

Compressed Transcript



COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

May 15, 2012

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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.

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

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

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

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

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

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

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

16 Any questions about either?

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

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

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

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

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

3 Any other questions? Thank you,

4 DR. ASPER: Thank you.

5 Next is Matt Dubuisson.

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

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

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

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

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

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

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

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

6

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

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

8 Tom Becker.

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

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

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

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

25 And data is being lost, and they're concerned

7

1 about that.

2 The second item I have is not very nice. May 4,
3 2012, I got a letter about Louisiana Department of Wildlife and
4 the state thinking about going to a Saturday preceding Palm
5 Sunday and ending the year September 30, same year, with a
6 recreational bag limit of three fish per day, 16 inch limit,
7 minimum, for red snapper.

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

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

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

17 What does that do to Mississippi?

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

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

25 The point is our people need to know and hear

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

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

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

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

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

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

9

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

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

6 Thank you. Any questions?

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

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

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

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

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

10

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

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

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

11 But I don't have a license, either.

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

20 Thank you.

21 DR. ASPER: Thank you, Tom.

22 Next is Tim Lester.

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

25 I just wanted to iterate on what Mr. Matt

11

1 Dubuisson said about the speckled trout quota.

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

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

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

19 And that's pretty much it. Thank you.

20 DR. ASPER: Thank you, Tim.

21 Move on now to our executive director's report.

22 E. Executive Director's Report

23 DR. WALKER: I don't have anything.

24 F. Marine Patrol

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

12

1 to be Rusty?

2 MR. PITTMAN: Good morning, Mr. Chairman,
3 commissioners, Dr. Walker, Sandy.
4 You notice in the report, we have two items that
5 stand out again. Of course, one is the fishing license, and
6 the second will be boat and water safety violations that went
7 up this month.

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

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

12 We had one boating accident without injuries.

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

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

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

22 Any questions?

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

13

1 year?

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

5 MR. BOSARGE: All right. Thank you.

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

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

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

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

17 But since 1994, you have to have them.

18 So they come up with all kind of things.

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

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

25 MR. DRUMMOND: How about the gasoline?

14

1 MR. PITTMAN: Yeah, and gasoline, too.

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

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

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

14 MR. DRUMMOND: Lot of fishing license sold.

15 MR. PITTMAN: Lot of fishing license.

16 DR. ASPER: Thank you.

17 Move on to fisheries.

18 G. Marine Fisheries

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

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

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

15

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

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

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

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

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

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

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

6 MR. BOSARGE: Yes, sir.

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

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

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

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

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

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

10 First up for marine fisheries --

11 MR. DRUMMOND: Can I ask a question?

12 MR. DIAZ: Yes, sir.

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

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

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

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

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

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

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

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

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

16 MR. DIAZ: Yeah.

17 MR. BOSARGE: Thank you.

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

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

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

3 MR. DIAZ: Yes, sir.

4 MR. DRUMMOND: Down the Mississippi-Alabama
5 line?

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

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

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

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

20 I talk with Scott about this a good deal. And
21 the problem over in that area is more than likely wildlife.
22 There's significant populations of pelicans, alligators,
23 nutrias, and deer, hogs. There's a whole lot of things over in
24 that area that could potentially give us some problems with
25 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

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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

22

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

23

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 the 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.

24

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

25

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

26

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

27

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.

28

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

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

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

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

1 shell.

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

6 It also paid for plant materials.

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

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

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

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

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1 education center for Biloxi Public Schools.

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

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

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

14 Thank you.

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

17 MR. JONES: We started this conversation, it
18 would have been winter of 2009 and started writing grants in
19 2010 and have since just continued to write grants, and I go
20 from there.

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

34

1 MR. JONES: Thank you.

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

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

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

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

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

35

1 neighborhood.

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

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

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

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

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

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

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

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

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

3 MS. STECKLER: Please go by and see it.

4 DR. ASPER: Okay.

5 3. Bureau of Wetlands Permitting

6 a. Boyd Biloxi

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

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

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

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

21 Structures involved are a work barge 110 feet by
22 300 feet, and a pile supported bridge 250 feet long and 40 feet
23 wide.

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

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

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

6 Archives & History is reviewing the project.
7 DEQ, the water quality certification was issued
8 through the Corps of Engineers Nationwide 33 permit, so have
9 received water quality certification for the project.

10 Wildlife, Fisheries & Parks is reviewing the
11 project.

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

16 Staff's recommendation is approval of the
17 modification contingent on two factors. The first is that the
18 work barge and the access bridge be removed within 120 days of
19 completion of construction or no later than May 30, 2014.

20 Talking with the agent, that is expected -- construction is
21 expected to take about 12 to 18 months. The second is that we
22 receive no objections for the remainder of the comment period.
23 Agencies still have until the 18th to comment on this. And if
24 we do get any kind of adverse comments on the project, we will
25 address those comments and bring those back to the June meeting

1 Bayview Avenue, out to the work barge.

2 Here's a cross-section view.

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

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

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

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

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

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

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

1 to bring back before the commission.

2 DR. ASPER: Any questions?

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

5 MR. CHRISTODOULOU: Let me go back.

6 MR. DRUMMOND: Come from I-10?

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

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

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

13 MR. CHRISTODOULOU: Yes, sir.

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

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

19 MR. DRUMMOND: Okay.

20 DR. ASPER: So this is all temporary.

21 MR. CHRISTODOULOU: All temporary, yes, sir.
22 Further questions?

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

1 MR. CHRISTODOULOU: Right, so they can put it in
 2 a dry dock, basically a dry dock.
 3 MR. BOSARGE: I have no questions. I make a
 4 motion we approve the staff's recommendation.
 5 MR. DRUMMOND: I second the motion.
 6 DR. ASPER: Those in favor say aye. Carries
 7 unanimously.
 8 b. Hancock County Board of Supervisors
 9 MR. COLE: Good morning, everyone. My name is
 10 Ron Cole, and I'll be presenting the next project. It's going
 11 to be a request for a permit modification by the Hancock County
 12 Board of Supervisors.
 13 It's located on an unnamed canal adjacent to
 14 Bayou Cadet off of Pleasure Street in Bay St. Louis. It's in
 15 the commercial fishing and recreational marinas use district.
 16 And the agent is Compton Engineering.
 17 Here you can see a map of the project location.
 18 It's located in the Waveland community not far from the Silver
 19 Slipper Casino.
 20 Description of the project. This will be
 21 expansion of an existing marina, and it will consist of a main
 22 pier which will measure 400 feet in length by six feet in width
 23 and five finger piers that will measure 35 feet in length by
 24 six feet in width. And the total square footage of the newly
 25 proposed structures would be 3,450 feet.

1 Decision factors for this project.
 2 There will be public benefits of the project
 3 include providing the residents of Hancock County safe access
 4 to the water for fishing, as well as docking space for private
 5 and commercial vessels in the area. And the project would also
 6 add to the local tax base and provide construction related
 7 jobs.
 8 The project is allowable within the commercial
 9 fishing and recreational use district.
 10 Similar projects have been approved without
 11 setting a precedent, and none are anticipated with this
 12 project.
 13 Once the marina is fully operational, we can
 14 expect an increase in minor discharges of fuel and oil, litter,
 15 and some boat traffic.
 16 There are no known plans for development beyond
 17 the previously described regulated activities.
 18 No dredging will be required for this project.
 19 The Corps of Engineers came in last year and dredged the canal.
 20 Best management practices will be utilized
 21 during all phases of construction.
 22 No alternatives were considered because the
 23 project is expansion of an existing marina. And expansion of
 24 the marina does require a waterfront location.
 25 And the expansion of the marina should not

1 This is just an aerial of the project location.
 2 And this is an aerial of the project location
 3 with the existing structures in green and the proposed
 4 structures in red.
 5 And this is just a detail of the newly proposed
 6 structures. You can see a main pier with five finger piers.
 7 There was an issue that came up during
 8 evaluation of this project where we were alerted that the
 9 mitigation that was ordered by the commission back in 2004
 10 never reached a successful level of completion which would have
 11 been 85 percent coverage.
 12 So we went back and visited that. And we are
 13 going to add that mitigation back to this permit as a
 14 requirement.
 15 Here you can see the notice of compliance from
 16 the 2004 permit. And it states that the area needed to reach
 17 85 percent coverage within three years. And we are going to
 18 again require that and give additional five year monitoring
 19 plan which will be five years total.
 20 This is the mitigation area. You can see in the
 21 lower left-hand corner of that red box there is a small area of
 22 tidal marsh vegetation that was trying to take off. But the
 23 rest of it should have been filled in with marsh vegetation, as
 24 well, and right after Hurricane Katrina hit it just wasn't a
 25 priority, I believe. So it never did reach a successful level.

1 significantly decrease the existing scenic qualities because
 2 the area is already occupied by large vessels, both commercial
 3 and recreational. And there are public fishing piers in the
 4 area, as well.
 5 Project went out on comment from the Sun Herald
 6 and the Sea Coast Echo. No comments were received.
 7 DEQ is currently evaluating the project, and
 8 Archives & History has offered no objections, and the Secretary
 9 of State has indicated that no tidelands lease will be
 10 required.
 11 So based on the results of our evaluation, we
 12 have determined the project is consistent with the Mississippi
 13 Coastal Program, and staff recommends approval of the permit
 14 request contingent upon clearance with DEQ and the applicant
 15 bringing the mitigation site into compliance with the original
 16 mitigation as required by the permit that was issued by DMR in
 17 March of 2004.
 18 DR. ASPER: Questions? Motion?
 19 MR. BOSARGE: I make a motion we accept staff's
 20 recommendation.
 21 MR. DRUMMOND: Second the motion.
 22 DR. ASPER: Further discussion? Those in favor
 23 say aye.
 24 c. Dr. David P. Hesse
 25 MS. MOORE: Good morning, commissioners, Dr.

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

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

8 Here's an aerial of the project location.

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

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

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

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

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

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

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

12 Because the construction in 2007 was covered by
13 the commissioners' waiver and the construction of the roof in
14 2012 did not require a permit, he was unable to produce the
15 required document, therefore applied for a DMR permit for the
16 boathouse.

17 During the evaluation -- I'm sorry.

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

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

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

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

9 Violation discovered on April 25, 2012.
10 Violation duration is 20 days. The maximum potential fine is
11 \$10,000. Recommended maximum fine at the commission's
12 discretion is \$150.

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

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

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

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

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

4 DR. ASPER: Is there a second?

5 MR. DRUMMOND: I'll second the motion.

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

8 d. John Smith

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

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

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

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

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

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

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

25 March 17, staff met with the property owner at

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

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

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

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

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

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

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

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

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

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1 bring it into compliance.

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

4 DR. ASPER: Is there a motion?

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

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

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

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

16 MR. DRUMMOND: Okay.

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

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

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

25 MR. DAVIS: Yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 DR. ASPER: And what about the fine?

19 MR. BOSARGE: Recommend that we keep the fine at
20 \$250 as the staff recommended.

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

23 MR. BOSARGE: That's correct.

24 DR. ASPER: Is there a second?

25 MR. DRUMMOND: I'll second the motion.

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1 DR. ASPER: Those in favor say aye. Carries
 2 unanimously.
 3 MR. DAVIS: Thank you.
 4 I believe that concludes coastal ecology.
 5 DR. ASPER: Financial report. Kara.
 6 J. Administrative Services.
 7 2. Financial Report
 8 MS. VESA: Good morning. My name is Kara Vesa.
 9 I'll be giving the financial report.
 10 Today's report reflects the status of our budget
 11 as of April 30, 2012. On that date, we had spent \$6,032,095,
 12 leaving a remaining balance on April 30 of \$235,398. And
 13 again, tidelands funds remain obligated on that date, as well.
 14 Any questions today?
 15 DR. ASPER: Thank you.
 16 That brings us to the end of our agenda. Is
 17 there a motion to adjourn?
 18 MR. DRUMMOND: I make a motion we adjourn.
 19 MR. BOSARGE: I second.
 20 DR. ASPER: The meeting is adjourned.
 21 (Meeting adjourned at 10:20 a.m.)
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1 COMMISSION ON MARINE RESOURCES
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 4 COURT REPORTER'S CERTIFICATE
 5
 6 I, Norma Jean Ladner Soroe, Certified Shorthand
 7 Reporter, do hereby certify that to the best of my skill and
 8 ability I have reported the meeting of the Commission on Marine
 9 Resources and that the foregoing 53 pages constitute a true and
 10 correct transcription of said meeting held on the 15th day of
 11 May 2012.
 12 I do further certify that my certificate annexed
 13 hereto applies only to the original and certified transcript.
 14 The undersigned assumes no responsibility for the accuracy of
 15 any reproduced copies not made under my control and direction.
 16 Witness my signature this the 5th day of June 2012.
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NORMA JEAN LADNER SOROE, CSR #1297
 Certified Shorthand Reporter