successful project that we have had on Bayou Auguste.
The Bayou Auguste project is near the Hope Housing in Biloxi and encompasses lands that are owned by the Housing Authority, the City of Biloxi, and the Biloxi Schools.
The original idea for this project came from Delmar Robinson who's the president of the Biloxi Housing Authority.
The Bayou Auguste was or is a drainageway or it had become a ditch, as the people thought about it, in this area, and it was not well respected.
But his idea was let's improve this and make it

a part of the environment of the housing and something that the people would appreciate.
So after community meetings and input from the citizens in that, we, being all of the partners, embarked on finding funding to do this project. Not only was the funding available to us through the Five Star grant and the Fish America grants, but we were fortunate enough to have the Design Studio with all of its young professionals who were excellent in designing a good restoration project.
So we want to share with you now the before and as it looks today.
And Briton Jones with the Design Studio will do the slide presentation. And Briton is a landscape architect.
MR. JONES: Good morning. Thank you for having us here today to present this.
So Bayou Auguste is here in East Biloxi just on the north side. It's about a half mile channel that flows into the Back Bay of Biloxi. And as Judy said, it flows through the Hope 6 community, that neighborhood that surrounds and behind Nicholls Elementary School.
And some of the main components that we're really looking at in this restoration is obviously for habitat to be a buffer, to improve the habitat that's there, improve recreation, and then also for the economy.
A lot of the issues that not only are here at

Bayou Auguste, but a lot of our other waterways locally are channelization, issues of garbage and debris, adjacent land uses, and invasive species.
And as Judy said, a lot of the funding that come to us to be able to do this work came from the Gulf of Mexico Foundation, the Fish America Foundation, and the Five Star grant, which is through the National Fish & Wildlife Foundation Southern Company. And locally our partners is the Biloxi Housing Authority, Biloxi Public Schools, City of Biloxi, the Land Trust, Cypress Environmental Sciences & Management, and Gulf Coast Community Design Studio.
And the City of Biloxi, they were actually the ones who provided the machinery and staff as the match for a lot of these funds.
So on the top is showing comparative aerials, one from 1958 and one from 2012. And what we're really trying to regain in this project is some of the lost habitat that's happened over the years.
The materials that were paid for to do this restoration was erosion control, and we used a matting and logs that are made of coconut fibers so those will naturally biodegrade in time. We used what's called a Gabion system, so it's wire baskets that we then filled with -- one we filled with rubble that we got from a retaining wall that we had taken down that was channelizing the bayou, and then also some oyster

shell.

So what that actually does is while it's a barrier to keep people out of the newly created marsh, it also can act as a filter. As water sheets off because it's a permeable wall, the water can continue to go through.

It also paid for plant materials.

This project has mostly been done with -- I think we've logged now over 2,000 volunteer hours that are volunteers from both locally and across the United States, doing everything from cleanup to creating trails, building the Gabion wall, installing erosion control, and planting new marsh species.

We have also worked locally with Women in Construction, which is a program that trains women in green jobs. And some of those women have gone on to get jobs within habitat restoration and ecological based jobs.

This project also has really increased capacity as I said with the city offering their machinery and some of their staff, that is their staff from sewer department. And so to have them on site and learning about kind of the grading of these -- creating these marshes that are within inches to get all the kind of right plants to grow and stuff, and so really creating their capacity, their understanding and how important those habitats are and how to build them.

Also, we have been able to use this site as an

education center for Biloxi Public Schools.

And then the middle picture on the top was from when Lisa Jackson, administrator of the EPA, was here in September and used this site as an example of the project that utilizes both public and private partnerships to do these restorations, and she uses this site as an example that should happen across the United States.

This is just another view of the restoration with the Gabion wall in the foreground.

And then this is an existing view and then a proposed rendering for another section of marsh restoration which we have funding for and will hopefully start construction within the next month.

Thank you.

MR. BOSARGE: How long a process was this from start, conception, to now?

MR. JONES: We started this conversation, it would have been winter of 2009 and started writing grants in 2010 and have since just continued to write grants, and I go from there.

MR. BOSARGE: That's a great project. I'm impressed. I know there's quite a few more spread out, especially in Jackson County, that could use this type of work, especially where the drainage has been changed, either a road built across it or whatever. That's great. I'm impressed.

MR. JONES: Thank you.

DR. ASPER: Yeah, thank you for this presentation. This project is just beyond amazing. It's an embarrassment to me personally that the DMR logo is not on your brochure. And I think we need to take a look at ways we can remedy that.

And one possibility I'd like us to consider is when we have projects that we permit that do have an impact, we require mitigation. And I'm wondering if it might be possible to funnel some of that funding toward projects like this because this looks to me like exactly the kind of project that we ought to be promoting for all kinds of reasons.

For one, the mitigation that we often fund is just burning off the wrong kind of plants at one of their preserves, which is good work. But honestly, the public doesn't see it, and it doesn't have an immediate impact in the neighborhoods.

If we could use some of that mitigation money to restore habitat like this, where everybody can see it and everybody can enjoy it, it would be just amazing.

I was just over in Belgium visiting my grandbaby -- it's a long story -- and they have areas like this all over the place where there are bike paths going by the waterways and there are hiking paths, and people really use them. People are looking for ways to get out into nice environment in their

neighborhood.

I think this is exactly the kind of project that we need to pursue.

So if you'll let us know what we can do to help, I'm behind you 100 percent.

MS. STECKLER: We did receive a permit from DMR, so we didn't ask you to partner on this project because you were monitoring the success of it and checking on us.

But we would love to work with you in the future. And DMR does partner with the Land Trust often. And we would welcome additional partnerships to do restoration work such as this.

This project isn't over. We are seeking funding to do a lot more, and even in this area, we want to do a walkway to encourage people to be outdoors. Up until this restoration project, the community thought of it some place they wanted the children away from because they feared the alligator.

So now they are enjoying it and enjoying the birds and the animals that have taken a liking to this restoration.

But we look forward to working with you in many ways.

DR. ASPER: Okay. Great. Thank you very much for all the effort that you put into it. I know this has been

a labor of love, and it's just fantastic to see such a great success. Thank you.

MS. STECKLER: Please go by and see it.

DR. ASPER: Okay.

3. Bureau of Wetlands Permitting

a. Boyd Biloxi

MR. CHRISTODOULOU: Good morning, commissioners, Dr. Walker, and Sandy.

First item, action item, for coastal ecology is H-3(a). It's a request. It's a request for a permit modification by Boyd Biloxi, LLC, formerly the IP Casino, located on Back Bay in Biloxi. It's commercial fishing and recreational marinas district. Thompson Engineering is the agent.

As you can see, the project location is shown with the yellow thumb tack just east of the I-110 bridge, south of the end of Back Bay.

Purpose for the project is to provide access and staging for heavy equipment, personnel, to perform the mooring upgrades for the IP casino barge.

Structures involved are a work barge 110 feet by 300 feet, and a pile supported bridge 250 feet long and 40 feet wide.

Here's a diagram of the project. This will be the bridge area. This will be going from the south side,

Bayview Avenue, out to the work barge.

Here's a cross-section view.

And the proposed access work will facilitate the casino moorings upgrades and extend the service life of the existing casino barge, so this will ensure long-term source for local and state tax revenue.

It is an allowable project within the commercial fishing and recreational marinas district.

And the impacts associated with this project are temporary, so we should not set a negative precedent with this project.

Pile driving will result in temporary turbidity in the area. And there will be temporary shading of about approximately one acre of waterbottoms, and we expect the conditions to return to normal once these structures are removed following construction.

Full extent of the project is to upgrade the casino barge moorings at the property.

Alternatives. The site must be used currently while construction is going on for gaming, so access and staging from the land would disrupt a lot of parking and activity, so that was not an alternative. And also using fill material in the bay would be a greater impact.

Alternative sites were not considered. This is access to an existing casino barge for the upgrades.

The project impacts will be temporary, so the project should not negatively impact scenic qualities in the area.

Public notice was run as required. We have received no comments.

Archives & History is reviewing the project.

DEQ, the water quality certification was issued through the Corps of Engineers Nationwide 33 permit, so have received water quality certification for the project.

Wildlife, Fisheries & Parks is reviewing the project.

And the Secretary of State's Office has said a tidelands lease will be required for the duration of the project because the bridge and part of the barge fall outside the currently leased area.

Staff's recommendation is approval of the modification contingent on two factors. The first is that the work barge and the access bridge be removed within 120 days of completion of construction or no later than May 30, 2014. Talking with the agent, that is expected -- construction is expected to take about 12 to 18 months. The second is that we receive no objections for the remainder of the comment period. Agencies still have until the 18th to comment on this. And if we do get any kind of adverse comments on the project, we will address those comments and bring those back to the June meeting

to bring back before the commission.

DR. ASPER: Any questions?

MR. DRUMMOND: I'm not sure -- where is this bridge?

MR. CHRISTODOULOU: Let me go back.

MR. DRUMMOND: Come from I-10?

MR. CHRISTODOULOU: No. It's coming from Bayview Avenue. It's coming from the south.

The road between Boomtown and the IP, the road that runs along there, Bayview Avenue, the bridge will be right off of there.

MR. DRUMMOND: The bridge is going to the barge?

MR. CHRISTODOULOU: Yes, sir.

MR. DRUMMOND: And the barge is going to be removed?

MR. CHRISTODOULOU: The barge and the bridge will be removed once the construction to the moorings are complete.

MR. DRUMMOND: Okay.

DR. ASPER: So this is all temporary.

MR. CHRISTODOULOU: All temporary, yes, sir.

Further questions?

MR. BOSARGE: I believe it also goes along with that we give the permit for them to bulkhead around there so they can put it --

MR. CHRISTODOULOU: Right, so they can put it in a dry dock, basically a dry dock.

MR. BOSARGE: I have no questions. I make a motion we approve the staff's recommendation.

MR. DRUMMOND: I second the motion.

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

b. Hancock County Board of Supervisors

MR. COLE: Good morning, everyone. My name is Ron Cole, and I'll be presenting the next project. It's going to be a request for a permit modification by the Hancock County Board of Supervisors.

It's located on an unnamed canal adjacent to Bayou Cadet off of Pleasure Street in Bay St. Louis. It's in the commercial fishing and recreational marinas use district. And the agent is Compton Engineering.

Here you can see a map of the project location. It's located in the Waveland community not far from the Silver Slipper Casino.

Description of the project. This will be expansion of an existing marina, and it will consist of a main pier which will measure 400 feet in length by six feet in width and five finger piers that will measure 35 feet in length by six feet in width. And the total square footage of the newly proposed structures would be 3,450 feet.

This is just an aerial of the project location.

And this is an aerial of the project location with the existing structures in green and the proposed structures in red.

And this is just a detail of the newly proposed structures. You can see a main pier with five finger piers.

There was an issue that came up during evaluation of this project where we were alerted that the mitigation that was ordered by the commission back in 2004 never reached a successful level of completion which would have been 85 percent coverage.

So we went back and visited that. And we are going to add that mitigation back to this permit as a requirement.

Here you can see the notice of compliance from the 2004 permit. And it states that the area needed to reach 85 percent coverage within three years. And we are going to again require that and give additional five year monitoring plan which will be five years total.

This is the mitigation area. You can see in the lower left-hand corner of that red box there is a small area of tidal marsh vegetation that was trying to take off. But the rest of it should have been filled in with marsh vegetation, as well, and right after Hurricane Katrina hit it just wasn't a priority, I believe. So it never did reach a successful level.

Decision factors for this project.

There will be public benefits of the project include providing the residents of Hancock County safe access to the water for fishing, as well as docking space for private and commercial vessels in the area. And the project would also add to the local tax base and provide construction related jobs.

The project is allowable within the commercial fishing and recreational use district.

Similar projects have been approved without setting a precedent, and none are anticipated with this project.

Once the marina is fully operational, we can expect an increase in minor discharges of fuel and oil, litter, and some boat traffic.

There are no known plans for development beyond the previously described regulated activities.

No dredging will be required for this project. The Corps of Engineers came in last year and dredged the canal.

Best management practices will be utilized during all phases of construction.

No alternatives were considered because the project is expansion of an existing marina. And expansion of the marina does require a waterfront location.

And the expansion of the marina should not

significantly decrease the existing scenic qualities because the area is already occupied by large vessels, both commercial and recreational. And there are public fishing piers in the area, as well.

Project went out on comment from the Sun Herald and the Sea Coast Echo. No comments were received.

DEQ is currently evaluating the project, and Archives & History has offered no objections, and the Secretary of State has indicated that no tidelands lease will be required.

So based on the results of our evaluation, we have determined the project is consistent with the Mississippi Coastal Program, and staff recommends approval of the permit request contingent upon clearance with DEQ and the applicant bringing the mitigation site into compliance with the original mitigation as required by the permit that was issued by DMR in March of 2004.

DR. ASPER: Questions? Motion?

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

MR. DRUMMOND: Second the motion.

DR. ASPER: Further discussion? Those in favor say aye.

c. Dr. David P. Hesse

MS. MOORE: Good morning, commissioners, Dr.

Walker, and Ms. Chesnut. My name is Lynn Moore, and I'll be presenting a violation/after-the-fact general permit by Dr. David Hesse. It's located on Arcadia Bayou at 25000 Arcadia Farm Road in Pass Christian, Harrison County, in the general use district.

Here is the project location marked by the red arrow. It's south of I-10 and west of Menge Avenue.

Here's an aerial of the project location.

A boathouse has been constructed without a permit 27 foot by 16 foot.

On April 14, the DMR received an application to construct a roof over a keyhole boat slip with an existing boat lift.

On April 25, 2012, a site visit by DMR staff revealed that the construction had already taken place without prior authorization.

On April 26, DMR staff spoke with Agent Skip Haller, Coastal Marine Construction. He stated that the current property owner purchased the property in 2006 shortly after Hurricane Katrina and was told that there had been an existing boathouse prior to Katrina.

Mr. Haller then rebuilt the boathouse in 2007 under the waiver granted by the commission for reconstruction of previously existing structures but did not put a roof on it at that time.

He called the DMR in February of 2012 and spoke with the bureau director Willa Brantley and confirmed that placing a roof on the boathouse without installing or removing any pilings below the water's surface would not require a permit due to the fact that the structure had existed prior to Hurricane Katrina.

Mr. Haller completed construction of the boathouse roof, but the property owner was then informed that Harrison County authorization was needed and that he would only be given that authorization if he provided a copy of his DMR permit.

Because the construction in 2007 was covered by the commissioners' waiver and the construction of the roof in 2012 did not require a permit, he was unable to produce the required document, therefore applied for a DMR permit for the boathouse.

During the evaluation -- I'm sorry.

During the evaluation, a review of the historical satellite photo showed that no boathouse actually existed prior to Hurricane Katrina. This means a permit would have been required in 2007 for the initial construction of the uncovered boathouse and again in 2012 for the construction of the roof.

Therefore, this project is being presented as an after-the-fact authorization.

Here's a diagram of the project which shows the unauthorized boathouse.

The recommendation: The staff has conducted a thorough evaluation of the situation and recommends that the commission approve the after-the-fact general permit because the structures do fit guidelines and at the discretion of the commission issue a fine in accordance with the Mississippi Code.

Violation discovered on April 25, 2012. Violation duration is 20 days. The maximum potential fine is $10,000. Recommended maximum fine at the commission's discretion is $150.

And the decision factors is the project meets the guidelines. Dr. Hesse sent in the application for the boathouse which is how the violation was discovered. And the applicant has been cooperative to bring boathouse into compliance by applying for the after-the-fact general permit.

DR. ASPER: Are these folks local? Would they have had any way of knowing whether or not there really was a cover over the slip or not?

MS. MOORE: I'm not sure. But Ms. Hesse and the agent Skip Haller is here if you'd like to speak with them.

MR. BOSARGE: It sounds like kind of a mess in that different things that were told to them and during the hurricane and probably changed it.

I make a motion that we accept the staff's recommendation and just set the fine at $50 being that there's so many confusing circumstances within it.

DR. ASPER: Is there a second?

MR. DRUMMOND: I'll second the motion.

DR. ASPER: Further discussion? Those in favor say aye. Carries unanimously.

d. John Smith

MR. DAVIS: Good morning. I'm James Davis. I'll be presenting a violation today.

Violation is by Mr. John Smith. It's located on an unnamed canal adjacent to Four Dollar Bayou at 10099 Eden Street in Bay St. Louis. It's in the general use district.

This is an overhead image marked by the yellow thumb tack. It's in the westernmost portion of Shoreline Park area.

This is a zoomed in image. His property is located on the western edge of the point of Eden Street.

Project description. The keyhole boat slip was excavated without a permit.

On March 9, 2011, a violation was reported to DMR.

March 16, staff performed site visit, confirmed the violation. A cease and desist notice was placed on site.

March 17, staff met with the property owner at

the DMR office building. After discussion, it was determined that the property owner would apply for a general permit to turn the keyhole sip into an indented slip.

March 29, we received a permit application for an indented boat slip.

From Aril 12 to June 6, 2011, several conversations took place with the property owner to ensure proposed project met the permit guidelines.

On July 5, 2011, a general permit was issued for an indented boat slip.

On January 20, 2012, a compliance check performed by staff revealed that the keyhole slip was still existing.

On January 23, another cease and desist notice was sent to Mr. Smith.

On February 7 and February 8, we had several phone conversations with the applicant. He was informed that we had sent him a modified permit giving him 60 days to correct the violation, and he did agree to correct it in the upcoming months as finances became more stable.

On February 15, a general permit modification was issued giving him until April 15, 2012, to bring the keyhole slip into compliance.

And on March 12, we received a phone call form the applicant. He stated he would not be able to correct the

violation in time. He was then informed about the CMR process.

And to date, we have not received any response from Mr. Smith.

Here is a photo of the keyhole slip in the background, and in the foreground you can see this was an area excavated for aquaculture purposes.

Another image of the boat slip taken more recently. It's starting to vegetate around.

Staff recommends that commission order Mr. Smith to comply with one of the following conditions.

Fill the keyhole slip in and restore it to preconstruction conditions. Or alter the slip to an indented boat slip in accordance with the general permit.

And if Mr. Smith fails to comply with the actions within 30 days, we recommend the project be forwarded to the Attorney General's Office.

And we'd also recommend a fine in accordance with Mississippi Code 49-27-51. The violation was discovered January 23, 2012. The duration is 113 days. Maximum potential fine $56,500, the minimum being fifty. We recommend a fine of of $250 plus $50 per day for each day after 30 days until restored.

Decision factors. Project does not meet guidelines, and Mr. Smith was informed of the violation in March 2011 and again in January 2012, and did not attempt to

bring it into compliance.

And I do not believe Mr. Smith is here with us today.

DR. ASPER: Is there a motion?

MR. DRUMMOND: I'd like to ask a question. What is this second recommendation? Alter the keyhole boat slip. What does that mean?

MR. DAVIS: Well, the keyhole boat slip, it comes in directly with 90 degree angles. What we ask to allow for water flow and for circulation he open it up to where I believe it's 125 angles on the inside so it opens up out towards the water.

MR. DRUMMOND: He can use the boat slip then?

MR. DAVIS: Yes, sir. It would then be usable to pull a boat into.

MR. DRUMMOND: Okay.

DR. ASPER: Your recommendation is to give him the option to do that.

MR. DAVIS: Yes. That was what was issued in the general permit. We were going to let him excavate that area out to make an indented slip so he didn't lose functionality of the area.

DR. ASPER: So the options are he can either do what he was permitted to do or else fill it in altogether.

MR. DAVIS: Yes.

MR. BOSARGE: And that's the only thing that's been done on the property; in other words, there's no -- it doesn't appear just from what I can see that there's --

MR. DAVIS: No, sir. Also in the permit, he was going to put some piering and bulkhead around the property, but nothing has been done to date.

DR. ASPER: What kind of aquaculture was he interested in?

MR. DAVIS: I do not know. I think he was going to keep some crabs, maybe some shrimp in there, for fishing.

MR. BOSARGE: It appears that he's having problems doing what he's doing. The only thing I would suggest maybe if we give him 60 days, and then if he doesn't do it by then, then would that be okay?

MR. DAVIS: That would be fine, yes, sir.

MR. BOSARGE: I make a motion that we accept staff's recommendation but we increase it to 60 days.

DR. ASPER: And what about the fine?

MR. BOSARGE: Recommend that we keep the fine at $250 as the staff recommended.

MR. DAVIS: But we're also increasing 60 days instead of 30 days where the $50 starts accumulating?

MR. BOSARGE: That's correct.

DR. ASPER: Is there a second?

MR. DRUMMOND: I'll second the motion.

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

MR. DAVIS: Thank you.

I believe that concludes coastal ecology.

DR. ASPER: Financial report. Kara.

J. Administrative Services.

2. Financial Report

MS. VESA: Good morning. My name is Kara Vesa. I'll be giving the financial report.

Today's report reflects the status of our budget as of April 30, 2012. On that date, we had spent $6,032,095, leaving a remaining balance on April 30 of $235,398. And again, tidelands funds remain obligated on that date, as well.

Any questions today?

DR. ASPER: Thank you.

That brings us to the end of our agenda. Is there a motion to adjourn?

MR. DRUMMOND: I make a motion we adjourn.

MR. BOSARGE: I second.

DR. ASPER: The meeting is adjourned.

(Meeting adjourned at 10:20 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 53 pages constitute a true and correct transcription of said meeting held on the 15th day of May 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 5th day of June 2012.

NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 25347 NORMA JEAN LADNER SOROE Commission Expires May 11, 2013 HANCOCK COUNTY