COMMISSION MEETING

April 15, 2014

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COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES

April 15, 2014

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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 APRIL 2014
COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER
SROE, CERTIFIED SHORTHAND REPORTER.

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COMMISSION MEMBERS PRESENT:

JOHN TAYLOR, Chairman
RICHARD COLLOTT
STEVE ROSANGE
ERIE ZIMMERMAN

ALSO PRESENT:

JAMES MILLER, Director, DMR
JOSPEH R. BENNETT, ESQ., Asst. Attorney General
SANDY CRESSEY, ESQ., Asst. Attorney General

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1 A. Call to Order
MR. TAYLOR: I want to invite y'all to the April
meeting of the CMR and call to order.

2 B. Approval of Minutes
MR. TAYLOR: And first up is approval of the
minutes.

3 MR. ZIMMERMAN: Mr. Chairman, I have something
I'd like to clarify on the motion we made on the gill nets last
meeting. I believe it's the minutes as 14 inch squares it
should be 14 inch stretched. It's a 14 inch stretch
measurement on the back.

4 MR. TAYLOR: Okay. I need a second on that.

5 You're making a motion to amend the minutes.

6 MR. COLLOTT: I'll second, Mr. Chairman.

7 MR. TAYLOR: All those in favor. Okay.

8 Other than that, do I have a motion to accept
the minutes?

9 MR. ROSANGE: So moved, Mr. Chairman.

10 MR. COLLOTT: Second.

11 MR. TAYLOR: All those in favor.

12 C. Approval of Agenda
MR. TAYLOR: Next up is the agenda. Do I have
any changes to the agenda, or do I have a motion for approval?

13 MR. COLLOTT: I make a motion we approve the
agenda as presented.

14 MR. TAYLOR: Okay. Second?

15 MR. ZIMMERMAN: Second.

16 MR. TAYLOR: All those in favor.

17 D. Executive Director's Report

18 MR. TAYLOR: Next up we have Jamie Miller with
the executive director's report.

19 MR. MILLER: Thank you, Chairman Taylor. I've
got a few items. Shouldn't take too long.

20 First, give you an update. In February, the
agency received bids for the Katrina key expansion. Low bid
was received from J.E. Barries, and we have a contract in place
now as far as the demolition of the infrastructure associated
with Grand Casino or now Harrah's in East Biloxi.

21 The contractor is mobilizing here in the next
few days and should begin deployment of those columns very
soon, days not weeks.

22 Next is commercial oyster and blue crab disaster
recovery plan. As you know, we've recently been notified by
NOAA that the agency will receive $10.9 million in a disaster
grant as a result of the Bonnet Carré Spillway opening in 2011.

23 The staff has been working to prepare a framework plan to

24 submit to NOAA by June 1 this year. I would like to request

25 that two members of the commission be selected to work with our

26 staff to review and comment on the plan before we go out for

27 public comment in May.

N.J. SOROE, CSR #1297
Mississippi and our fishermen to get together and figure out
how we move forward with this very important fishery.

Next is an update to the 2014 legislative
session. The session ended on Wednesday, April 2, 2014. Four
pieces of legislation that impacts our agency.

One was SB-2579, the DRP Accountability and
Reorganization Act. It requires annual audits of our
accounts, the DRP, requires certain offices and professional
personnel with specific qualifications be hired for the DRP,
and provides a six-month exemption from the State Personnel
Board for reorganization.

SB-2068, marine finfish, was introduced by
Senator Tommy Gollott, basically allows restaurants to serve
recreationally caught marine finfish to persons who caught the
fish in restaurants.

HB-941 which dealt with our coastal wetland
permits increased the time for which applicants can request an
extension for coastal wetland permits.

And HB-1485 which was DRP's fiscal year 2015
appropriation. Basically we kept in place the 147 authorized
positions, our general fund appropriation was the same as last
year, $1.12 million, and a tidelands trust fund appropriation
of $9.787 million. I've also got a few personnel announcements. We
have been interviewing several key positions within the agency.

One of those was deputy director of marine fisheries. We have
interviewed, staff has recommended, and I have made an offer,
and the offer has been accepted by Traci Floyd who is currently
or was our director of our shrimp and crab bureau, is now going
to become our deputy director, of marine fisheries.

So congratulations to Traci.

MR. MILLER: Also notice in the crowd that
Jennifer Wittman is back from maternity leave. We're glad to
have her back.

Next is have had another one of our key
personnel retire. Dave Ruple who is the manager at the NERR in
Jackson County announced his retirement earlier this year to
me, and we've had that final party and still saying good-byes.
But Dave, as you know, has seen the NERR from its initial
thought through its planning through its implementation. And it's
really, it's been an absolute joy for me to be able to go
out there, be with him, see the great things they're doing.
We're going to be looking for a replacement for him which is
going to be difficult to do.

At his retirement party at the NERR, we joked
about when I came to the agency the first time in 1997 Dave
left, and so I came back again this time and Dave is leaving
again.

But anyway, Dave, I want to thank you personally
for your service. This agency owes you a great deal for your
dedication. The NERR would not be what it is today without
you, and I just want to thank you for that.

MR. MILLER: That concludes my report, Chairman.

MR. MILLER: Something I failed to mention when
I started the meeting, if you want to speak, please fill out
one of the forms and give it to one of the team members during
the public comments.

Next up is office of marine patrol, Interim
Chief Rusty Pittman.

E. Office of Marine Patrol

1. Report on Citations

MR. FITZMAN: Good morning, Mr. Chairman,
commissioners, Director Miller, Ms. Chesnut.

I'd like to congratulate Dave on his retirement,
and enjoy working with him over these several years.

Good luck to you, Dave.

Our report is not that long, this morning, but
a couple of things I would like to mention.

On the front page on Number 1, under violations,
those were made with the help of Alabama Marine Resource
commissioners, who were patrolling Alabama waters looking for illegal
gill netting and happened to notice a boat in Mississippi.
Warm waters out from Heron Bay with one subject tonging oysters,
MR. JENNE: First up on the agenda for marine fisheries is final notice for Title 22 Part 13 onshore aquaculture.

Notice of intent was posted and passed by the marine commission on February 4 of this year. We did a public notice on the web page on February 7.

Public comments were posted between February 4 through March 17. No public comments were received.

This is a summary of the major changes.

In Chapter 4 and Chapter 7, we inserted the statement other than approved onshore molluscan shellfish activities. This statement was inserted in certain sections that specifically referred to sections that were not related to onshore activities to clarify those sections.

We added in the Chapter 6 the actual language that would allow this activity. So I’m going to read this into the public record. It should take just a minute.

Chapter 6, requirements specific to molluscan shellfish aquaculture.

103. Onshore aquaculture.
103.01. Onshore culture of molluscan shellfish included in any aquaculture operation of molluscan shellfish on the mainland and all offshore or barrier islands that involve either the production or grow out of spat or seed stock and not intended for direct consumption.

103.02. All onshore molluscan shellfish aquaculture facilities are required to certify that all stock culture and originating from sources outside of the State of Mississippi are free of any disease or parasites harmful to marine organisms. Such certification shall be submitted to the MMR prior to the operation of the aquaculture facility.

103.03. Prior to the release into the waters of the State of Mississippi any discharge from an onshore molluscan shellfish aquaculture facility is required to be treated to eliminate any parasites or disease harmful to the marine organisms. Documentation of this process shall be submitted to the MMR.

103.04. Prior to the release into the waters of the State of Mississippi any effluent from an onshore molluscan shellfish aquaculture facility is required to be treated to reduce the pre-approved limits, all chemicals, drugs, or any substances which may be present in the effluent. Documentation of this process shall be submitted to the MMR.

103.05. Only the culture of species native to the State of Mississippi including polypluid native species shall be permitted.

103.06. In addition to the aforementioned requirements for molluscan shellfish culture, an application shall also abide by all relevant MMR regulations governing
to make sure we have what we need to conduct a quantitative
assessment. If there are data gaps, we need to identify those
and then collect either supplemental samples or in extreme
cases maybe develop new sampling programs to address those data
inadequacies.

Also once we identify which species we want to
assess, we need to evaluate the models that are available so we
choose the one that's most appropriate for the species of
interest.

And then finally would be actually conducting
the assessments and presenting those results to the commission.

What this will do will produce products that are
applicable at the state level management efforts and based on
modern and contemporary assessment approaches. This will allow
us obviously to provide you with the best available scientific
information for consideration when making these important
management decisions.

Current panel members are Matt Hill and Wes
Devors with DMR fisheries, myself, and then Robert Leaf from
Gulf Coast Research Laboratory. And Robert is here in the
audience, as well, right here.

For our first set of assessments, we want to
evaluate spotted seatrout and red drum in Years 1 and 2
respectively. For Years 3, 4, and 5, we'd like to take a look
at sheephead, black drum, and southern flounder. That's

something we'd like to get your input on.

I'd like to emphasize that this really needs to
be a cooperative process between the commission and the panel.
We want and certainly need your input in this, and having that
open line of communication, we're going to make sure that we
can provide you with the best and most appropriate management
information for making these important decisions.

With that, again, as I said I'll be brief, but I
appreciate having the opportunity to present this, and we'll be
happy to take any questions you may have.

MR. BOSARGE: Just so I understand, right now
you're working on red drum?

MR. HENDON: Right now, they're just finishing
up red drum.

MR. LEAF: So Matt asked me to work on the red
drum stock assessment and evaluate the size limit, changing the
size limit that you've been discussing. And I'm three-quarters
of the way through that process right now. So I'm actively
working on it.

MR. BOSARGE: And after red drum or in
conjuction with red drum, are we going to work on speckled
trout?

MR. LEAF: That's the intention.

MR. BOSARGE: And do we have a time frame as to
what interval -- how often are you looking at doing these stock

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assessments? In other words, say for instance when you
complete the red drum, when will you need a nod from this
commission to say, okay, we need to do this again now? Or is
it going to be a every five year thing? Or what do you
foresee?

MR. HENDON: I think we would want to look at
doing assessment every year. And during that process, we know
that for spotted seatrout we have good fishery data on that.
We have adequate fishery data on that since it's largely a
recreational species.

So while as Robert is finishing up red drum,
we'll be gearing up to do the spotted seatrout assessment and
hopefully be able to present that to you in the fall.

Everything is really going to have to overlap
because as we're working on one, we need to be evaluating the
data we have for the next species because we may not have what
we need, say if we want to look at an age based model, we may
not have the length at age relationships that we need to
conduct that assessment, so we would like to be able to begin
obtaining those data while we're finishing up one of the actual
assessments so we can just move directly into the next one.

But I think ideally we'd be looking at doing
minimally one assessment a year and presenting that to you, and
then just have it update as needed.

MR. BOGARDE: And I'm glad to see, I'm glad to

hear, because this is information we need desperately. And
really need it on all the stocks, you know, just like red drum,
flounder, black drum, sheephead, in other words, to make the
right decisions from our end.

Great. I'm glad to hear it.

MR. HENDON: Well, I don't know if it's
something that we necessarily need to do now, but you've kind
of seen what we want to do, so maybe you could work with staff
to get them involved in what species you would like to see in some
type of priority order, and then we could work at being
responsive as possible to addressing those needs.

MR. BOGARDE: Thank you.

MR. HILL: And I do want to stress, Commissioner
Bogarde, that whenever a priority comes up, the commission,
that's the input that we're looking for, and red drum was a
perfect example. That pushed red drum. We were planning on
doing spotted seatrout first, but when the red drum issue came
up, that pushed it to the forefront. So we went ahead, and we
started tackling that first to get that information out as
quickly as possible.

The species aren't set in stone. If issues
arise, then we have the funding in place to where we can throw
our resources out and try to get the best information possible.

MR. BOGARDE: It would be -- it's never a
perfect world, but it would be nice to have those assessments
prior to the issue coming up.

MR. HILL: That's what we're trying -- the
higher profile species that we believe we will have questions
about we'll definitely continue to try to do those, probably
not on an annual -- we would -- I can foresee us doing spotted
seatrout on an annual basis because that's something that
usually stays in the forefront. But the other species, we
probably don't have the ability to do them on annual basis, but
we'll try to look ahead as far as we can.

MR. BOGARDE: I agree because I can see, you
know, where speckled trout especially and redfish right behind
it would be easy to get over that threshold with overfishing.

MR. HILL: Correct.

MR. TAYLOR: Matt, several years ago I served on
a reef fish panel and got very frustrated because the data, the
fisheries managers were making decisions based on bad data.
And I asked them, and they said, yeah, we get bad data. And
just please whatever you do, do the best, get the best data --
I know you will -- that you can for us to make decisions
because the Gulf Council has had to make decisions based on not
good data, you know, over the years, you know. So that's the
only thing. I know you'll all will.

Thanks.

MR. HILL: Yes, sir. And that's part of the
process is to evaluate before the assessment starts would be to
evaluate the data that we have at hand on that particular
species and try to figure out the holes that we need to fill
and try to fill those before we actually run the assessment.

Now, we're never going to have all the data that
we need, but we can try to get as close as we possibly can.

MR. ZIMMERMAN: Matt, you know, something I'd
like you to keep in your mind is that the black drum right
now, I don't know if you remember last month, Tom Becker was
in and asked us that we need to start looking at that stock.

MR. HILL: On the sheephead?

MR. ZIMMERMAN: Yes, sheephead and black drum
is what I believe he asked for.

MR. HILL: Yes, sir. That's two of the other
three species that we have listed up there, just from the
comments that we hear, we try to come up with some type of
preliminary list.

But the input we mostly left up to the
commission. If there is something that you would like to see,
then the red drum, it became a priority. So if this comes up
and the commission directs us to do it, that's what becomes the
priority for that particular time period.

Thank you.

MR. BOGARDE: Matt, can we talk about the net
issue one more time?

MR. HILL: We got one more presentation.

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MR. ROSARGE: I'm going to hit you after that.

MR. JENELL: Our final item on the agenda is state records. And Mr. Porche is out for today, and so Mr. Was Devers is going to take that item up for you all.

3. State Records

MR. DEVERS: Good morning, commissioners,

Director Miller, Mr. Chesnut,

As Joe said, normally Erick would be giving this, but he's out today, so I'm going to fill in for him and do this real quick.

For your consideration today is the record that's pending. We all seem it in the newspaper and all. It's the new conventional tackle for greater amberjack, Seriola dumerili. The old record is 124 pounds 4 ounces, and the new record is 126 pounds 4 ounces. It was caught by Mr. Don Wheeler.

And if I'm not mistaken, I believe he was fishing aboard a charter boat out of one of the harbors here. And Mr. Wheeler is actually from Laurel. So very impressive fish.

And there's Mr. Wheeler and his catch.

Anybody have any questions or anything we might be able to answer for you?

MR. TAYLOR: Do I have a motion to accept?

MR. GOLLOTT: So moved, Mr. Chairman.

MR. ROSARGE: So second.

MR. TAYLOR: All those in favor.

I'd hate to have been on the other end of that rod with 125 pound reef donkey as they're called.


6. Office of Coastal Zone Management

MR. CHRISTOPOULOS: Jan is out this weekend.

Wills today is at a wetlands and water quality workshop getting to let municipal employees and county employees aware of some of the regulations and permitting processes that they have to go through for some of their projects.

1. Bureau of Wetlands Permitting

a. The First, A National Banking Association

MR. CHRISTOPOULOS: So I will be presenting the lone item on coastal zone management's agenda today. And it is an extension request by the First, A National Banking Association. It's located on O'Leary Lake in Moss Point, Jackson County, and it's in the industrial development use district.

Here's kind of a broad overview of the location, I-10, Highway 613, in Moss Point. The thumb tack marks the location of the marina just east of 613. And the next diagram shows a little zoomed-in location.

And the applicant is requesting a two year extension to a previously authorized 333 slip marina.

Here's a diagram of the project.

In 2003, the commission approved a permit for Mr. Tucker that expired in 2008.

In December of '05, the applicant submitted a modification request to remove a pier and cover some of the slips.

The commission approved a two year extension for the permit on March 2008 and March 2010.

In 2012, DMR received a request for a two year extension and a modification because the ownership had changed to the current owner, the bank. And the commission did approve that modification and extension request.

And in March of this year, DMR received another request for a two year extension.

And based upon departmental review and evaluation, staff recommends that the DMR approve the applicant's request for a two year extension.

And I think Mr. Miller from the bank may be here today if you need to ask him any questions regarding --

MR. TAYLOR: Any questions? Or do I have a motion?

MR. GOLLOTT: Mr. Chairman, I'd like to make a motion that we grant this two year extension to this project.

MR. TAYLOR: Second?

MR. ROSARGE: So second.

MR. TAYLOR: All those in favor. It's unanimous. Thank you.

3. Office of Finance and Administration

MR. TAYLOR: Next up is office of finance and administration, Bill Puckett.

1. FY14 Monthly Report

MR. FEIITT: Good morning, everyone. I want to give you our financial position as of the end of March.

Some of the key metrics from last month, we ended March with state revenue of $10.6 million. Total agency revenue we're at $23.9 million. The two key metrics I've really been watching along with Director Miller, the state net income, we're at $2.3 million, and total operating funds, we have a net position of $1.6 million to finish the year out with.

Any questions on this?

From a budget standpoint, we're underneath it for the budget year of 2014. Our operating funds which is our state and federal funds, we have 43 percent of the budget remaining. And tidelands trust fund, we're in an even better position, we have 54 percent of the budget remaining.

And then my standard note is this is consistent with transparency.ms.gov, and I encourage anyone that has any questions about the agency's financial comings and goings to take a look at that website. It's very rich with information.
1. Final Adoption of Changes to Commissioners’
   Administrative Handbook

   MR. RUNKELS: Good morning, commissioners. This
   is a follow-up to what you did last month on amending the
   handbook. We filed that with the Secretary of State’s Office.
   Here is the proposed amendment. The only change
   is down there on the next to the last or the very last sentence
   where we’re changing it from seven days to ten days on getting
   agenda items out to the commission.

   I don’t know that it’s really necessary to have
   you make a final change to it since you already have in your
   rules that they’re effective within 30 days, but the process
   that the Secretary of State’s Office is familiar with is that
   you come back, make a final adoption, and then we file it one
   more time. So I would ask that you entertain a motion to
   approve this change to your commission handbook.

   MR. TAYLOR: Do I have a motion?

   MR. COLLINS: So moved, Mr. Chairman.

   MR. TAYLOR: Second?

   MR. ZIMMERMAN: Second.

   MR. TAYLOR: All those in favor. Passes. Thank
   you, Joe.

   MR. RUNKELS: And, by the way, the Secretary of
   State’s Office is now assigning it a new number. It will be
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   MR. COLLINS: So moved, Mr. Chairman.

   MR. TAYLOR: Second?

   MR. ZIMMERMAN: Second.

   MR. TAYLOR: All those in favor. Passes. Thank
   you, Joe.

   MR. RUNKELS: And, by the way, the Secretary of
   State’s Office is now assigning it a new number. It will be
   Title 22 Part 22.
So if I could get Matt back up there one more
time and look at the options from the last meeting.
Matt, I think you've got that in front of you.
You probably can't put it on overhead.
MR. HILL: I did. I got it on the overhead if
y'all want to look at some of this.
MR. BOSARGE: Yes, please.
MS. CHESTNUT: Mr. Chairman, I just want to
clarify for the record that we're treating Mr. Gable's letter
as a petition for reconsideration. And the commission has the
authority to take the action that they deem appropriate. They
did actually have four choices. They can grant or deny Mr. Gable's
request without further argument. They can request a response
from DNR, which is what we've been here. We can set the matter for evidentiary hearing. Or they can
make any further order they deem appropriate under the
circumstances.
MR. GOLLOFF: Sandy, do we need a motion to
reconsider it?
MS. CHESTNUT: No. He's already filed his
petition for reconsideration. You'll make a motion if you take
any action.
MR. JENKINS: And the response that the DNR is to
Commissioner Bosarge request that we present the options that
we had given at the previous commission meeting. Correct?

MR. BOSARGE: Correct.
MR. HILL: I'll try to run through it a little
quicker.
MR. BOSARGE: Specifically Option 4.
MR. HILL: Yes. Well, we started out with the
reconsideration of the degradable net material.
Current regulations are located in Title 22 Part
5.
Alternative 1 was just status quo. I just took
that out. I mean, we can still go there. I think we all know
what status quo is by now, but Alternative 1 is status quo.
Alternative 2 began basically with what it is,
it's in the definitions right now, the approved degradable
material. We struck out a lot of things, and we get down to
the net shall be tagged annually, which was something that
came up with the other. One thing that we did take out from
here, we had a little push back on calling in and calling out,
so that's 100.14. We struck that out. We struck 100.15 a
little bit saying any license holder that's convicted of three
citations and convicted was the key word, it wasn't just a
received, it was convicted of citations with any three years
shall have their license revoked. And .16 was allowing the
current tag gill net holders to use nylon walling on their gill
and trawl nets.
And basically the summary to this was it allowed
these eligible gill and trawl net fishermen to construct
their nets with multi-filament nylon twine. It did allow new
entrance into the fishery and trawl net fishery.
However, these fishermen would only be allowed
to construct their nets with cotton, linen, or materials
meeting the approved degradable materials definition.
It does not sunset the gill or trawl net gear.
However, it does sunset the use of nylon to construct these
nets. Once these certain number of fishermen pass, there will
no longer be any fishermen allowed to use the nylon to
construct these nets. However, they can continue to use the
cotton linen.

Alternative 3. We went -- we changed the
approved material definition a little bit and just put
everything in there, cotton, linen, untreated, multi-filament,
and left the degradable definition in there. All of these
things are the same as Option 2. The annual tagging. We also
struck out calling in and calling out to marine patrol in this
one.

MR. TAYLOR: Matt, let me stop you there. Where
is the push back on that coming from, calling in?
MR. HILL: We had a couple of comments come in
with some fishermen, and we just weren't quite sure exactly how
that would work with the area exactly.

MR. TAYLOR: I think it's very important. Gill
nets are a ghost fishery, and in the past we have had problems
with -- with Mr. Gable, with some people especially in
Jackson County setting nets and all. And if you're a
commercial snapper fisherman or commercial -- you have a
transponder on your boat. And I think it just -- everybody's
got a cell phone. It's real easy.

So anyway, go ahead.
MR. HILL: Well, that's something that can be
added in with the discussion here. That's just something we
did strike it out.

MR. BOSARGE: I believe though in the rules,
Matt, it also says that you have to stay within certain
distance of the net and you have to maintain contact with the
net. There is no more set netting, so to speak.

MR. HILL: That is correct. You have to
maintain a certain distance from the net.
We changed this to say any license holder
convicted of three citations with any three years shall have
their license revoked.

Some of the additional regulations that we did
put in here were they had to possess a gill or trawl net
which has been approved and tagged by the MNRB between
September 1, 2005, and March 18, 2014. And they also had to
continuously hold a valid commercial net boat license from
January 2012 to present.
The summary. Allows eligible gill and trammel net fishermen to construct their nets with multi-filament nylon twine. It establishes the endorsement. This endorsement will only be obtainable by the fishermen that currently possess a gill or trammel net that was approved and tagged between September 1, 2005, and March 18, 2014, so it would just grandfather this small group of fishermen in. It does not allow new entrants into the fishery. It states the gill and trammel net endorsement shall be non-transferable. And this does sunset the gill and trammel net gear after the retirement of those fishermen eligible for the endorsement.

Now, the Alternative 4 that we came up with is one way is to if we grandfather them in and sunset it, that would basically be Alternative 3. If we grandfather the ones in and just allow them to use nylon and continue the other ones to use the cotton linen, that would be Alternative 2. That's your two differences in these.

MR. TAYLOR: Do you have a slide on 4?

MR. GILLOTT: Matt, let me ask you a question. Doesn't that open us up to some federal lawsuits if we sunset these nets altogether? Don't we need to at least leave that biodegradable net in there to stay out of some lawsuits like they're having in Florida?

MR. HILL: We may have an issue unless -- with such a small group of fishermen right now, if we sunset the gear completely with a small group of fishermen that we have now, unless we can show some scientific or biological reasoning for sunsetting this gear completely, we may have an issue if someone challenges it.

MR. GILLOTT: Thank you.

MR. HILL: And, Commissioner Taylor -- Chairman Taylor, Alternative 4 can be 2 or 3. There's no difference really except for the sunset clause, whether it's going to sunset the gear or whether it's not going to sunset the gear.

MR. ROGERS: Can you show us Alternative 4?

MR. HILL: This is 3, but this would be 4.

This we went in there, we defined the cotton linen material, we defined the untreated uncoated multi-filament, we defined the approved degradable material. Everything went through the same. We allowed the weaving and panel for the gill nets to be constructed of material in accordance with the approved materials.

All gill nets, trammel nets, shall be inspected. It was the same as the other 2 and 3. Each gill net shall be tagged on opposite ends.

We struck this 100.14 out in both of them as you can see. Prior to setting or deploying any gill or trammel net that we would -- the license holder shall notify the marine patrol dispatch. That's something that we can or cannot strike out.

Those were the minor changes in Alternative 4. So I put them in both of those to give us an option.

MR. TAYLOR: Matt, on the three year convictions, could a person possibly have two tickets and then get a ticket in the third year and through an attorney get continuances, get continuances, get continuances? Would five years be a better solution, you think?

MR. HILL: What do you think, Sandy?

MS. CHESNUT: That can happen.

MR. TAYLOR: I mean, I can't make a motion, but, you know, I'd like that in any of the options.

MR. HILL: I think the big thing what's come up just now is whether to make the fishermen -- if we're going to go down this road is whether we're going to make the fishermen call in to marine patrol or not. That was one thing that was struck out. The conviction, three convictions in three years. But the other difference is and what Commissioner Gillott asked is if we sunset the gear completely, do we set ourselves up for something in the court system, and unless we can biologically or scientifically show we did it for a reason, we may have a problem.

MR. TAYLOR: Hey, Mr. Runnels, I can't support any of them but 4 because it doesn't sunset it. We're not sunsetting the gear for people that don't have a license. I mean, they can't come into the fishery. And if I'm correct,
said, you could get three tickets at one time, rather than make
it three separate occasions, no matter how many tickets.
But anyhow, if I can get Matt back up there,
maybe we'll try to craft a motion here.

MR. HILL: Let me change something real quick.

MR. ZIMMERMANN: I have a question. I mean, last
time we had filed a notice of intent. Is that my understanding
that we voted on last meeting? And we put a motion on the
floor, and it passed, which pretty much did away with what
we're looking at by my understanding. And now we're back at it
without -- what do we have to do, Sandy?

MR. BOSARGE: I wouldn't say did away with.

We're modifying more.

MS. CHESNUT: Based on Mr. Gable's petition for
reconsideration, you're acting on his petition. And however,
if you grant his petition and grant him the relief he requires
or he's requesting, it still require a rule change. So it
still would have to go through the administrative procedures
and go out on notice of intent and all that.

MR. JEWELL: The notice of intent that's on file
right now simply addresses the panel, the 14 inch mesh stretch
panel. So it's still in play and still next commission meeting
will be brought up for a final notice.

MR. ZIMMERMANN: So in all reality, what you're
saying, Joe, we would have to pull that last motion that was
agreed on last month.

MR. JEWELL: No. Unless the commission does
something that overrules or does something designed that
interferes with that process, it's still in play and it will be
brought up for final adoption next commission meeting. Those
are two separate processes right now, potentially two separate
processes.

MR. TAYLOR: Matt, don't worry about the --

MR. GOLLOTT: Mr. Chairman, let me say this.

Legal just slipped me this. Three offenses on three different
separate occasions would be appropriate.

MR. BOSARGE: And Matt, can you tell me which
one of the options best fits what I'm asking for? Because
you've got me totally confused.

MR. HILL: Okay. This, I just changed this, and
I think this is -- I changed it to say Alternative 4 which was
the original alternative, so let's just start over with
Alternative 4, and we'll read it with the changes that we made
but this would be Alternative 4.

So let's start again. How about that?

Chapter 3, the definition section will remain
the same as it currently is. You have approved degradable
material and nothing would change in that section.

Chapter 5 with the additional gill and trammel
net restrictions reside, we would strike out some of 100.07 and

N. J. SOROE, CSR #1297
MR. COLLOTT: Could we take out the three years and the commission could do it in a year if a person was blatantly doing it, you know.

MR. ZIMMERMANN: I feel it should be three offenses period.

(Several people speaking at one time.)

MS. CHESTNUT: After by the MMR, put and upon revocation shall not be eligible for this.

So they have the option to revoke, and if they do revoke, then that's the consequences.

MR. JENSEN: Commissioner Taylor, Mr. Gable would like to address the commission.

MR. GABLE: What I was going to say and suggest and my personal opinion as a commercial fisherman I'm a strong believer in strike three you're out. If the fisherman is continuing to do something against the law or the gill net rules, then if he does it three times, he ain't got no business being there. And I think if it was done that way, back in the '90s we wouldn't have had the trouble that we have now. Now that's my personal opinion.

MR. TAYLOR: I think you're exactly right, and that's why I said what I did, Mr. Gable. So thank you.

MR. HILL: I'm going to read that one more time.

100.15. Any license holder with three separate offenses occurring on three separate occasions for violating any of the provisions of this chapter may have their license revoked by the MMR and upon revocation shall not be eligible to possess, use, or deploy gill or trammel nets on marine waters under the jurisdiction of the MMR.

100.16. Subject to compliance with the foregoing regulations in this chapter, currently licensed fishermen in possession of a gill or trammel net that was inspected and tagged by the MMR between September 1, 2005, and March 18, 2014, shall be allowed to use and deploy gill or trammel nets constructed with uncoated multi-filament nylon twine weaving and panels.

Current license holders that meet this requirement shall be allowed to use said gill nets provided they annually purchase the required license, obtain the required tags, and abide by all the regulations in this chapter. This special authorization is non-transferable.

MR. BOSSARD: Non-transferable.

MR. HILL: This special authorization is non-transferable.

MR. BOSSARD: And I guess to kind of clarify things in a manner of speaking because I guess that almost sunset it by itself.

MR. HILL: The nylon, correct.

Alternative 4 summary. Allows eligible gill net
and trammel net fishermen to construct their nets with
multi-filament nylon twine. The eligible -- I just want to
clarify -- the eligible gill net and trammel net fishermen
we're talking about are the ones that have a gill net or
trammel net tag between September 1, 2005, and March 18, 2014.
Those are the only fishermen that would be allowed to use the
nylon.

It does allow new entrants into the gill net and
trammel net fishery. However, these fishermen would only be
allowed to construct their nets with cotton, linen, or
materials meeting the approved degradable materials definition.
This alternative does not sunset the gill or
trammel net gear. However, it does sunset the use of nylon to
construct these nets. It would only grandfather the currently
tagged fishermen that we continuously talk about to allow them
to use nylon. But it would not shut the fishery down.

MR. TAYLOR: Does Alternative 4 have the wording
on the tickets, citations, the same as we changed?
MR. HILL: We just changed it, yes, sir. That's
one of the -- right here -- that's the one we just --
It's up to y'all, now.

MR. BOSARGE: I'll make the motion that we
accept Alternative 4. And just to go just a little bit
further, you know, when you look at where the gill net fishery
is today and you look at we had this discussion a couple of
meetings back where now that we have trip tickets, you can see
that very, very, very few fish caught by gill net fishermen —
I guess my point is very little impact on the fishery.

This will have a slight increase in impact. But
you've got to understand, we're going through a lot here to
allow nylon gill nets. That would be like me telling most
recreational fishermen you've got to take monofilament off your
rod and reel and go to nylon twine.

In other words, we're allowing them to use
nylon, something that went out 25 years ago because it's hard
to fish with, it's not what you would want to fish with is what
we're allowing them to fish with.

So we're restricting them in their ability to
catch fish and because it's especially uncoated nylon and Mr.
Gable, you better know where you're putting it.

Anyway, I guess my point is we're making a big
deal out of, oh, we just allow nylon gill nets, but really
we're just allowing nylon gill nets, come on.

But anyhow, we are where we are. I don't think
it's going to be a big impact on the fishery. I'm glad to see
it.

MR. TAYLOR: Do I have a motion on -- we have a
motion on the floor. Do we have a second?
MR. GILLIOTT: Mr. Chairman, I'll second that
motion.
MR. BOGARSE: Correct.
MR. TAYLOR: So there's no need for two motions
is what you're saying.
MR. JEWELL: Right.
MR. TAYLOR: I'll entertain a motion that
someone --
MR. BOGARSE: I make a motion that we pull the
past notice of intent for the walling, nylon walling.
MR. TAYLOR: Do I have a second?
MR. ZIMMERMAN: Second.
MR. TAYLOR: All those in favor. Passes.
Thank you, Joe.
MR. HILL: I would ask that one thing that we
changed earlier that we can add in here somewhere, and we can
look through it, to put the restriction on the size of the
trammel net walling back at the 14 inch stretch. We need to
have that in here because we have no restrictions on that
wallowing.
MR. TAYLOR: Do I entertain a motion to add
that?
MR. BOGARSE: You want no restrictions on that
wallowing?
MR. HILL: No. I want it. That's not in --
this Alternative 4 just allows then to use the nylon, but the
14 inch stretch mesh is not included in here, and we need to
add that.
MR. BOGARSE: Do you want to set it at no more
than a 14 inch stretch or at 14 inch?
MR. HILL: No less than a 14 inch stretch.
MR. BOGARSE: All right. I'll modify my motion
then to include that the walling on all trammel nets be no more
7 than 14 inch stretch.
MR. HILL: No less.
MR. BOGARSE: No less.
MR. HILL: No less than 14 inch stretch.
MR. COLLOTT: And I'll second it.
MR. TAYLOR: Make it in the form of just another
motion.
MR. BOGARSE: Strike that last motion. I'll
make it in a separate motion where --
MR. TAYLOR: You stated it. And you second it,
Richard?
MR. COLLOTT: Second.
MR. TAYLOR: All those in favor.
MR. JEWELL: Thank you.
MR. HILL: Thank you.
MR. TAYLOR: We have no speakers today, which is
unusual. The first time in eight years I've never seen that.
So Shelby is not here --
MR. BOGARSE: I have one question I wanted to
really didn't realize Jamie was going to talk about it earlier.
There's been so much happening with the red snapper fishery and
the management of it, and you spoke briefly about a meeting you
were going to put together with stakeholders.
And I guess where I'm leading to is, there's a
big need for sector separation in the management of the fishery
and between the recreational and the charter boats. The
charter boats, years ago, I myself had a reef fish permit, and
we would fish snapper during the off season and so I qualified
for an IFQ, individual transferrable quota at the time. I
think it's now IFQ.
But my point is, it eventually put me out of the
fishery which is what needed to be done because the traditional
fishermen were then able to take their share of quota and at
the time, you know we all thought oh, goodness, this is going
to be the worst thing to ever happen. But as it turned out, it
was a good thing because it took the traditional fishermen and
allowed them to fish instead of dirty fishing when the season
opened they could go fish and catch their fish when market
conditions were better.
And I see that our charter fishermen now this
year with 11 days. If we had sector separation where they were
separated out of the recreational fishermen, and there's a plan
going on now to where they would be -- they know how many fish
they had to catch, they could book their charters ahead of
time, knowing they were able to go fishing, be a better
business decision for them.
But I believe as far as from what I've
understood from the charter fishermen we've had here, they're
against sector separation. And I know where they're coming
from because I was on that side of that issue once before with
the reef fishermen.
But we really need to have a bigger discussion
with that or a more indepth discussion to where our folks that
represent Mississippi on the council can hopefully guide this
thing in a direction that's better for the charter fishermen.
MR. TAYLOR: Commissioner Bogarce, let me
address some of that.
I have two charter boats. And yes, you're
right. And I see Mr. Becker out in the audience.
Some charter boats are for it; some aren't. The
council did address it this past meeting. And part of the
problem is not just recreational fishing, it is part of the
problem, but it's also states not in compliance, you know,
which you well know, they have a total poundage, when a state
goes noncompliant, you know, Louisiana is allowing three or
four fish on the weekends to the harvesters --
MR. BOGARSE: I think right now Louisiana is 365
days a year. They can't get much more noncompliant than that.
I'm proud of Mississippi in that we have stayed
compliant with them. In other words, the management plan of
red snapper is a Gulfwide management plan, and when one state
goes noncompliant, the management plan won't work any more.

MR. TAYLOR: I will say one of the things that
they -- what Dale called me is that they're looking at an
individual IFQ for charter boats and recreational fishermen,
too. They are looking at it.

MR. BOSARGE: And I think what their plan is
because there have been, you know, back when I was still doing
it, we were having to report our landings. Well, the charter
boats for the most part, there are a few of the charter boats
in different states that do report their landings, but here in
Mississippi they don't. But they're basically looking at
 crafting a plan where if you're a head boat, if you're a six
 pack, according to what type of charter boat you are, they're
going to say you've got X pounds, instead of actually saying,
okay, prove to me what you've caught and we'll base what you
catched on what you have coming.

I know it's scary for most of the charter boat
captains, but I think in the long run, eventually you'll look
back and say that's the best thing that ever happened.

MR. TAYLOR: The Chair is going to recognize Mr.
Becker. And if you would after you finish, would you fill out
the form and give it to Jennifer.

MR. BECKER: Tom Becker, president of the

Charter Boat Association, and I'm very familiar with IFQs all
over the country.

The IFQ program sounds great. It has put a lot
of fishermen out of business because Joe Blow goes and buys all
the IFQs, now for me to take a fisherman out fishing and have
go buy a quota from somebody because I used my ten fish
already is not the way fishing is.

Nobody owns the fish out there. God owns those
fish. It's your job and my job to manage then so we have fish
for my kids and my great-grandkids.

MR. TAYLOR: Tom, would you speak just a second
just very briefly on sector separation and what our captains
and association locally feel about that? I know this is

MR. BECKER: Right. Okay. Our captains here in
Mississippi because we have never had any quotas or any data
that they wanted, we don't have a quota. They give us four
percent right now for the state. That's what they're showing
as Mississippi catching. They come up with data that I don't
know what they're coming from. They say there's a hundred and
some boats out there every day, but we do not want sector
separation here in Mississippi.

MR. BOSARGE: I feel you're going to be in the
same boat that I was in that you're not going to have a
choice. You're going to have sector separation. You best in
my opinion look at it in a positive light and try to figure out

MR. TAYLOR: They have been mandated now to come up with a
strategy to quantify landings for the recreational side. And
the only way they're going to do it is sector separation.

So in my opinion, it appears that, like me, I
was there all said, oh, this will be the worst thing ever
happened.

I think you're eventually look back and say it's
the best thing that ever happened. But you need to look at it
more in a little positive light and try to figure out how best
to make it work for you. How best can we quantify that we have
more than four percent of the landings.

MR. BECKER: Right. Well, we've been giving
data, the head boats they are multi-passenger vessels here, we
don't call them head boats. We don't have a head boat.

Everybody that can walk up -- we don't do that here because
we'd have problems with people coming out of casinos. I'm
sorry, but that is a problem. And you won't like what they've
done. So we don't even want to mention them.

But we started in 2010 what happened in 2010.
So we got data starting in '11, '12, and '13, that we've been
turning in.

And when you go out there, we'd be out there in
the middle of the week, and there's a hundred boats out there,
and I've got two boats from Louisiana coming bounding me,

wanting us to go over the joint chiefs? I don't mind them
coming. I asked the second one, how come you're coming here?
He says, you're the only one out here. Middle of summer, and
I'm the only one out there. Now where we got this hundred
boats a day out there fishing? I don't know.

But I think what we need to do is we need to get
the recreational, strictly the recreational, have them get an
extra license for a reef fish for the red snapper. Now you
know who's fishing for red snapper.

MR. BOSARGE: And I agree, it's coming. And I
know there's a lot of folks here ready to go, so we hopefully
maybe we all can get together on this panel because we're going
to need some direction for the council members.

MR. BECKER: Right. I'll get to vote on that
meeting.

MR. GOLLITT: Can I ask a question? And this is
like a fly in the ointment. But wouldn't trip tickets make
sense for recreational and charter boats to find out exactly
what's happening off Mississippi?

MR. BECKER: Well, one of the gentlemen left
here working with the National Marine Fisheries that comes
around. He'd call you when you have a trip. But a trip ticket
may work. Yes. But who are we going to turn them in to?

MR. BOSARGE: I think they're looking at --

MR. GOLLITT: DMR. DMR would collect the trip
tickets just like they do with the shrimp and everything else.

MR. BOGARDE: What I’ve heard and the best
scenario I’ve heard so far as far as not for the charter boats,
but for the true recreational fishermen, is a permit that we
can actually get on your phone and apply for the permit, allows
you to go fishing for the day. At the end of the day, you have
to report your catch. And that’s the only way you can get
another permit.

Sounds like something that’s reasonable.

MR. BECKER: Right, that’s reasonable. I’ve
heard that one, too.

MR. TAYLOR: Thank you, Tom.

MR. JENKEL: Commissioners, we’re working on a
program, let me let Matt Hill come up here and talk to y’all a
minute about — I know y’all are tired of hearing from me, but
I’m going to ask him to — we’re talking about a voluntary
program that we’re going to start up here pretty quickly.

MR. HILL: I’ll be brief. We are going to — I
was going to give a talk on April 23 at CGR and at the
recreational fisheries workshop about something that we have
been working on, and it is strictly for red snapper. It’s
about requiring this year will be voluntary have the offshore
— an offshore landing permit. Hopefully in 2015, it would be
mandatory, you would have to have this permit to land red
snapper in the State of Mississippi. We would like for it to
be very basic. We don’t want each angler to have it. Some
other states are going in that direction. We just feel we need
the vessel to have it. We feel like we’d have a little better
coopetion with one person on the vessel being responsible for
it. They would get an authorization code. It’s a daily code.
So if they didn’t — if they were inactive for any reason,
they would have to get in there and clear that code out to be
able to go the next day or the next day or the next time that
they wanted to go. Very basic information that we would need
from how many anglers they had on the vessel, the number of
snapper they harvested, the hours fished. And we would also
like to know where they’re coming, where their access site is,
is it public or private. And if it’s a public access, where is
that going to be so then we can do our validation, we can do
our dockside things to get our lengths and our weights to come
up with our average weights.

And the way that our fishing grounds are set up,
it’s very suitable for us to do an aerial survey. So we put
in, and we will do that this year, as long as Director Miller
will sign it, that we’re going to do an aerial survey. We’re
shooting for a minimum of three days a week right now. We feel
like we can make these flights. And we can, it’s not exact,
but I think it’s better than what we have, we can make these
flights and just do vessel counts. We know they’re going to be
on HH-1, -2, -13, a few on -6 and maybe go to the southern tip
of Chandeleur and fly from — to the Alabama line and see how
many we have on the rigs and just come up with some type of
estimate for ourselves.

But that is something — this will be a
voluntary program this year, however. And we’re fixing to
start doing a little outreach to get the public on board and
help us. But that’s what’s going to be — I think a lot of the
fishermen are fed up, so I think cooperation will be a little
easier to get than in the past. But we are going to reveal a
lot of that plan at a talk at CGR on the 23rd.

MR. BOGARDE: I’m glad to see you moving forward
and welcomed.

MR. TAYLOR: Thank you, Matt. I think that’s
wonderful.

MR. BOGARDE: It’s hard to believe that
Mississippi is only four percent of the landings. So I would
love to see some data that pumps that number up just a
little where we can give our fishermen a chance to catch fish.

MR. HILL: We’re trying.

MR. ZIMMERMAN: At lack of our closer, Shelby
Drummond, being here, I’d like to go on record wishing him a
fast and full recovery from the commission, I’d call to close
the meeting.

MR. TAYLOR: Do we have a second?

MR. MILLER: Before you close, I apologize, I
should have done this in my executive report, but I would
request that we move our commission meeting in May to Hancock
County. We have committed publicly to have four meetings a
year, two in Jackson, two in Hancock. This is really our last
opportunity. Shrimp season and other things will be real
active, so I wanted to be in Biloxi for the summer. So if we
could meet in Hancock in May and then we’ll wait until the fall
again to move the meeting around.

MR. GOLLST: I so move, Mr. Chairman, May,
Hancock County.

MR. ZIMMERMAN: Second.

MR. TAYLOR: All those in favor. Passes.

MR. GOLLST: I make the motion to adjourn, and
Ernie would be a second.

MR. TAYLOR: All those in favor. Thank you.
(Meeting adjourned 10:40 a.m.)