COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

May 20, 2014

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COMMISSION ON MARINE RESOURCES

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TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT
HANCOCK COUNTY BOARD OF SUPERVISORS BOARDROOM, 854 HIGHWAY 90,
SUITE A, BAY ST. LOUIS, MISSISSIPPI, COMMENCING AT 10:00 A.M.
AND REPORTED BY NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND
REPORTER.
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COMMISSION MEMBERS PRESENT:

JIMMY TAYLOR, Chairman
RICHARD GOLLOTT
SHELLEY DRUMMOND
STEVE ROSARIO
ERNEST ZIMMERMAN

ALSO PRESENT:

JAMIE MILLER, Director DMR
JOSEPH R. FENNEL, ESQ., Asst. Attorney General
SANDY CHESSAY, Esq., Asst. Attorney General

I'm going to announce the Officer of the Quarter from the
office of marine patrol. And I will ask after I make the
1. It's tough to get old, too.
2. Approval of the minutes. We have a motion and a
3. second.
4. MR. ROSARIO: Excuse me, Mr. Chairman. I just
5. got a copy of the minutes, and there's one mistake on these
6. minutes. If you hold on, I'll try to find it.
7. MR. TAYLOR: Okay. We'll table that for right
8. now and then come back to it.
9. C. Approval of Agenda
10. MR. TAYLOR: Approval of the agenda.
11. MR. GOLLOTT: Mr. Chairman, I'd like to make a
decision to remove F-5 off the agenda.
12. MR. DRUMMOND: So moved, Mr. Chairman.
13. MR. TAYLOR: Second?
15. MR. TAYLOR: All those in favor. Opposed?
16. Item number 4. Beverly Martin is not here, so
17. that will be scratched, too.
18. D. Executive Director's Report
19. MR. TAYLOR: So next up is executive director's
20. report.
21. MR. MILLER: Thank you, Chairman Taylor.
22. I've got a brief but important announcement.
23. 1 announcement, I'm going to read a few things about the officer,
24. and so I'll ask him to come up after I finish reading this and
25. receive his certificate.
26. This quarter's Officer of the Quarter award goes
to Senior Master Sergeant Kyle Wilkerson.
27. Officer Wilkerson has been serving as an acting
supervisor for the West District for the last six months while
Lieutenant Jimmy Hester has been out on sick leave.
Kyle has done an excellent job serving in this
capacity and has the utmost respect from the officers in the
field.
Kyle is also our officer in charge of firearms
training and has served in this position for the last several
years.
Officer Wilkerson started his career with MDMR
November of 2000 and served the people of the State of
Mississippi and MDMR with loyalty and professionalism.
Officer Wilkerson was promoted to senior master
sergeant in June of 2008 on the recommendations from all of his
supervisors for his dedication to the job.
It's with great pleasure that I select Senior
Master Sergeant Kyle Wilkerson Officer of the Quarter.
Thank you, Kyle. Come on up.
(Applause.)
MR. MILLER: Chairman, we still have some items.
Sandy, we're going to handle the administrative penalties in the director's report. You're going to help me with that?

MS. CHESTNUT: I think Joseph Runnels is going to help you.

MR. MILLER: I'm sorry. I looked at the wrong attorney.

MR. TAYLOR: We're going to go back to approval of the minutes.

MR. BOSARGE: On Page 4, Line 7, it says next week in Baton Rouge the Gulf of Mexico's Fisheries Management Council through an emergency rule voted to add 11 days to recreational red snapper season. This was primarily the result of a recent -- it says, C-O-R-P-S decision regarding lack of accountability measures in the recreational red snapper fishery. That should be court, C-O-R-P-S, decision.

MR. TAYLOR: Do I have a --

MR. GOLLERT: I'll make a motion, Mr. Chairman, to take care of that.

MR. TAYLOR: Do I have a second?

MR. ZIMMERMAN: Second.

MR. TAYLOR: All those in favor. That will stand corrected. Thank you, Steve.

Okay.

1. Administrative Penalties

MR. RUNNELL: Thank you.

We have three administrative penalty cases today. We're going to take two of them together.

These two cases are companion cases. One involves Trang -- and I'm going to botch the name, but it's up there -- Trang Thi Huynh, doing business as Family Seafood.

It's Case Number 022114-1. And the following case involving Johnny Rea is 022114-2. And they both involve an inspection of Family Seafood that was done on October 26, 2012. Family Seafood is located at 15223 Deadeaux Road in Gulfport.

Officers inspected it. They discovered 28 pounds of amberjack offered for sale. The amberjack season had closed on April 4th of 2012. The owner, Trang, produced a receipt showing that he purchased the amberjack from Johnny Rea on October 5.

Mr. Huynh and the seafood restaurant did not possess a federal reef fish permit that's required in order to sell reef fish.

They were noticed, received a citation for violating Title 22 Part 7 Chapter 9 Section 104. And there was a request for hearing with the executive director which was conducted April 3. And Family Seafood and Mr. Trang were notified to be here for today's meeting.

All of the prior supporting documentation has been sent to the commission at an earlier date. So you should have already received all this.

MR. REA: Thank you. My name is John Rea, owner of Gulf Coast Business Supply in Gulfport, Mississippi, lifelong resident of the Gulf Coast.

I'm also president of Mississippi Gulf Coast Fishing Tournaments, Incorporated, a nonprofit organization for the last five years on the Mississippi Gulf Coast. We donate over $12,000 a year to two different scholarship funds, and we donate $2,000 a year with proceeds from our tournament to the Gulf Coast Research Lab.

I am a CCA member and once again a lifelong resident.

I'm a very much law-abiding citizen. I would care to say the only law that I know I break is probably driving five to ten miles per hour over the speed limit, the only one I'm aware of.

The reason I bought a hook and line license was to support my son going through college, my younger son. He and I bought a license together about three years ago. And the attempt to make some money for school, make some money because I feel it's very important for him to while earn some money during the summer months to help support the school, but also learn how to fish at the same time and abide the law.

This was my mistake. Real briefly, I understand ignorance of the law is no excuse. But I was at a fishing trip, a camp I have in Port Bads, Louisiana, brought redfish
back over with one amberjack. The amberjack was legal, recreationally legal at that time. We caught it in Louisiana waters. The fish was one fish in the whole ocean. And I brought it back with redfish, and I totally honest didn't want to clean the redfish so I sold the redfish. Normally I'm going to clean my fish and consume them, or I'm going to allow my son to sell and help support his -- keeping me from spending money on him.

The trip consisted of a day on the water in Louisiana where I brought back redfish and the one amberjack. Again, it was caught legally in recreational season. When I came to Family Seafood with the redfish, they were -- and I have sold redfish maybe once or twice to that seafood market, but I sold the redfish. And in the same ice chest was a amberjack, one amberjack. He asked that if I would sell that to him, he was going to consume it personally. He was not going to sell it.

For whatever reason, he wrote it up on the same trip ticket. For that, I'm at fault. I do not deny it. But I did not intentionally break the law. I did not intentionally do anything to by any way, means, or matter, try to do anything illegally.

I do understand that it evidently is a law that I was not aware of. So for that I'm guilty, I guess. But I certainly think there are many other violations out there that are on purpose that you all are very much aware of, and I just would like for the committee to accept my apology for selling one amberjack illegally and ask that the fine be waived.

Thank you.

MR. GOLLOTT: Mr. Chairman, can I say something?
MR. TAYLOR: Yes.
MR. GOLLOTT: In the interest of full disclosure, Mrs. Trang is a friend of mine and a customer, so I'm not going to vote on this.

But her husband was involved in this, and since then he has passed and she owns the business now. So she really didn't understand all of this that was going on. So I'm going to agree that it was your mistake all the way around. She did tell me that they did consume the amberjack at home. They didn't sell it in the retail market.

So just to let everyone know.

MR. BOSARGE: And you said you hold a commercial hook and line license?
MR. REA: Yes, sir, me and my son, separate license.

MR. BOSARGE: And you're also a recreational fisherman?
MR. REA: Yes, sir.
MR. BOSARGE: Which do you consider yourself?
MR. RUNNELS: It was issued to Mr. -- I'll have
to ask Commissioner Collett to pronounce his last name -- Mr.
Trang.

MR. ZIMMERMANN: I mean, I think you need to pull
that.

MR. TAYLOR: Would you entertain a motion?
MR. BOSARGE: I withdrew that.
MR. COLLETT: I think we ought to waive it.
MR. TAYLOR: Well, I mean, yes. But he's not
here. He's not alive; correct?

MR. ZIMMERMANN: Correct.

MR. TAYLOR: Do you want to make a motion?
MR. ZIMMERMANN: I'd like to make a motion that
we -- let's first rescind what we just voted on, and then
re-vote on the second matter. I'd like to rescind the past
motion, please.

MR. BOSARGE: Second.

MR. TAYLOR: All those in favor.
Now we have Cause Number 022114-2, Johnny Rea.
Make a motion there.

MR. BOSARGE: Yes, sir. I'll make a motion that
we fine Mr. Rea $500 in Case Number 022114-2. And that the
other fine would go to the name of the business; correct?

MR. TAYLOR: We have a motion on the floor to
fine Johnny Rea in Cause Number 022114-2 $500. Do I have a
second?

MR. DRUMMOND: Second.

MR. TAYLOR: All those in favor. Passes
unanimous. Thank you.

MR. RUNNELS: I apologize. We had no
information that he was now deceased or else we wouldn't have
brought it before you.

The third and last case involves Justin M.
Roland and Gulfport Harbor Pail & Bait, Inc., doing business as
Long Beach Tackle Box, Gulfport Tackle Box, and Tackle Box Too.
This is Cause Number 012414-1.
And this is a case of first impression. We've
never before asked to suspend a live bait dealer's camp
license.

Gulfport Pail & Bait operates these three camps.
And between the time period of April 12, 2010, and January 14,
2013, this camp and/or its employees have been issued at least
seven citations for violating various provisions of the seafood
laws in Title 22 Part 6 of the Mississippi Administrative Code
that governs live bait operations.

MR. TAYLOR: Joe, let me ask you a question
before we proceed.

Justin and his family are good friends of mine.
I don't vote. Am I doing anything by chairing this? We have a
vote, I'm not going to vote. Do I need to step away now?
MR. SULLIVAN: Good morning, gentlemen. My name is David Sullivan. I'm an attorney in Gulfport. I represent Gulfport Fuel & Harbor, Justin Roland, Roland family.

The recommendation of the executive director is a three month suspension of the bait camp license and the bait catching license for the harbor shop, as we call it.

This would basically put three bait sales locations out of business. We have contracts with Long Beach and Gulfport to have bait dealers in the Long Beach harbor and the Gulfport harbor. And Gulfport harbor, we fought last year, went before City Council and got a second location where we have a floating bait distribution center at the boat launch. So we have a bait shop and a boat launch in Gulfport, and we have a bait shop in Long Beach harbor.

If these licenses are suspended for July, August, and September, it is going to make -- put my client out of business. And it is going to make it impossible for anyone to get bait in Gulfport harbor or Long Beach harbor because we have the contracts and it would involve going back in front of City Council from another dealer to get new contracts and get new licenses. These folks have invested a lot of money in their locations in both of these cities and have done a really good job.

We would ask the commission -- this is a case of first impression. This has never been done before. We would ask the commission to listen and understand that we get the message. We realize that mistakes were made. Mr. Roland is a young man. Back before Katrina, he and his father, when he was young, he and his father ran the business, but when his mother became a City Council person, his father backed out of the business, and he's running his business himself and has gone through some learning curves. There have been some bumps in the road.

But these seven violations really boil down to three incidents, and only one of these seven violations actually involved Mr. Roland. And we believe if we are granted a hearing on the merits that we can present a valid compelling testimony and evidence to convince you that these seven violations should not be counted in total against him to take his license. But to save the state and the commission time, money, effort, as well as a prolonged legal battle, we would ask you guys today to give us some sort of probationary period to prove that Mr. Roland is a law-abiding citizen and that he is capable of running his business in a very prudent lawful manner and will make sure that his employees follow the law.

Six of the seven violations were committed by employees and independent contractors. And they involved things like -- at least two of them were emergency situations.

But in any event, that's not what we're here for today. We would ask that you grant us or issue a probationary period rather than a three month suspension. I understand that it's been proposed that alternatively he could surrender his or his boat license is taken for three months that he could get a commercial license because there are other bait dealers who have commercial licenses and he could shrimp commercial waters and shrimp all night and all those sort of things and sell the shrimp from his location. But he only has a 25 foot boat with a full tank of water on the front. He can't go out in rough seas. He cannot compete with the gentleman I believe in Pass Christian who has a 60 foot boat or Mr. Bordages I believe that has a 50 foot boat. He doesn't have radar. He can't -- so he's not equipped to shrimp at night. And even if his license is suspended, it's really not a viable alternative for him to get a commercial license because he does not have a commercial vessel capable of doing that type of shrimping.

So I thank you for your time and I would ask that you give Mr. Roland since this is a case of first impression, you definitely have sent a message, and we would ask for a probationary period rather than a suspension.

In the alternative if you choose to follow the commissioner's recommendation or impose a harsher penalty, we would ask that we be granted a full hearing on the merits where we can present live testimony and evidence.

Thank you.
MR. SULLIVAN: Yes, sir.

MR. GOLLOTT: How is he going to guarantee that
the boat captains don't get another ticket?

MR. ROLAND: I'm the only licensed boat.

MR. TAYLOR: You need to come forward and state
your name.

MR. ROLAND: I apologize. My name is Justin
Roland, Gulfport, Mississippi.

I could probably answer this more accurately
than David because he probably doesn't know.

With each live bait dealer's license that's
issued each year, you can have two live bait catch vessels
under each license. Mr. Dunon and Mr. Rodriguez are examples
of that.

To answer your question directly, I am the only
-- my boat is the only one licensed to catch live bait for my
company. And after seeing all of this come to light, it will
remain that way. I don't know that I would put my faith in
other people.

And up until a couple of months ago, I had no
clue that any of those violations were committed.

MR. TAYLOR: Hold on just a minute. Do you have
any other citations for live bait?

MR. ROLAND: No.

MR. DRUMMOND: I'm not sure that I know what a
probationary hearing is. Does that suspend a license?

MR. SULLIVAN: No, sir. We would ask basically
that he be I guess in criminal defense lawyer terms given a
non-adjudication where you hold this in abeyance and give him
say a three month or a six month probationary period where if
no violations are committed by him or any of his employees for
six months these charges would be passed to the files or
something along those lines.

But if a violation were committed in the next
six months, then you could bring these charges against him plus
any new charges against him, and we would accept whatever
recommendation was made by the commissioner or the executive
director on those new penalties.

MR. GOLLOTT: Mr. Sullivan, I'm like you, I
don't want to see a hearing. Let me put something on the
table. What about suspending the bait license for one month
and giving you a five year probation?

MR. SULLIVAN: Would it be possible to only
suspend the bait catching license so that he could buy his bait
from other dealers and still sell bait as a bait shop?

MR. DRUMMOND: I think we ought to suspend
adjudication. In other words, you know, he goes free, but I
would like to fine the gentleman $1500.

MR. TAYLOR: And put him on probation?

MR. RUNNELS: Commissioner Drummond, there's no
camp's license for a month and put him on five years
probation.

MR. TAYLOR: The live bait camp or catching of
live bait?

MR. GOLLOTT: What is y'all's opinion on this?

MR. TAYLOR: I hate to see the bait camp and I'm
going to say put out of business because it is very hard to get
live bait when you're a speckled trout fisherman anywhere.
Biloxi, Gulfport, you know, the other bait dealers he could buy
bait from, but it will affect him because he's going to be
paying for something that he can get for free.

MR. GOLLOTT: Well, I'm kind of the opinion, you
know, you either fish with plastic or you're cheating, you
know.

I would go for suspending the boat for a month
and five year probation on everything.

MR. SULLIVAN: Could we request -- I don't want
18 to go out on a limb too far here, but could we request that the
19 month suspension be in the winter months?

MR. GOLLOTT: No, sir.

MR. ROSARGE: Also, could we request -- require
22 a $3,000 performance bond during that probationary period?

MR. ZIMMERMANN: During that time, any infraction
23 he would lose that performance bond. Joe, can that be?

MR. RUNNELS: Yeah, I believe there's a
provision for a bond.

MR. GOLLOTT: I think it said a thousand dollars.

MR. SIMMERN: Well, we'll make it for a thousand.

MR. BOSARGE: One thousand dollars.

MR. SIMMERN: One thing I'd like people to understand is we have to protect the resources. Mr. Roland is showing that he hasn't done his job as far as protecting the resources. So where we are as a commission, we have to make sure there's some way that he's going to do his job. You're asking us for leniency, but we have a job to do, also. So please understand that.

MR. SULLIVAN: Yes, sir, I understand.

The issues that have come up here -- and again, had he been aware -- he didn't even know that these -- the drum, the flounder, and the Duhon and Smith tickets -- he didn't even know these violations had been committed because these guys didn't tell him they got the tickets. They got the tickets. They went to Justice Court. They paid the fines.

They never told him about it. And the one violation that is attributed to him is the excessive tow time, and he believes that he had a valid defense for that. But after sitting in Justice Court for several hours without an attorney -- had I been there, it would have been a different story, but we

MR. GOLLOTT: Mr. Sullivan, let me say this. Excessive tow time, it will affect most -- it affects turtles and everything else. To me, that's the most serious offense you have up there. And there is no excuse for over tow time.

MR. SULLIVAN: We don't believe that he committed the violation, sir.

MR. GOLLOTT: The officer wrote him a ticket, so...

I will stick with what I proposed if that's okay, and add the thousand dollar bond to be put up.

MR. SIMMERN: I'll give that motion a second.

MR. TAYLOR: We have a motion and a second. All those in favor. Passes unanimous. Thank you.

MR. RUNNELS: Could I ask one question before Mr. Sullivan -- is it my understand you are accepting this commission recommendation?

MR. SULLIVAN: Do we have to decide that right this second?

MR. RUNNELS: You have an option for an appeal.

Thank you very much.

MR. TAYLOR: Okay. Next up is Rusty, marine patrol.

E. Office of Marine Patrol

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

Before we get into the citation report, I'd like to mention a couple of things we did in the last week, ten days.

On May 9, marine patrol team with Andrew Hingebine (ph.) went to Louisville, Mississippi, and we cooked for the emergency responders up there, EOC, and also NEMa, Highway Patrol, several different agencies. We took 225 pounds of shrimp, 50 pounds of catfish, and 75 pounds of French fries. We cooked, started at 11 o'clock, by one o'clock we had served 250 people. They asked us to stay over and cook the night shift, for the night shift, which we did, and we had to get 45 more pounds of catfish which Buddy Keene with the HMA up there got for us. We ended up leaving at 7:30. We cooked everything that we took up there. The mayor of Louisville, chief of police, sheriff, Senator Giles Ward, all came by and told us how much they appreciated us coming up there and doing this for them. So we had about 300, 310 people that we served, and we think it was a very well worth effort that we did.

MR. TAYLOR: Thank you for that, Rusty, and all the people that went up there and cooked. And that's something you can't put a price on, we all know, having been through Katrina, Camille, and other things. Thank you.

Also on that same night, May 9, at 10:30, Department of Wildlife Office John Collum (ph.) was killed responding to a prowler at his neighbor's house. He was run over on the road as he was crossing. We sent two officers to that funeral. There were over a hundred agencies from all over the country that showed up for that funeral. So we represented. Department of Wildlife did notify me Major Carter and advised me that he really appreciated us sending some officers up there for that funeral.

1. Report on Citations

MR. FITTMAN: On our violation report, as you can see, we're still having problems with no saltwater fishing license citations.

12. Underwater spotted seatrout, redfish, over the limit red drum.

Also had -- you haven't seen this one on there before -- over the limit of set poles and a trot line -- they misspelled trot as you can tell -- not tending the bottom.

Over the limit of set poles, one of our new boats, the Sea Ark that we got, it's a Tomadrive Sea Ark, the two officers patrolling that area came up on the set poles. They were picking them up from out of the water. And when the owner of the set poles fishermen came up and accused them of stealing his poles, and when they advised him, no, we're not stealing them, we're officers, well, I've never seen that boat before. So these two boats are really going to come in handy with getting violations.
We got a few more safety violation again this month with the weather warming up, people getting out. This weekend we got Memorial Day weekend. One thing I do advise that everybody please that go on the water, please check your boats, make sure everything is working order, that you have all your personal safety gear that you are required to have. We will have all officers working this weekend. We'll have plenty of coverage throughout the three coastal counties.

We had one boating accident with injury. This was a young girl jumped off the back of a boat to get in a tube and cut her leg on the prop, taken to the hospital, had to get stitches.

Boating accident without injuries, we had two. One was a boat fire south of the Coliseum. Officer Webb responded to that and made actually good response time.

Mr. Pimentel, got the people off the boat, and they got the fire put out.

Our JFA report, we had 45 patrols, 633 man hours, 642 contacts. We had 13 enforcement action reports and 9 state issued citations.

Mr. Gollott: Rusty, I got a question for you.

You've got two violations here, over the limit on red drum, it says 32 inches here. Was that recreational, commercial?

Mr. Pimentel: I believe that was commercial, I believe. I'm not positive.

Mr. Gollott: We have a minimum. I didn't know we had a maximum.

Mr. Pimentel: Well, you can have one over 30, and they had two over 30.

Mr. Gollott: So the person with the third one, what did you say, two over 30?

Mr. Pimentel: Where are you seeing that one at?

Mr. Gollott: The commercial violations, Number 3 and 4.

Mr. Pimentel: Right. He had two over 30. He's only allowed one over 30, and they just put the two down that he had. He had more than that. He had the one 30 and then plus two more over.

Mr. Gollott: Okay.

Mr. Pimentel: The first one and then the second one, different times they were caught.

Mr. Taylor: Any other questions?

Mr. Drummond: Yes, I have one for Rusty.

You've got illegal gill netting here on Page 4, Rusty. What exactly was that?

Mr. Pimentel: Oh, that was a call that we had come in to the office reporting illegal gill netting. And at that time when we got the call, I got with a couple of the captains, we pulled two -- that's going to be in next month's report -- we pulled two officers off shift and let them work different hours at night. The first night they worked they caught the subjects the next morning. And they were inside the half mile and not using approved material.

Mr. Borsage: Rusty, I had a couple of questions. The injured pelican. Do you remember what the injury was?

Mr. Pimentel: No, sir. When we get a call like that, we usually turn it over to the wildlife response team, and if they need assistance in getting it we will help them get the injured bird.

Mr. Borsage: With all the citations you keep getting for no recreational saltwater fishing license, I'm just curious out of the boardings, how does it usually go the ones who have and the ones who don't have? Three to one, ten to one? What is the --

Mr. Pimentel: Well, some of them that we come up on, we warn them, like they've been out of date for just two weeks, we'll warn them. And a lot of these are repeat people that we've warned. We come back and check them the next night or two nights later, and they still haven't gotten a license and they're issued a citation.

Mr. Taylor: Are most of them on piers?

Mr. Pimentel: Yes, sir, most of them are on piers. But there have been some fishing in boats that didn't have the licenses. But most of the ones you see with nonresident are usually in boats fishing.

Mr. Borsage: Thank you.

Mr. Taylor: Thank you, Rusty. Next up is Joe Jewell, marine fisheries.

F. Office of Marine Fisheries

Mr. Jewell: Good morning, commissioners. Can y'all hear me? Is this on? I'll try and speak up. There's no guarantees. I've not had a lot of luck with these things.

Good morning, commissioners, Director Miller, Sandy.

I want to update y'all on the quotes before we get started into the agenda.

Red drum, we had 44,864 pounds landed so far.

Flounder, we had 868 pounds landed so far. And spotted sea trout, we had 13,938 pounds. And those are all posted on our website.

First up we have Wes Devers. He's going to report for Erick Porche who's out today. He's going to report on state fish records.

1. State Records

Mr. Devers: Good morning, commissioners, Director Miller, Mr. Chesnut.

I've got one state record for you this month.

It's conventional tackle. And it's an Atlantic bonito, Chiasona chrysops. The old record was 3.45 ounces. The new record is 6.03 ounces, and it's caught by Thomas O'Brien.
And there's the fish, and there's the fish with the angler.

Thank you very much.

MR. TAYLOR: Do we have a motion?

MR. JENSEN: We need a motion for the adoption of the record.

MR. GOLLOTT: I make a motion we approve it.

MR. ZIMMERMAN: Second.

MR. TAYLOR: All those in favor. Motion passes.

Thank you.

MR. JENSEN: Thank you, commissioners.

Next up we have a guest speaker from Gulf States Marine Fisheries Commission reporting on Gulf FINFO, Mr. Alex Miller.

2. Gulf FINFO

MR. ALEX MILLER: Thank you, Joe, and thank you, Mr. Chairman and Executive Director Miller.

I wanted to give you an update and overview of one project and program the commission has recently been working on. It's called FINFO. And here the big idea is to communicate the sustainability and the science behind how fisheries are managed throughout the Gulf of Mexico in order to educate potential seafood buyers and the seafood market throughout the United States and throughout the world.

This is a joint effort of the five states of the Gulf of Mexico and an initiative of the state marine resource directors of the five states of the Gulf of Mexico.

So like I said, the big idea here is to put together a tool and a website that communicate the science and the information that's already out there in terms of how we're managing our fisheries.

We have information from fisheries management plans that each of the states have and that the commission, the Gulf States Marine Fisheries Commission, has. We have fisheries profile that the GSMFC has and seders and various types of other documents that are out there.

But the challenge has been to communicate that to buyers and to consumers so they can make better decisions and more educated decisions on sourcing seafood and acquiring seafood.

So like I said, this is a website and a portal into information about our seafood on a state by state basis obviously for state level species as compared to federally managed species that NOAA does. You might be familiar with the site that NOAA has called the NOAA fish watch site. But this site here that I'm presenting today deals with state level species and what each of the states are doing.

So like I said, it provides information for consumers and buyers to access that information. This is not a third party certification like you might see with the Marine Stewardship Council or other programs that are out there, and it's not a red light or green light advisory list like you might see with Monterey Bay that has a seafood watch program.

So it's a new approach to communicating what each of the states are doing and the science and information that's already out there.

So this is a quick look at the site. Like I say, it's called Gulf FINFO. We have some challenges getting to that name, but we're excited that we have the name and that we're able to have that for the website.

But the site is broken down into four different key areas. Number one, Gulf fisheries profiles, again primarily state based, state managed fisheries. The second part, sustainable fisheries management, how the states are managing fisheries throughout the Gulf of Mexico and how that happens and who does it. We have an economics page that talks about jobs and contribution to GDP and those sorts of things.

And then we have a marketing site or an enjoying Gulf seafood tab. Also on the front page here, you'll see there's a seafood binder. You can search through the profiles of the species that we have on the site. There are about twenty some state level species and a number of federal species.

So here's a snapshot or look at one of the state level species, in this case blue crab. And here you see it's broken down on a regional basis and on a state by state basis in terms of giving an overview in harvesting and monitoring and managing. And then in a more detailed sense, you'll see on the right side there is information on the population, the ecosystem impacts, current initiatives, and those sorts of things, sort of key pieces of information about the species and where it is in terms of the population and those sorts of things.

Here is another profile, this one for brown shrimp. Again, you can see here on the right one of those boxes that pops up, in this case it's saying that the brown shrimp is abundant and not overfished.

Here's a federally managed species, king mackerel. And what we do there for federally managed species is we link to the NOAA fish watch site so that it's an easy way for that user to get there.

But across the site, you'll see that there's easy ways to look at the data in terms of pounds and dollars and what those trends have been over time.

Here's a view of the fisheries management page that gives an overview of who's responsible in each of the states and on a regional basis, such as the commission and the council.

Here's a view of the economics section of the website. Again, information is presented on a regional basis and on a state by state basis so the economics here is broken...
down commercial and recreational. And we are able to show what
the dockside revenues have been over time, the landings
dollars. And then drill down into more detailed information in
terms of what’s the economic contribution of seafood
commercially and then on the recreational side to the economy.
Here you can see that in terms of sales for each
of the states, but you can also change and look at jobs and
income and value added and those sorts of things.
Then our last part of the website deals with
marketing and enjoying Gulf seafood and takes it to each of the
state marketing pages, such as the Mississippi seafood
marketing page in that program and then also links to the
regional program such as the Gulf seafood marketing coalition.
Also gives an overview of quality and safety, HESP
information, handling information.
So that’s a quick overview of the site. The
website is gulffishinfo.org. We’re excited that we’ve been
able to put this together. And we appreciate the help from
each of the states, especially here in Mississippi, the
Mississippi DMR. And we really appreciate your help in putting
this together and look forward to working with the states to
update the site and keep this out. I think it will be a good
resource for seafood buyers and consumers to be able to access.
We’ve had some positive feedback from some seafood retailers
already that are excited to see this as sort of a new paradigm
in how we communicate sustainability of our fisheries.
So appreciate the opportunity. Thank you guys.
MR. TAYLOR: Thank you very much.
MR. BOSARGE: I have a couple of questions.
I was lucky enough to get the preview of all
this at the crab task force meeting from two young ladies that
presented. And in Mississippi we’re working primarily right
now on crab?
MR. ALEX MILLER: Right. So what you’re
referring to is the Audubon Nature Institute that I think is
here today with us. And what they’re doing is putting together
marine advancement plans. I think they’re starting with crab
in Florida, Mississippi.
So this is a little bit different than what
they’re doing in terms of creating marine advancement plans.
This is taking information from fisheries management plans and
those sorts of things and putting it on a site so that people
can access it.
I mean, there are overlaps here. And as they
continue to develop what they’re working on, their information
will be included on this site.
So there are overlaps, but what you saw at the
task force meeting is different than this, but similar -- it’s
similar in the fact that it’s communicating the sustainability
in a different way and a potentially --

MR. BOSARGE: And you’re doing this for each
state along the Gulf?
MR. ALEX MILLER: What’s that?
MR. BOSARGE: You’re doing this for all states
along the Gulf?
MR. ALEX MILLER: The FINRO site has each state
represented with their state level fisheries that they decide
they’d like to have on the site.
For the Audubon, it is regional. But, like I
said, they’re starting with blue crab in Florida, Alabama, and
Mississippi.
MS. ROSENBerg: Hi. I’m Ashley Rosenberg with
Audubon Nature Institute, the Gulf United for Lasting
Fisheries.
We have a really strong partnership with the
Gulf States Marine Fisheries Commission. And so where we’re
getting a lot of our information for these marine advancement
plans that we spoke to you about at the crab task force meeting
does come from FINRO. So it’s basically taking the information
that we need and we put it into our plan. So that’s where the
overlap is.
This is an informational website whereas -- and
that’s for all fisheries. Our plans are fishery specific, and
we’re starting with crab in Florida, Alabama, and Mississippi.
They’re about to break into Texas and Florida. So it’s a
little bit different. But we do work very closely with Gulf
States Marine Fisheries.
MR. BOSARGE: That’s why I was a little
confused.
That’s good.
MS. ROSENBerg: Yeah. Same goals of
communicating sustainability, just different tools to do so.
MR. BOSARGE: Thank you.
MS. ROSENBerg: Thank you.
MR. TAYLOR: Any other questions? Thank you
very much.
MR. JEWELL: Thank you, Alex.
Next up on the agenda, we recently conducted a
red snapper summit to seek input from recreational fishermen.
And Mr. Matt Hill will give that update to the commission.
Red Snapper Summit Update
MR. HILL: Good morning, commissioners, Director
Miller, Sandy.
We conducted a recreational saltwater red
snapper summit on May 6, 2014, at the Biloxi Civic Center. We
had nearly 100 participants. It was a good turnout. A lot of
people worked really hard to pull this together, and we made a
few mistakes. But it was our first one. But overall, it turned
out well, and we had some good comments on it.
The goal of the summit was to develop and
prioritize options for management alternatives to be provided
to the Gulf of Mexico Fishery Management Council to ensure
Mississippi anglers the most opportunity and greatest
flexibility for red snapper harvest.

Considering -- we asked three questions, and then we broke them out into groups. And we figured this -- we could control them a little bit better. The questions were:
Considering limitations and management challenges mentioned in the Gulf Council presentation, what are your expectations for the recreational red snapper fishery?
We had a lady, Ms. Carrie Simmons, she came in and gave a brief update of what was going on at the council. And from that presentation, we asked this question.
The second is: What can be done to improve data collection from recreational red snapper fishermen and what data collection methods could you support?
Third: What management methods or new ideas would you like to see implemented to improve the recreational red snapper fishery?
We compiled a list, and we asked them to vote on this list at the end after these breakout sessions. And some of the more favorable suggestions that we got were for anglers to participate in the red snapper data collection program, to develop and implement sampling that would directly affect the accuracy of stock assessments, some type of reallocation, mandatory reporting for all for-hire vessels, a log book or an electronic program, season to be open when multiple species can be harvested, pursue federal legislation to allow all Gulf states to manage red snapper out to nine nautical miles, and give states the authority to manage red snapper throughout the Gulf.

Some of the least favorable options that came from this was a slot limit, reducing it from a two fish bag limit to one fish bag limit, weekend only seasons, a tagging system, a days at sea program, sector separation, and defining certain closure areas and sanctuaries during certain times of the year.

What we compiled from this and what we're proposing to do and we are presently working on this is to implement a red snapper landings reporting program, develop formal recommendations for the Gulf Council to consider, continue to work with our congressional delegations on granting authority to manage selected fisheries out to the proposed nine mile state boundary, develop a comprehensive report on the suggestions and recommendations which came out of this summit which can be reviewed and considered by those developing management alternatives.

And I'll stop right here on this part if we want to talk about some of these.

MR. COLLOTT: Matt, are you recommending a trip ticket program?

MR. HILL: We're going to get to what I would like to see next, and then we're recommending a reporting system to be voluntary this year just because we're so late in the game, and with the intentions of making it mandatory for the 2015 season.

And I want to go over what we have come up with so far.

MR. DRUMMOND: Matt, I'm not sure where the nine mile limit is. Is it the state limit?

MR. HILL: It would push it six more miles past where it currently is now. It would be nine nautical miles past the barrier islands. That would incorporate some of our fish havens that we have developed with state funds and that would -- we're not asking to manage everything out there, we would just be asking to manage selected fisheries species such as the reef fish and red drum in particular.

MR. COLLOTT: You'd have to get permission from the federal government to do that.

MR. HILL: That is correct.

MR. ZIMMERMAN: What needs to be done to start that conversation?

MR. HILL: I think we -- do you want to answer that, Jamie, or you want me to?

MR. MILLER: Commissioner Zimmerman, we have been in conversations with Congressman Palazzo's office.

That's the reason Jill Duckworth is here. But federal legislation -- Jill can speak to this -- has been drafted and actually to amend Magnuson to support the three Gulf states that don't have a nine nautical mile boundary to include that initiative in this reauthorization of Magnuson.

So the legislation is in draft form, and we are working with Congressman Palazzo's staff for him to potentially introduce that within days.

MR. BOSSAGE: Because we lost those two days for our season with those other states going rogue.

MR. HILL: Correct. Not complying.

MR. BOSSAGE: Not complying. To me, trying to figure out what our options must be for our state for our fishermen, but going noncompliant to me is just saying, okay, it's okay if we break the law.

Is there any way we could join together with the State of Alabama basically to push NMFS into enforcing fishery laws like they should?

MR. HILL: I think we would prefer to any action that we take to have Alabama on board with us. And I know we are in pretty considerable talks with them now to try to figure out what their next move is and try to have a coordinated effort whenever we formally put something together.

MR. TAYLOR: I think you're going to present
some of that in your presentation; aren't you?

MR. HILL: Yeah. And Alabama is proposing to
put in something very similar to what we're proposing into for
this stock assessment purposes and for the harvest, for the
landings by state.

MR. BOSARGE: And I agree, and I'm glad we're
going that avenue. But in the meantime, it would be nice to
know that we were pursuing another avenue because Alabama and
Mississippi are the only two states that are being penalized
for something everybody else is doing.

MR. HILL: That is correct.

MR. BOSARGE: In my opinion, there needs to be
some (inaudible) from these two states (inaudible).

MR. HILL: Yes, sir.

MR. BOSARGE: So is there anything we can do to
start that process?

MR. MILLER: Well, there are a couple of levels
that we're working on. One is at the council level, meaning
we're promoting regional management which would be a state
based management for these species. And that as much as
anything is a discussion and negotiation with the other states
and not the federal government. So there's an ample of things
we can do at the council and make recommendations at the
council level.

There's an ample of things we can do at the
agency which is what we're going to talk about, the voluntary
collection and potentially future mandatory program to collect
that information. And then at the federal level actually we've
got to work with our delegation to see what additional
flexibility or how can we amend the federal legislation to give
the states more authority.

So we're working at the council level, at the
agency level, and, of course, our state delegation has been
very supportive. They've already passed the nine nautical mile
boundary but -- and we're talking any other suggestions. We're
looking at all options out there, conversations with Louisiana
and Alabama, probably Alabama more than Louisiana, about what
they are considering, and so we're having a very open
conversation about what the next steps will be.

MR. BOSARGE: To me it seems only logical that
if we can get support from these rogue states, because in
Florida you're only talking about a few places off Destin where
even out to the nine miles they don't see snapper. The same
way here, it's very limited. In Louisiana, it's just a limited
spot. So for those areas up and down this coast that are not
most of folks that are catching fish outside of the nine miles
(inaudible). Where is the enforcement?

MR. TAYLOR: Steve, our JFA states are enforcing
writing tickets. I think you've seen some come before us.
Alabama is writing tickets in federal waters. We are. I think

we have not changed our enforcement at all. We had a
discussion yesterday about it, Jamie and I and Rusty did. They
are enforcing the law as provided by what they (inaudible).
And as far as enforcing another state, you know, Louisiana lost
four hundred thousand in JFA funds to enforce the law, they
don't care. They're more worried about what their recreational
fishermen are doing.

So I think enforcing other states, you can't do
it. What you can do is negotiate and try and come to a common
solution.

MR. BOSARGE: And I'm not really speaking of
states enforcing the fisheries laws. But I sat in a meeting
with Rusty some years ago where the Coast Guard was mandated to
fisheries enforcement. So the Coast Guard is the fisheries
enforcement division of NMFS. And so I guess my question is:
Why aren't we pushing back on the federal level to have the
Federal government patrolling these areas that should be
patrolled and enforcing the laws so that we in Mississippi will
get our 11 days or whatever (inaudible)?

MR. MILLER: I'm going to mention one thing, and
there may be more that needs to be mentioned.

But the current enforcement regime at the
federal level but they have some (inaudible) advantages on the
Coast Guard obviously but they're patrolling the whole Gulf,
but the way they have set up enforcement is to give states
money to do joint enforcement. Basically, they give us money
to go do the enforcement for that. And so what they hold over
is basically in Louisiana is to call their bluff in a sense and
say we don't want your money, we'll enforce it the way we want
to enforce it, and you go enforce with your capacity at the
Coast Guard and NMFS to go enforce it because they know they
don't really have the capacity to do it.

MR. BOSARGE: Yes, I can see it. Still, like I
say, it surprised me when that admiral in Biloxi stood up and
he said our mission is search and rescue. And then he was told
you're wrong, your mission is also enforcement.

So anyway, there is an arm of the federal
government that needs to do their job.

MR. HILL: Yes, sir.

I'm going to go over the overall program first.
This is not exactly how we would implement it this year. This
is just how we would see it in the future, and in the end we'll
talk about some of the things that we would not be able to do
this year.

The Mississippi red snapper quota monitoring
program. We'd like to require an offshore landing permit.
This would be a vessel permit, not an angler permit. The owner
of the vessel would be required to possess the
landing permit with an associated authorization code in order
for the vessel to land red snapper in Mississippi.
The authorization code would only be valid for
the single trip and must be reported on even if the trip did
not occur. We have to have them clear these trips out to know
if they were active, inactive, and so we can move on with that.
This would be a no cost permit.

The reporting requirements. The owner or the
captain of the vessel would be required to report on each trip
under the landing permit. Each trip applied for under the
permit will be assigned a unique authorization code. A new
code will not be generated until the existing code is reported
on. This includes an inactive trip status.

Reporting would consist of logging into the
system via smart phone app, on line, or by telephone.
The information that we would require them to
give us would be the authorization code assigned, whether it
was active or inactive, if there was some reason they
didn't take the trip, weather, personal issues, it would just
be inactive.

The number of anglers on the vessel. The number
of red snapper harvested. The hours fished. The landings are
landed at private access or public access sites. We have many
areas along the Gulf Coast where we do not have access to
survey. We do not have access to survey private access sites.

If landing at a public access site, give us the
location, and that way we can concentrate our efforts on these
areas when we're trying to collect the biological information
for the species that we're interested in which would be red
snapper in this case.

The collection of biological information, we
would conduct our dockside interviews, however, we would focus
this collection on red snapper lengths and weight. These
interviews may also be used as a validation tool when cross
referenced with the landing permit data base and the
interviewer obtains the authorization code.

We would rely heavily on the for-hire industry
to provide carcasses so lengths can be obtained and otoliths
collected for processing. This is in place now for many of our
state managed species, and we would just expand it to the reef
fish.

A validation -- one thing you have to do when
you turn in information now is you have to have a validation
process. We would expand our dockside interviews targeting
these particular trips who have at sea observations where we
would just go out there on our vessel, and count and talk to
people on the water. We would look at the daily enforcement
reports that come in from marine patrol. We would have the
aerial surveys two days a week, one weekday, one weekend day.
And we would have e-mail messaging and phone interviews for
authorization codes that have not been reported on. If
somebody applies for a code and they don't clear it out at the
end of the season, we will contact them and try to get an
answer from it and clear it out.

This is what the aerial survey would look like.
The way our fishing grounds are set up, we feel like we can get
close to 90 percent of the anglers out there harvesting or
trying to harvest red snapper with a simple four to five hour
flight on a daily basis if need be and just count the vessels,
much like what we do with the shrimp vessels. We just go out
there and count and make some estimations from there.

And do we have any questions on that?

MR. TAYLOR: I have a question. Part of the
problem with the red snapper fishery is that we just don't have
the data. They estimate and it's kind of a backwards thing,
too, they assign each sector poundage and increase the size,
yet the fish keep getting bigger.

And also one of the things I think is that they
take our number of license of each state -- (inaudible)
license; am I correct?

MR. HILL: That's correct.

MR. TAYLOR: We have how many?

MR. HILL: Eighty thousand.

MR. TAYLOR: Eighty thousand. And they're
saying all those people fish for red snapper.

What basically this would eliminate would be
probably -- I'm going to pick a number -- probably 77,000 of
those which will bring the catch data down, we've got 3,000
people fishing for snapper instead of seventy-seven or eighty
thousand, whatever it is, and the data would be more relevant.
And that's the whole purpose I think of (inaudible) and all
this and providing good data and would hope that maybe some of
the other states, and I think you're all are talking to Alabama --

MR. HILL: Correct.

MR. TAYLOR: -- would do the same. I have
talked to a lot of recreational fishermen, and they don't
have a problem with it. I also talked with Wildlife &
Fisheries as we discussed about adding to the license,

So I think it's a great start, and I think you all
are doing a great job.

MR. HILL: I do want to stress that it will be
voluntary this year. There's a lot of components to this to
make this mandatory with some of the data bases that have to be
set up. So what we're going to do this year is we're going to
put out a press release. We're going to have -- there will be
an app that people can use, and it will just be voluntary
reporting because we're definitely going to have some kinks.
There's going to be a way they can get on. There's a website
that's created, and they can just report their data to us on a
voluntary basis. And we are going to see how that goes with
the intention, and we're telling people we have full intentions

1 of making this a mandatory reporting system next year.
2 MR. TAYLOR: Let me make one other comment.
3 And I said y'all's data is bad. On the
4 recreational side it is. They know exactly what the
5 commercials catch, because all (inaudible) like you see in my
6 truck, and they've got to give, if I'm not mistaken, I had a
7 commercial license several years back, four hours time before
8 you get to the dock so they can come and inspect, you know, the
9 fish any way you look at it.
10 So they know what the commercial side is doing
11 pretty close. The recreational side I think is way, way over
12 blown out of proportion because of taking the number of
13 licenses, this will probably solve that problem or at least it
14 will solve Gulfwide participation in some problem like this.
15 MR. HILL: That's correct.
16 MR. ZIMMERNAN: Matt, the other thing I think
17 that's important is to get the recreational sector to
18 understand the importance of collecting this data. I'm
19 (inaudible) we need to get involved with some of the fishery
20 groups, OCA, etcetera, and actually go to meetings and stress
21 the importance of getting good data, and that's the only way we
22 can start. That would need to be part of this plan in some way.
23 MR. HILL: That was one of the conversations
24 that we had early on in this process was definitely getting
25 some of the recreational organizations on board with this and

1 point, everybody is getting (inaudible). So the sooner the
2 better.
3 MR. TAYLOR: Okay. We have a motion on the
4 floor.
5 MS. CHEWOT: Excuse me, Mr. Chairman. I would
6 like to point out that this is not an action item on the
7 agenda. And there's a provision in the handbook that if any of
8 the commissioners oppose that, then it would have to be reduced
9 to writing and presented to the commission before action can be
10 taken.
11 MR. GOLLOTT: Mr. Chairman, I withdraw my motion
12 and ask Matt to put it on the agenda for the next meeting.
13 MR. ZIMMERNAN: I second that.
14 MR. TAYLOR: There's a motion on the floor.
15 All those in favor. Passes unanimous. Thank you.
16 MR. DRUMMOND: Matt, one question I have is has
17 anybody made an estimate of the annual cost on what this is?
18 MR. HILL: The initial cost that we came up with
19 to implement the entire program as we have it here with the app
20 development and the data base and everything, the first year
21 cost would be $50,000 and the cost after that would be
22 somewhere between twenty-five and thirty thousand to keep the
23 programs running.
24 MR. DRUMMOND: That's for each state?
25 MR. HILL: Alabama's was very similar to ours.

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1 to get them to completely understand why we were doing this and
2 how this can help them in the future.
3 MR. ZIMMERNAN: The other part to me that the
4 commission needs to understand is that we're protecting the
5 whole resource. Every commissioner up here believes that the
6 data is outdated. I think we pretty much know that. And in
7 order to protect the whole fishery, both the commercial and
8 recreational, we have to collect good data. I just wanted to
9 be on record saying that.
10 MR. GOLLOTT: Mr. Chairman, Matt, I think this
11 is long overdue. I think we ought to go ahead and make a
12 motion and go along with Matt's recommendation on this and get
13 started. It takes so long to get the stuff set up. And I'd
14 like to make that motion.
15 MR. TAYLOR: Okay.
16 MR. ZIMMERNAN: I think Steve has a question,
17 Mr. Chairman.
18 MR. TAYLOR: Go ahead.
19 MR. BOSARGE: I agree with Commissioner
20 Zimmerman. On the commercial side like I've stated several
21 times before, when they push us into transponders in
22 reporting our catch, then everybody (inaudible). But now it
23 lets them know who we are, what we are, where we are, where
24 we're going. And they can manage the resource from there. And
25 until the recreational side and the for-hire side gets to that

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1 Of course, the larger states are going to be -- it's going to
2 be a little bit more. But I think Alabama's bid came in at
3 sixty-two thousand, and our initial bid came in at fifty
4 thousand.
5 MR. DRUMMOND: Thank you.
6 MR. GOLLOTT: Matt, do you think we ought to put
7 some kind of little price on the red snapper permits?
8 MR. HILL: I think we should do it -- I think it
9 should be a no cost permit at least for this year being that
10 it's going to be voluntary, and then maybe think about next
11 year to do something and go from there. I don't want to get
12 anybody turned off on the idea just quite yet. So just a small
13 fee may be necessary in the future.
14 MR. TAYLOR: Processing fee?
15 MR. HILL: A processing fee, yes, sir.
16 MR. TAYLOR: Thank you, Matt. Very well done.
17 And I will say something about all of the staff here that do
18 all this. You'll make our job a lot easier here. You'll do a
19 great job. Thank you.
20 MR. ZIMMERNAN: Agree.
21 MR. TAYLOR: Let's take a ten minute break right
22 now.
23 (Off the record.)
24 MR. TAYLOR: Call the meeting back to order.
25 Next up, Number 6 on the agenda.
Mr. Zimmerman, could I have the floor for a second, please?

Mr. Taylor: Yes, sir.

Mr. Zimmerman: I was talking to one of the commissioners during the break, this voluntary thing with the management of the stock, that market we're talking about with the red snapper, there is a provision in our handbook that allows us -- snapper season opens June 1, so we would be behind. So I'd like to see if we could get a motion on the floor to go ahead and do an emergency provision so we can move forward at this time.

Mr. Taylor: So what I have is a motion to implement the recommendation that Matt Hill made immediately.

Mr. Gollott: So moved, Mr. Chairman.

Mr. Taylor: So we have a motion. Do we have a second?

Mr. Zimmerman: Second.

Mr. Taylor: All in favor.

Let me just explain something. To do an emergency thing like this for the snapper situation requires three-fifths majority. But it passed unanimously so I'm glad to see that because I think it's a step in the right direction and sends a message, too.

Thank you.

Mr. Gollott: Thank you, commissioners.

Next on the agenda is Title 22 Part 5, final adoption, Item F-6, reconsideration of degradable net material.

Mr. Taylor: Joe, the people that filled out these -- Larry Ryan, and Larry Ryan, Jr., so when I call your names, come up to the microphone, this is the time that you're going to comment about this.

Mr. Jowell: We have a public comment section that would be perfect for them at that time.

Mr. Zimmerman: I have a question. Was this item pulled, Beverly Martin, Mississippi Hospitality?

Mr. Taylor: She's not here.

Mr. Zimmerman: Okay.

Mr. Jowell: Items 4 and 5 were removed from the agenda.

The commission passed a notice of intent on April 21, 2014.

On April 21, the DMR gave public notice on the web page.

On April 25, a legal notice was published in the Sun Herald.

Public comments were received. Summary of the comments: 37 comments received in favor of the proposed changes to Title 22 Part 5; 21 comments received opposing the proposed changes to Title 22 Part 5. We received eight requests for a public hearing.

I do want to notify the commission that we received two comments that came in after the deadline. The public comments period was from April 21, original filing notice from April 21 to yesterday, May 19. Two did come in after the deadline which was 5:00 p.m. yesterday. And both of those comments were opposed to the changes.

These are the major changes. I will not go through those. Those were read into the public record at last commission meeting in April.

Those are the summary of the changes.

I'll skip right to the major changes as outlined in the notice of intent.

The major changes allows for gill net and trawl net fishermen within this time period September 1, 2005, to March 18, 2014, to construct their nets with multifilament nylon twine. Allows new entrants into the gill net and trawl net fisheries. However, these fishermen would only be allowed to construct their nets with cotton linen or materials meeting the degradable materials definition. Does not sunset approved degradable gill or trawl net gear as defined in Chapter 3 Section 103. Does sunset the use of nylon material after retirement of eligible net fishermen between those periods. That's September of 2005 to March 2014.

Are there any questions?
MR. GOLLOTT: Was there any scientific data submitted in favor of or opposed to the nylon?

MR. JEWELL: No, sir.

MR. GOLLOTT: Is there any legal reason why we should approve this nylon?

MR. JEWELL: None to my knowledge, Commissioner. There was comments submitted. Some of the comments were several pages long that outlined in very detail the opposition to both the material and the gear.

MR. BOSARGE: And in the comments, do you remember what was the -- we talked about the license. And Matt asked the question last week about or last meeting about whether the license would be transferrable or non-transferrable. What's the comments on that?

MR. JEWELL: Most of the comments that were received on the final adoption were that they were requesting that the license be transferrable.

MR. BOSARGE: Is that a possibility?

MR. JEWELL: The comments that we're talking about, they were the provisions for the sunsetting of the gear and then the final adption that we're discussing right now is for sunsetting of the material. Two different issues that we're talking about.

MR. BOSARGE: In here there is no sunsetting of anything; correct?

MR. JEWELL: Well, for the eligible fishermen between this time period that would be allowed to use nylon, once they retired from the fishery for whatever reason, those eligible fishermen, the material would be retired.

MR. BOSARGE: And what would be the basis or the reasoning for that retirement?

MR. JEWELL: Well, the basis for it is the commission asked us to provide that.

MR. BOSARGE: Actually, for it to be non-transferrable.

MR. JEWELL: That's correct.

MR. BOSARGE: And at the time (inaudible) and I'm sure there will be (inaudible) on this in the next issue, and the last thing (inaudible) is one group pitting against the other. You know, here we are, we're pitting commercial against recreational. That doesn't need to happen. But it's going to happen because we've been forced to that point. I just don't understand --

MR. DRUMMOND: Steve, I can't quite hear you.

MR. BOSARGE: I'm sorry, Shelby. We only have one mic down here, and for some reason mine is not working. So for clarity, we have the next agenda item is a sunset clause?

MR. TAYLOR: That's off.

MR. JEWELL: No, sir. That was the fist presentation was the sunset clause, and that was removed by the commission.

MR. BOSARGE: I had asked staff to provide some information for me that we can present here in the public to show where we are with this fishery and try and rationalize why we're doing what we are doing.

I guess, Matt --

MR. JEWELL: If you'd like, Commissioner, we are prepared to do that.

MR. BOSARGE: I would like to offer up --

there's going to be some discussion -- a motion that Title 22 Part 5, we change in there that there is no sunsetting of the gear and that the license is transferrable. And hopefully we can have a rational discussion here.

MR. TAYLOR: Can we do this, Sandy? Or would it have to go back to hearing?

MS. CHESNUT: It would have to go back out on notice of intent.

MR. TAYLOR: Okay. So we can't do that today.

MS. CHESNUT: You can make a motion to change it, but you would have to act on the present one that's out there now and then make a motion to amend it and however you want it to go back out on notice.

MR. JEWELL: The regulation that's up for final adoption right now does not have in its rules the provision for sunsetting the gear. It has in it the provision for sunsetting the material. But the sunset cause had in it the statement for sunsetting the gear. The final adoption that's before you right now is for sunsetting the material and for just those fishermen that were in that universe between September 2005 and March 2014. And then that's about -- it's just under ten fishermen. They would be allowed to use nylon, and then when they retired from the fishery for whatever reason, only they could use nylon. All new entrants would be -- they would have to use cotton linen.

MR. BOSARGE: And I see that as not quite fair.

And the way to correct that would be in my opinion to make that license transferrable to where if there was a new entrant that wanted that same option of using nylon, the license could transfer from one person to the other.

In other words, I see no -- if we get into some of the data and some of the science, I see no reason for a need to sunset gear. We have a fishery here that basically targets three species -- speckled trout, redfish, flounder, some mallet. We have those three species on the commercial side under quota. This gear is not going to change that. There's a lot of reasons (inaudible).

MR. JEWELL: If you're -- within this final adoption that we are considering right now, if your proposal is to make the license transferrable just for those eight, we can...
modify -- Sandy will have to direct there -- legal counsel can
do that. But if you wanted to create the universe larger --

Mr. Bosarge: No.

Mr. Jewell: -- for any -- okay.

Ms. Chesnut: That would be a major amendment to
what's --

Mr. Jewell: That would be a substantial change.

I think what Commissioner Bosarge is saying is based on the
comments that's been received that to make the provision for
the license to be transferrable just for that universe of the
less than ten, those people that are in the industry from
September of 2005 through March of 2014, that the license be
transferrable for those individuals that are in that unique
universe.

Ms. Chesnut: That wasn't under consideration in
the rule that's proposed now and out on notice of intent.

Mr. Jewell: Correct.

Ms. Chesnut: So if you're going to add a
provision such as that, you would have to propose a new rule
and have to go back out on notice of intent.

Mr. Bosarge: And what would be the other
option, Sandy? Would be to approve this?

Mr. Taylor: Approve or disapprove it.

Mr. Bosarge: Approve it as it stands and then

1 ask for a change?

Mr. Taylor: You can't change it until it goes
out on notice.

Mr. Jewell: You would either have to do as
Sandy directed or advised, modify it and go out for new notice
of intent as it is now, or adopt as a final. And then you
could wait until it's finalized, the regulation is finalized,
and then go immediately out for another notice of intent. But
the easier path would be to -- if the intent is to change that
license and make it transferrable, just make it a notice of
intent right now, change it.

Mr. Taylor: So it would be separate from this.

Mr. Jewell: Right.

Mr. Bosarge: That's the path that I think I
would like to take.

Mr. Taylor: Okay. So you want to -- would this
be the time to make a motion?

Mr. Gollott: Let me make a remark before we go
there. I think it is ridiculous that we are even talking about
this this much. We're only talking about eight people. The
majority of these people are over 70 years old. It's basically
a dying fishery. It's ridiculous to put your foot on somebody
that's dying already. And like Steve said, there's bag limits,
there's all kind of safety, you know --

Mr. Bosarge: (Inaudible) Commissioner Gollott,

I mean, there's slides here that I have prepared, I'm prepared
to show, that it's unreal that like you say that we're even
considering this. Eight people that can't fish within a half
mile of the shoreline from one end of the state to the other,
all behind the islands, I mean, on and on and on. It's not
likewise we're making a big difference.

And to give you an example, I gill net fished
from the '70s through about 1985 and my parents, my dad was in
the fishery, I was in the fishery. I know gill net fishing.
But even in the '70s, there was no nylon. Everybody passed --
in other words, we're going back to pre-'70s gear. And if
we're going to have this conversation, then here we are with a
fishery that produces about three to four percent of what's
caught. And they're under a quota. If you're going to be fair
and equitable, you can't do to one fishery what you're not
doing to the second, what you're not doing to the other sector.
Here we are, we've got half mile closures, we've got nylon
webbing, and we've got a recreational fishery that's open to
anybody to come in. The only thing that they can fish all 365
days out of the year. The only restriction is 15 fish.

So my point is, these eight fishermen, morally
we need to do what's right, and giving these eight people the
opportunity to use nylon gear that went out of date back in the
'70s, that -- we are not giving them the bank, in other words,
we're just trying to right a little bit of a wrong.

Mr. Taylor: Thank you.

Mr. Jewell: I was going to say, this might be
the point where you advised you have two public comments, this
would be a good place for them to come forward.

Mr. Taylor: First up would be Larry Ryan, Sr.

Come to the microphone, state your name, and you've got three
minutes.

Mr. Ryan: Good morning, everybody. My name is
Larry Ryan. I'm probably a sixth or eighth generation
fisherman.

And I think it would be the right thing to give
us the nylon back so we can go back to work and feed our
families, just like everybody else gets a chance to go feed
their family.

There's no scientific where we ever hurt the
fish any way.

So I feel like that, you know, we're asking for
y'all to give us a little bit back, that's all we're asking,
just give us a little bit.

And I don't think that's really much to ask, for
me to have to get up here and ask to take care of my family,
just ask for a little bit. You know, I feel like we need that
anyway.

And give us the nylon back and let us go back to
work, we'll do what's right and go in a straight line.
Thank you.

Mr. Taylor: Thank you, Mr. Ryan.

Next up is Larry, Jr.

Mr. Ryan, Jr.: My name is Larry Ryan, Jr. I've been in this since I was a child. I grew up watching these men like Mr. Steve and my father. It's not a dying breed. We made it that way.

This is not right, and it's never been right.

I grew up knowing the fishermen were on the bottom of the totem pole. It's never been us against them. I have no fix against any recreational. That's not my porch. I don't have time to sweep his off, so I don't feel like he's got time to sweep mine off.

I grew up in the '80s when it was a battle and it was a fight to watch my parents, my uncles, my aunts, my family get degraded time and time again over somebody's opinion.

There's no scientific proof that this nylon is going to change everything. It makes it easier for me to call and get webbing out of Memphis, out of Florida, that I can get the right size, the time I need, and it lasts very little longer. The stuff rots all the same.

You show me a net that don't rot, we'd have fished with it in the '80s when fishing was booming.

But all I ask is this board, go home tonight and lay their head down with a clear conscience knowing that they stood up for what was right and not for what their opinion was.

Thank you.

Mr. Taylor: Thank you very much, Larry.

Okay. Commissioners, any other comments? Any other questions?

Mr. Bosarge: I do have one more comment. I'd like to kind of read it out. I've worked with my hands all my life, and I've got three children, two Doctorates and a Master, but that's another (inaudible), I never attended college. I never had that opportunity. So I tried to put my words to paper just to give a little summary. And I'd like to read it for you.

First I would like to thank staff for the time and effort they put into the presentations, although you haven't seen those yet, they gave to the commission in order for us to assess the issue before us. They are always thorough and informative. In the many positions which I hold on various fisheries management related commissions, panels, and boards, I have found that the most beneficial presentations for fisheries management decisions begin by framing the particular stock of fishing being affected. This makes sense to me because we are fishery managers, not net managers. We are discussing changes to net requirements as a result of the fact that these nets affect a stock of fish, or stocks of fish in this case. In other words, we need to see the forest, not the individual trees.

I have done more debating in this meeting than what I'm typically comfortable with, but there is a very good reason for this. I did my research on this particular issue. It is an issue that has been ongoing for over two decades now. When I researched how the current regulations came into being, I realized that this was a politically charged issue and the regulations of 1996 were enacted based on the political tide at the time, instead of on the tenants that we have sworn to abide by when making fishery management decisions. This is not 1996, and we are not that commission.

We no longer live in the old ady world. Our recent history within the EMR is proof positive of that. This commission will not tolerate such actions.

Instead, we evaluate the issues presented before us based on the guidelines laid out in Mississippi Code 49-15-2, which states that any fishery management plan and any regulation promulgated to implement that plan or promulgated under the state seafood laws shall be consistent with the following standards for fishery conservation and management, and I have summarized them or the sake of time.

Shall be based on the best scientific information available.
in order to determine if this amendment is appropriate. We have almost 20 years of data with which to do this.

Was the regulation currently on the books based on the best scientific information available? No, there was no scientific information available then or now which shows that these nets are the cause of any overfishing. Nor is there any scientific information which has been presented which shows any significant interaction with marine mammals.

Does the current regulation ensure that any allocation of fishery resources is fair and equitable and reasonably calculated to promote conservation? No, we have shown that since these regulations were put into place, there has been a de facto reallocation from the commercial sector to the recreational sector. In fact, with the current regulatory restrictions, the commercial fishing privileges have been diminished to six percent or less in these fisheries. These regulations as they currently stand are neither fair nor equitable. By allowing nylon and having the license be transferable, we can right a small portion of this wrong.

Does this current regulation consider efficiency? This criteria refers to economic efficiency. In a document prepared and presented by NOAA, they clearly state that in Mississippi, commercial fisheries attribute 5,466 jobs and $99,497,000 in value added to the economy, whereas recreational fisheries attribute only 1,649 jobs and $85,497,000 in value added to the economy. Therefore, the unbiased governmental information we have available reinforces supporting the commercial sector, which means allowing the license to be transferable and allowing them to use webbing, such as nylon, that is readily available.

Does the current regulation take into consideration variation in fisheries, fishery resources, and catches? I'm not sure the regulation currently on the books considered this, but I believe we have had considerable information presented on these variants. We have been presented with information which shows a steady increasing trend in the recreational catch while the commercial catch has been unnaturally constrained. The amendments we are considering would not change the state of these affairs, but present the commercial harvest from falling further.

Does the current regulation take into account the importance of fishery resources to fishing communities and try to minimize adverse effects on those fishing communities and provide for the sustained participation of those communities? I think this one is self-explanatory. The current regulation severely reduced the participation of commercial fishing communities in his fishery, and without allowing nylon and making the license transferable, this commission eliminates all ability of those commercial net fishing communities to participate.

Does the current regulation, to the extent practicable, minimize bycatch? Again, these nets are some of the most highly selective — and for the folks that have never gill net fished, you know, it's amazing if you watch on TV or watch (inaudible) and you see them (inaudible). Most of the time those fish look like they stamp them out because the mesh has to fit the fish. If the fish is too big, he won't — speckled trout fishing, you see the big fish, the only way you get him is to bag him, you know. If you have (inaudible) in a boat, most of the time (inaudible). So for folks that have never done it, your mullet has a round head. If that net -- and he's got -- (inaudible) it's been a long time since I net fished, anyhow, if that -- the size of that webbing is critical, you can (inaudible) and not get a hundred because it's either too big or too small. Too small is (inaudible).

I would love to talk about gill netting, but anyhow.

The current regulations have reduced the amount of harvest produced by these highly selective nets and replaced it with gear such as hook and line which in no way compares to the selectivity you get from the net. Every time you put a hook in the water and pull up something other than what you set out to catch, that is bycatch. These nets are designed to have minimal bycatch because the mesh is sized so that it specifically catches the targeted fish.
1 fishermen to use nylon webbing and to have a transferrable
2 license.
3
4 And I'm sorry I had to read all that, but that's
5 the only way I can get my thoughts to say what I want to say.
6
7 MR. TAYLOR: That's old age.
8
9 Okay. Any other commissioners?
10
11 MR. ZIMMERMANN: I'd like to say something. And
12 I agree with what Steve has. Steve has completely outlined
13 what our job is as commissioners. And one of the things that
14 I've asked for, you know, that I believe and I feel -- I
15 believe that (inaudible) better year, they're going to have
16 less trips, so you wind up with less bycatch. But that's not
17 in front of me. I don't have that scientific proof. I need
18 that solid ground to stand on.
19
20 What I do remember about this were four nets
21 that I pulled out of Twin Bayou unattended old nets back in the
22 '80s. I do remember that. And that's why we did away with the
23 nets, but those nets were legal.
24
25 I believe that the tagging of the nets will stop
26 that. But I don't have that solid ground. I need that
27 scientific data that Steve talks about, about knowing that
28 having that gear will reduce bycatch because it will decrease
29 your trips to get your quotas.
30
31 And so I do agree with what he brought, and
32 thank you for bringing it before us.
33
34 MR. TAYLOR: Anybody else? Do I have a motion?
35
36 MR. COLLOT: Commissioner, do you think if we
37 table this you would be able to get that information that
38 you're looking for to make a decision?
39
40 MR. ZIMMERMANN: That's why I do, I'd like to
41 table this and try to get the information that we need so that
42 we can make the best decision we can for the fisheries and for
43 the people that are in the fisheries.
44
45 MR. COLLOT: I make a motion, Mr. Chairman,
46 that we table this until the next meeting.
47
48 MR. TAYLOR: We have a motion on the floor.
49
50 MR. BOSARGE: I believe, Commissioner Collott, I
51 think we've got one motion already on the floor.
52
53 MR. TAYLOR: I don't have a motion on the floor.
54
55 We have a motion to table this until next
56 meeting, action on this agenda item. Do I have a second?
57
58 MR. ZIMMERMANN: Could I amend your motion, Mr.
59 Richard?
60
61 MR. COLLOT: Sure.
62
63 MR. ZIMMERMANN: In that motion, we need to
64 request the data, give it directly to the DNR to collect this
65 data, and I'd like to add that to it and get this scientific
66 data before us with this so we can go forward with final
67 adoption at the next meeting.
68
69 MR. TAYLOR: We'll have to file another notice
70
71 of intent.
72
73 MR. JEWELL: My understanding is that what we
74 have on the floor right now is the final adoption, and we're
75 delaying the final adoption vote until next commission meeting.
76
77 So it's tabled for now until we come forward with --
78
79 MR. BOSARGE: But maybe we should get Matt to
80 present the slides with some of the data that I have asked for.
81
82 MR. TAYLOR: If we're not going to vote on it, I
83 don't see -- we do it at the next meeting.
84
85 MR. BOSARGE: I believe we've got the slides
86 here.
87
88 MR. JEWELL: We do have those slides available
89 if you'd like us to present that. It's whatever the
90 commission's will is we can do.
91
92 MR. TAYLOR: And I think it would be fresher in
93 your mind, Steve, and I'd rather see it when we get to a vote
94 than a month later. And if you're like me, I can't remember
95 what I had for lunch.
96
97 MR. BOSARGE: I guess my question is what are
98 you asking for? In other words, in my mind, what I would ask
99 of you is prove to me that we have a problem and then I'll
100 prove that we don't. Do you see what I'm saying? So where is
101 the proof that says you're saying -- I'm trying to get a little
102 clearer picture here now. Where is the science that you say
103 there's a problem with gill nets?
104
105 MR. ZIMMERMANN: I never did say that.
106
107 MR. BOSARGE: What are you asking for then?
108
109 MR. ZIMMERMANN: I'm asking for data that will
110 prove to me that by going back to nylon which was outlawed in
111 '96 for whatever reason it was, and I know the only thing that
112 I have is I'm going to take the (inaudible) that fish forever
113 that didn't break down. So we went to biodegradable material
114 so they would rot and not keep ghost fishing.
115
116 As I said, I think the tagging will stop that
117 because the gear will be watched.
118
119 But, I mean, I feel -- personally I feel that
120 letting these guys take whatever gear, which is the nylon, that
121 they will be able to go and make -- have, what, 50,000 pounds
122 redfish (inaudible) now. They take 100 trips right now with
123 the cotton gear and go get that net -- those fish and by
124 letting them have the nylon gear they can go do it 30.
125 Environmentally and resource, it's much better to do that
126 because you're increasing bycatch by them being able to do it
127 with better gear.
128
129 And that's what I'm looking for. I'm looking
130 for the point that makes environmentally, that gives me solid
131 ground to stand on and say, yes, I do agree with it.
132
133 MR. BOSARGE: Here we go back again to the point
134 of you're going to do to one fishery and not do to the other.
135 So I guess my -- the way that you say that gill nets are not
1 environmentally sound, I could do the same thing for
2 recreational fishing.
3 I don't have any of this. You see what I'm
4 saying? There's proof, there's evidence on both sides. Our
5 case studies of dolphins hooked up with speckled twine. If I
6 had to take the dolphin's life over twine -- so (inaudible). I
7 don't want he said, she said. I want to see where you're
8 coming from. I don't know how I could give you what you want
9 without asking for you the same thing. You see what I'm
10 saying?
11 MR. GOLLOTT: Mr. Chairman, I'd like to withdraw
12 my motion to table.
13 MR. TAYLOR: Motion withdrawn.
14 I would like to have a motion to pass or reject
15 it by the commission.
16 MR. BOSARGE: I think I would like to make a
17 motion that we accept Title 22 Part 5 as written and then come
18 back and do the other thing. And that's all.
19 MR. TAYLOR: I have a motion. Do I have a
20 second?
21 MR. GOLLOTT: I'll second it.
22 MR. TAYLOR: All those in favor. Passes.
23 Commissioner Bosarge and Commissioner Gollott.
24 All those opposed.
25 MR. ZIMMERMANN: Aye.

1 MR. DRUMMOND: No.
2 MR. TAYLOR: And so we have a tie. And the
3 chairman votes no. Motion fails for the passage of Title 22
4 Part 5.
5 What it means is that the law will remain the
6 same as it was before we brought this up.
7 Next up, oyster season update. Scott Gordon.
8 MR. GOLLOTT: Can I ask Joe Jewell while he's
9 standing there a question?
10 On qualifying for commercial fishermen $5,000,
11 isn't it ten percent of your earned income for qualifying for
12 commercial fisherman?
13 MR. JEWELL: Yes.
14 MR. GOLLOTT: It's ten percent of your
15 earnings?
16 MR. JEWELL: Either/or. You can qualify either
17 way.
18 MR. GOLLOTT: Okay.
19 MR. JEWELL: That's correct.

7. Oyster Season Update
20 MR. GORDON: Good afternoon, Mr. Chairman,
21 commissioners, Director Miller, Ms. Chesnut.
22 I'm Scott Gordon. I'm Shellfish Bureau
23 director, and I just wanted to give you a very brief update on
24 the results of our 2013-2014 Mississippi's Limited oyster
25 season.
26 This is looking at landings going back to FY
27 1990 through this year 2014. And we are right over here on the
28 right side trying to rebuild after several major disasters. We
29 stand at 78,019 sacks being harvested. There were over 5800
30 trips that brought in those 78,000 sacks. That averaged up to
31 about 13.4 sacks per day. As you can see, this is the
32 breakdown towards -- from Mississippi dredging, nonresident
33 dredging, Mississippi tonging, nonresident tonging.
34 And marine patrol checked cull closely every
35 day. They did an excellent job of that, and I appreciate it.
36 We distributed harvester books and calling
37 tools. We had one brief precautionary closure due to a
38 tropical storm approach. And there were several extended
39 closures due to rainfall and river stages. And also during
40 this time, we initiated the harvester education classes.
41 That's because of the interstate shellfish sanitation
42 conference's new adoption of these classes.
43 So far we've had several hundred people. I
44 believe the vast majority of the licensed harvesters have
45 attended this class. And that's required of them before they
46 can purchase a license.
47 I thought this might be interesting for you.
48 This is Hancock County's reported rainfall exceeding one inch.
49 This is during our season. And this information I gathered
50 from the COOPMARS and that's the Community Cooperative Rain,
51 Hail & Snow network. There's volunteers that are submitting
52 this information.
53 One inch of rainfall will shut down some of our
54 nearshore conditionally approved areas. And two inches of
55 rainfall will shut down our other conditionally approved areas.
56 We had 20 instances where we had greater than
57 one inch of rainfall and eight instances where we had greater
58 than two inches of rainfall. So we had a very wet season.
59 Also, if you look at the river stage, and this
60 is the Pearl River gauge at Pearl river, Louisiana, that is one
61 of our other conditional criteria, that if we exceed a ten foot
62 river stage, that will shut down some of the nearshore reef
63 areas. And if we exceed a 12 and a half foot stage, then
64 that's this upper dotted line, that will shut down some of the
65 other further offshore conditionally approved areas.
66 And we have to allow the river to crest before
67 we can take a water sample to try to get the area reopened.
68 We had about eight instances where the river
69 exceeded ten feet and about five of those where the river
70 exceeded 12 and a half feet.
71 But I'd also like to point out to you the median
72 daily statistics. This is averaged over the last 16 years for
73 these dates. That's this line here. And the actual gauge
74 height is this blue line. And as you can see throughout most

N.J. SOROE, CSR #1297
of the season, we were above what the average was. There were
a few times where it dropped below, but it stayed up fairly
high.

Fourteen foot is the -- that's the flood stage.

So we even got above the flood stage. And I know after I
prepared this chart, it went even above that.

And I saw some news articles recently that had
some discussions about us possibly being entering into another
El Nino cycle which the last severe one that we had was in
1997, and that was pretty drastic. We had even more rainfall
than what we have.

But all in all, the fresh water is a good thing
for oysters. Oysters have to have fresh water.

So anyway, that's my oyster season summary. Are
there any questions?

MR. TAYLOR: Thank you, Scott.

MR. GORDON: Thank you.

MR. GOLLOTT: Scott, one thing. Recently
(inexorable) oysters in West Pasaccagula and (inexorable), it was
brought to my attention that to plant these areas, we'd have to
have a change in our ISSC.

MR. GORDON: To plant the areas?

MR. GOLLOTT: Plant.

MR. TAYLOR: Replant.

MR. GORDON: Oh, to replant? Oh, no. The areas

would just have to be either above a prohibited or a
unclassified, so it would have to be restricted or above for us
to be able to do that. And I don’t anticipate there would be
any difficulty in doing that.

MR. GOLLOTT: We just don’t want any obstacles
in our way --

MR. GORDON: I understand.

MR. GOLLOTT: Thank you.

MR. GORDON: Thank you.

MR. TAYLOR: Next up is Rick Burris, shrimp
season update.

8. Shrimp Season Update

MR. BURRIS: Good afternoon, Mr. Chairman,
commissioners, Director Miller, Ms. Chesnut.

Today I'm going to present to the commission
update on shrimp season.

Just a little bit of background. Here are our
Mississippi shrimping grounds. You see the yellow areas are
off limits to all shrimping and commercial activities.

This little blue area right here extends from a
half mile out to the CSX railroad bridge, and that is our area
reserved only for our licensed live bait shrimpers.

This area north of the Intracoastal Waterway to
the half mile line is one zone, and then our south of the
Intracoastal Waterway to the state boundary is our next zone.

Just some of our conservation directives. We
close north of ICW December 31 annually, and then April 30
south of the Intracoastal Waterway. However, we did extend it
this year to May 10. We also have other closures based on
sampling, as far as sampling dictates, that we have large
amounts of undersized shrimp in the area, we will shut that
down until the shrimp get to legal size.

And this is what I mentioned earlier. There's
no commercial shrimping within a half mile of the shoreline or
inside our bays and not around one mile boundary of Gulf
Islands National Seashore Islands, that’s Ship, Horn, and Petit
Bois.

And we also have gear limitations where
appropriate. We have restrictions on trawl door size and trawl
size, and we have TED and tow time requirements in order to
protect sea turtles.

Here's some of our overall economics based on
study from Mississippi State University Coastal Research &
Extension Center in 2011 showed that the Mississippi shrimp
fishery produced $136 million in total value of economic goods,
created over 3,000 jobs, and generated $56.8 million in income.
Here's some important dates from the 2013 shrimp
season. We opened on June 11, 2013. We also opened some
additional waters in the East Biloxi Channel from Channel
Marker 18 to Channel Marker 26 on October 30, and that was due
to our sampling showing we had some good numbers of large white
shrimp in that area.

We closed north of the Intracoastal Waterway
December 31, 2013. And then as I said earlier, we extended
south of the Intracoastal to May 10 because our sampling showed
pretty good amounts of large pink shrimp in that area.

As you may or may not know, we do an aerial
count and a boat count of all the vessels shrimping in
Mississippi waters on opening day. This is the chart of that
since 2001. Last year, we had 250 boats, and as you know,
that’s the largest count that we’ve had since 2008.

This chart here shows the number of resident and
nonresident shrimp licenses that we sold. The red is the
resident commercial license. The blue is the resident
recreational license. This line here is our nonresident
commercial license. And this line down here on the bottom is
our nonresident recreational license.

In case you can’t see, for 2013 we sold 450
resident commercial licenses, 224 resident recreational
licenses, a little less than 150 nonresident commercial, and
then just a handful of nonresident recreational licenses.
Here we have landings and value since 1986.

This is all shrimp heads on. On this side, we have our
landings in millions of pounds, and then this axis is our value
in millions of dollars. You’ll notice that in 2012 we had our

N.J. SOROE, CSR #1297
highest landing since before Hurricane Katrina was right here. And then last year, we landed about nine million pounds of shrimp, but the value was actually greater than it has been normally, and this is due to the lack of imports that we had coming in.

And once again, this data 2013 is still preliminary.

Here we look at the number of seafood dealers and processors that we had. Before Katrina, we had 76. November of 2007, we had 47. And as of last month, we had 57. Now we're going to take a look at what's happened in the 2014 season. We've got to start with environmental conditions.

This chart here shows our total rainfall in inches since 2011. You'll notice the red bar here represents 2014. January we had an average amount of rainfall. Starting in February, we've had significant amounts of rainfall. In March, we had almost eight inches. In April, we had almost 12 inches. And then up through yesterday, we had over six inches of rain. This is in Biloxi.

And as you know, rain directly correlates with salinity. This chart here shows the average salinity since 2011. Again, the red bar represents 2014, and you'll see a downward trend of our salinity at the mouth of Biloxi Bay since January.

This line right here represents ten parts per thousand. That's what we consider to be the lower end of the optimum growing salinity for brown shrimp. We consider the optimum water temperature for brown shrimp to be 68 degrees Fahrenheit.

This chart here again shows average temperature since 2011. The red also represents 2014. And if you remember, we had a really cold winter, extremely cold winter, and that brought our water temperatures down to right around 40, 45 degrees in January. But we've seen a warming trend which is good for brown shrimp growth. So to put it all in perspective, brown shrimp like salty water and warm water. And we're getting the warm water; we don't have to salt yet.

Starting in February of each year, we conduct a survey using a beam plankton trawl in order to sample the abundance of post-larval brown shrimp entering the Mississippi Sound. This chart shows the number of post-larval shrimp per sampling day. And also it shows the salinity sampled on that day. And what's interesting about this chart is that every time we had a spike in the number of post-larval shrimp that were caught, we had a drop in salinity. So basically what that means is when you get a good amount of rainfall, it's flushing those little shrimp out of the marsh and out of the bay and into the Sound where they can start growing.

That chart shows the number per day. This chart shows the cumulative number since 2010. This blue line right here represents 2014. We've captured right around a thousand post-larval brown shrimp to date, and it's more than 2012 and 2013.

So recently our shrimp and crab bureau staff has been trawl sampling twice a week at our nine shrimp monitoring stations in order to gather the data necessary for us to determine when the majority of brown shrimp in Mississippi Sound will average at least 68 count, which is what state statute requires to be able to open the Sound for shrimp fishing.

Here is a picture of one of our samples from yesterday. I wanted to give you the most updated picture. We caught these yesterday at the mouth of Bay St. Louis. You can see the size relative to that pencil there.

This is from Shrimp Station 2 which is the mouth of the West Pascagoula River. As you can see, we're starting to see a good number of small brown shrimp, which is a good sign. And as we continue to sample and gather more data, we'll be able to more accurately determine when we can open the season.

This chart here shows our historic opening dates dating back to 1975. Last year, we opened on June 11. And since 2009, we have opened as late as June 25 and as early as May 25 in 2011.

What would you like to request is a motion to authorize the executive director to be able to open the season when sampling shows that shrimp has reached the average 68 count per pound statute requirement.

(Mr. Taylor left meeting.)

MR. GOLLIOTT: Do I have a motion on that?

MR. DREMMOND: So moved, Mr. Chairman.

MR. GOLLIOTT: We have a motion. Do we have a second?

MR. ZIMMERMANN: Second.

MR. GOLLIOTT: All those in favor. Opposed?

Motion carries unanimously.

MR. BEGARAGE: I have one question. With the season being closed, and this year we extended it open a little past where we normally close on April 31. In Alabama waters, they tend in years past, and they still do now, they leave the area south of the ICW open.

Now, when they first did that, I said, man, what a bad idea. But as the years went by and you saw the result of what they did, good idea. For whatever reason, the brown shrimp stayed in the bay much as they used to in years past, for whatever reason did, environmental or whatever.

But anyhow, could we look at doing the same
thing in Mississippi from the Gulfport Ship Channel to the east
south of the ICW where our fishermen here in Mississippi will
have a chance at catching these shrimp as they move out? Is
that something we can study, look at, talk about?

MR. BURRIS: I think that is something that we
can look at.

MR. BOSARGE: Pardon?

MR. BURRIS: Yes, sir. I think that's something
that we can look at. And if I'm correct, Alabama closes when
the count -- they close when the count drops below.

MR. BOSARGE: Well, if the shrimp in the area
reach that, you close, yes. But other than that, they never
close.

MR. BURRIS: Yes, sir, we can look into that.

MR. GOLLOTT: Thank you.

MR. BURRIS: Thank you.

MS. CHESTNUT: Mr. Chairman, for purposes of
keeping the record clear, let the record show that Chairman
Taylor left the meeting and Commissioner Gollott is now acting
chair.

MR. GOLLOTT: The only other thing I ask the
director to inform the two people that's closely related to the
shrimp industry on the commission when he thinks it will open.

Okay. Next we have Jan Boyd.

G. Office of Coastal Zone Management

The project is under a tidelands lease as required. And
Wildlife, Fisheries & Parks asked for best management practices
to be utilized.

Based upon departmental review and evaluation,
staff recommends that the commission approve the applicant's
request.

MR. GOLLOTT: Is there a motion on this?

MR. ZIMMERMAN: I'd like to make a motion to
accept the recommendation.

MR. GOLLOTT: We have a motion. Do we have a
second?

MR. DRUMMOND: I'll second the motion.

MR. GOLLOTT: Seconded by Commissioner Drummond.

All those in favor say aye. Opposed? Carries unanimously.

b. Boyd Gaming

MR. CHRISTODOULOU: Good afternoon. Greg
Christodoulou. I'll have the next three items on the agenda
for coastal.

And the first is a modification request by Boyd
Biloxi, LLC, better known as the IP Casino located at the Back
Bay of Biloxi, 850 Bayview Avenue. It's in the commercial
fishing and recreational marinas use district. And John
McFadden from Thompson Engineering is the agent.

If you look at the yellow thumb tack here,
pretty familiar with all of the area just on the east side of
the 110.

And a zoomed-in. And this aerial actually shows you the structures in question. They’re asking to extend the time limit on the current work barge and a bridge to access that work barge.

And the applicant has requested to retain the previously authorized bridge and moored work barge until August 16, 2016. That’s when the actual dry dock permit for the casino expire.

The previous modification authorized a moored work barge measuring 110 by 300 feet and a pile supported bridge 250 feet by 40 feet, and both structures were originally to be removed no more than 120 days following conclusion of the construction or by May 30, 2014.

This is a diagram of the barge and the bridge.

And just a little chronology.

The commission issued a permit to Imperial Palace of Mississippi for a casino barge dry dock with an expiration of August 16, 2016.

On March 28, 2012, we received a request to transfer the permit from Imperial Palace of Mississippi, LLC, to Boyd Biloxi, LLC. And we approved that transfer request.

And then on April 12, 2012, we received a modification request to include the bridge and the barge to help with the construction of the dry dock.

In June 2012, the commission approved the modification with the dates of when the work barge and the bridge were to be removed.

And then April 10 of this year we received an extension request for the previously authorized work barge and bridge to be extended until the date of the dry dock permit expiration.

And staff recommends that the commission approve the modification request and that the barge and the bridge be removed by the expiration date of the original dry dock permit, and that’s August 16, 2016.

MR. GOLLOTT: Do I have a motion on that?

MR. ZIMMERMAN: So moved.

MR. GOLLOTT: Second?

MR. DRUMMOND: Second.

MR. GOLLOTT: All those in favor. Opposed?

Passes unanimously.

c. Dale Gollett

MR. CHRISTOCOULOU: The next item on the agenda is a certificate of exclusion request by Dale Gollett. It’s located on the Tchoutacabouffa River at 941 Northshore Drive in Biloxi, and it’s in the general use district.

Here is I-10, Tchoutacabouffa River, and this would be the Sunkist Country Club in Biloxi.

A zoomed-in aerial.

Mr. Gollott’s residence is at this location right here. He has existing structure, piers, and a boathouse, and he also does have title to -- and his adjacent property owner have title to this spoil peninsula.

The applicant is requesting three structures: a pier 100 feet by 5 feet, a pier 30 feet by 4 feet, and a pier 20 feet by 10 feet.

Drawing. Basically this longer pier, the 100 foot by 5 foot pier, allows the property owner access to his property. Currently, there is marsh between this area where he has a bulkhead now, and so a pier in this location would actually impact a little bit more marsh. This pier in question is going to be over waterbottom and then will cut across to access the property.

And here is a photo standing at the end of the boathouse, so the pier would pretty much run parallel with the shoreline. There is an area just past this location here where the marsh has been matted down and there’s not a wider area of it to access the property.

And the other piers would be at the end of the peninsula.

There would be no public benefit associated with the project.

The project is allowable within the general use district.

Similar projects have been approved, so no precedent setting effects are anticipated with this project.

Piling installation will result in a temporary increase in turbidity in the area.

And the project is located within the Biloxi River marshes coastal preserves, but proper pier construction and implementation of best management practices should result in no adverse impacts at the site.

And the construction of these additional piers along with his existing structures total 1,955 square feet of shading to waterbottoms.

Best management practices will be utilized.

And shorter piers could have been constructed.

But again they would have to go over marsh and would be a much greater impact to marsh than waterbottoms.

And no other site was considered because part of the purpose of the project is for property access.

Piers do require waterfront location.

And other piers and access piers are present in the area, so the project shouldn’t decrease the existing scenic qualities of the area.

DEQ is reviewing the project. Archives & History has no reservations. No Secretary of State lease issues with the project, but they ask that precautions be taken to prevent adverse impacts to marsh vegetation due to its
1 location within the Biloxi River marshes coastal preserve. And Wildlife, Fisheries & Parks also stated that 2 best management practices should be implemented, monitored, and 3 maintained, and that the pier be constructed so that they 4 don’t excessively shade the marsh. 5

6 And based upon staff’s review, we feel the 7 project is consistent with the Coastal Program and that the 8 commission approve the request.

9 MR. GOLLOTT: Do I have a motion? 10

11 MR. ROSARIO: So moved. 12

13 MR. DRUMMOND: Second. 14

15 MR. GOLLOTT: All those in favor. Those 16 opposed. Let the record show that Commissioner Gollott did not 17 vote on this. And it passes. Thank you. 18

19 d. Kevin Courville

20 Mr. CHRISTODÓULOU: The final item on the agenda 21 for coastal is a violation/after-the-fact permit for Mr. Kevin 22 Courville. It's located on the St. Louis Bay at 122 Sweet Bay 23 Drive in Pass Christian. It's the Timber Ridge subdivision. 24 It's general use district. And the agent is Billy Culpepper, 25 Culpepper & Associates. 26 Highway 90 in Pass Christian. Pass Christian 27 Harbor. And then right above here, this is I-10, and here is 28 the project location at the yellow thumb tack. 29 And a zoomed-in aerial. Mr. Courville's

1 square footage of the project and also be able to get an 2 approved project. 3

4 On April 3, 2014, staff received an application 5 and met with the agent Mr. Culpepper on site, and we did do the 6 measurements at that time on the site. And the project was 7 found -- the existing structures were in non-compliance with 8 the general permit that was issued. 9

10 Staff received a diagram from the agent with 11 modifications that reduced the area of the proposed structure 12 below the 2,016 square foot precedent that the commission had 13 previously allowed. 14

15 The general permit that was authorized in '08 16 authorized 988 square feet of structures. Current square 17 footage, 1,323 square feet, and the applicant is proposing a 18 total of 2,012 square feet.

19 Here is a diagram. It's kind of an overlay. 20 You'll see the area in red is what is existing. There's 21 currently a covered boathouse and covered deck here, a pier, 22 and this area in red here is the existing uncovered boat lift. 23

24 The new project is the area in black or what was 25 originally proposed. It would move the lift here to in front 26 of this boathouse. It would be a covered area for jet ski 27 lift. The new vessel that the property owner is receiving will 28 be berthed here. And the existing pontoon boat will be housed 29 in this location that currently exists.

30 residence and the structure in question.

31 On February 18, 2014, staff met with 32 representatives of the applicant on site to discuss the 33 proposed additions to his existing piers. And the staff 34 informed representatives that the existing structures seemed to 35 be out of compliance with the previously issued general permit. 36 They were rather large structures. 37

38 On February 19, we did an initial measurement 39 using the aerial photography. And the structures that were 40 currently existing appeared to exceed the previously authorized 41 general permit.

42 On March 4, spoke with Mr. Culpepper about the 43 project and that if the existing structures were in 44 non-compliance, they would have to be approved by the 45 commission, as well as any additions. And we indicated to him 46 at that time that the largest residential structure that we 47 allowed -- that the commission allowed was 2,016 square feet. 48

49 On March 27, 2014, again spoke with Mr. 50 Culpepper about the project and indicated to him that using 51 grated material in place of conventional wooden decking would 52 help reduce the project area and bring it closer to the current 53 precedent that the commission had set. The original proposal 54 on this project was 2,772 square feet. They indicated that it 55 was going to be larger than the precedent that was set by the 56 commission, so staff gave them options of how to reduce the 57

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Best management practices will be utilized. No off site alternatives were considered because this is a private residential lot, and the project serves to allow the property owner access to the water. There are other piers and boathouses present in the area, and most of them are roughly in comparable size with the other structures in the vicinity. The proposed additions to this would make it larger than most of the surrounding structures, and it could decrease the scenic qualities of the area.

We had the project put on public notice in the Sun Herald as required. We did receive a comment from one of the adjacent owners concerning the roof line of the proposed additions. And basically their concern was with the pitches and the style of the roof. However, DMR doesn't dictate the style of roof that people have on their boathouse. So the only thing that we require is a height limitation which is 25 feet above mean high tide.

DDQ is reviewing the project. Archives & History is reviewing the project. The project presents no tidelands lease issues. And Wildlife, Fisheries & Parks has stated that best management practices be properly implemented.

And based upon departmental review and evaluation, it's been determined that the project is consistent with the Mississippi Coastal Program and that staff recommends issuance of the after-the-fact permit for the existing structures and a fine in accordance with Mississippi Code 49-27-51.

The violation was discovered on February 18. Duration was 44 days. The maximum potential fine is twenty-two thousand. The minimum is fifty. And the recommended fine is a thousand.

And the decision factors for the fine were: The applicant was issued a general permit in '08, so he was aware of the permitting process. And the applicant has been cooperative in working with the staff to minimize the project to below the precedent setting levels that the commission previously allowed.

MR. DRUMMOND: I make a motion that we accept the recommendations of the staff, Mr. Chairman.

MR. GOLLOTT: With the fine, also?

MR. DRUMMOND: And the fine of $1,000.

MR. GOLLOTT: Do we have a second?

MR. BOSARGE: I would like to add to that motion, if we could, also that because he did have a permit, he knew what he was supposed to build, and he built more than he was supposed to do, I'm okay with the thousand dollar fine, but if you go back and check this second time and you find that it's not, then the maximum is then applicable.
1. Public Affairs

MS. SCALLAN: Good afternoon, Director Miller, commissioners, and Sandy.

Since the last commission meeting, the Department of Marine Resources has been mentioned 50 times on TV, radio, and newspapers across the coast and the region. Our oysters closings have gotten a lot of press, as well as our red snapper summit. That's been a big issue.

And also in May, we participated in -- 15 employees and six of our department participated in Mississippi Power's annual Renew Our Rivers cleanup of Deer Island. Those departments were coastal preserves, wetlands permitting, shellfish, finfish, invasive species, and seafood safety. We had additional casino participants this year, and we collected 4,880 pounds of trash compared to almost 3,000 in 2013.

Also earlier this month our executive director, Jamie Miller, was honored and named as one of ten outstanding community leaders by the Sun Herald. And there were lots of nominees, and he was one of ten people named. And the ceremony was held April 23 at the Beau Rivage.

To tell you about some things coming up: Thursday we are going to have a public meeting at St. Thomas Catholic Church, the community center, for the disaster declaration for oysters and blue crab. It starts at six o'clock, 6:00 to 8:00, so come on out and join us if you'd like.

But I did want to address the OMR's rule making procedures and sort of how this recent rule has gone on the gill nets, but to address it really more broadly in looking down the road.

The gill net issue has been kind of percolating in the OMR here for a few months. Last month prior to the OMR meeting, the issue was not on the agenda to my knowledge other than in other business, just like I'm up here speaking today.

There was no rule making before the OMR. I was not going to be able to be at the meeting. I called the DMR to find out if it was on the agenda. I talked to a couple of commissioners. To the best of our knowledge, it was not on the agenda.

And then at the April meeting, it came up. It was on the agenda. A rule was put forward. It was acted upon, voted upon.

And I think that the OMR procedures -- there are OMR procedures in place in the handbook to make sure that this type of action doesn't happen, sort of rule making on the fly.

The OMR is composed of a diverse group that represents various sectors in the marine environment. We all have core shared desire to have a healthy resource. But at times we won't always agree. So for that reason we have five commissioners up here that all represent some different user group.

So the OMR's regulations, or handbook I should say, specifically provides that if there is going to be a rule making procedure, advance notice should be given to the commissioners ten days in advance. They should have something in writing that they can look at and that when we get to a meeting unless it's something like the situation today that would require a three-fifths vote to move on that action, that you should hold off. And I think in a situation like we had last month if there's a commissioner that's absent, that highlights the need for this.

When that happens, whoever that commissioner represents, that sector is deprived of their voice. Whoever the chair represents, that sector is deprived of their voice because the chair doesn't vote unless there's a tie.

So I just wanted to touch on that. I would urge the OMR to follow those procedures in the handbook.

MR. BOSARGE: Joe, could you address that, that at the last meeting we did something that we weren't supposed to do?

MS. CHESNUT: I can address that, Commissioner. The last meeting, Mr. Gable submitted a letter, and that letter was in opposition to the action that was taken at the March meeting.

That letter fit into regulation Title 22 Part (1) which would put that letter as a petition for reconsideration. And I stated that on the record last month that it was being treated as a petition for reconsideration.
There are certain things that the commission could take action on because it was under a petition for reconsideration. But that also conflicted with the commission handbook. Okay? The commission handbook provides that it is in the bylaws of the commission. It also provides that if there's a conflict between the statute and the regulation, that the statute and regulation control.

So they acted based on the fact that there was a petition for reconsideration. It was in conflict with the handbook, but the regulations control.

MR. MARQUEZ: Well, in that case, I would assert that it should be identified as such on the agenda. It was only listed on the agenda as other business. And as I said, we made inquiries before the meeting whether this was going to be a matter that was being dealt with by the CMR at the April meeting. And we were told no.

The commissioners that I spoke with were not aware that there was a petition for reconsideration or however you want to frame it that was going to be under consideration at that meeting.

MS. CHESTNUT: And (inaudible) in the future certainly, and I would like to point out that there's safeguards written into the law in the Administrative Procedures Act because they had a proposed rule, that had to go out for notice of intent. The fact that we had numerous discussions about that proposal shows that this process is working. So the Administrative Procedures Act is working.

And the public has been commenting. The public has been heard.

MR. MARQUEZ: Well, that -- I would agree with you to some extent. At the same time, when the public calls in to ask prior to the meeting, you know, days before this on the agenda and talks to the commission to say is this a topic for discussion, and we were told no, then I think our ability to have that open discussion in the meeting is foreclosed. We weren't presented with that information and the ability to have that discussion.

MS. CHESTNUT: I think that (inaudible) that is very clear, and this discussion did take place, whether it's before or after the discussion was there and it worked.

MR. MARQUEZ: Well, that's all I'm asking for from the CMR is that we look at these issues going down the road and particularly, as I said, when there's a commissioner absent, I think it changes the voting structure of the commission, it's that much more important that extra time be taken.

MR. GOLLOTT: John, if Shelby is gone, we're still going to go forward. We're not going to stop everything for Shelby.

K. Public Comments
You told me yourself, you said, Richard take this to court.

Mr. Zimmerman: And that's your right. I didn't say take it to court. I was saying that is your right as a fisherman.

Mr. Gable: No.

Mr. Zimmerman: Everybody --

Mr. Gable: If that's what this commission wants.

Mr. Zimmerman: That's not what we want. That's your right as a fisherman and a citizen of the state.

Mr. Gable: I have come here and I think it's all on record on how many times and how many letters I've wrote. And God as my witness, I'm going to the house, I'm going to go get a ticket, I'm going to take it to court. I didn't want to have to do that. I thought this commission was different than the old bunch, but apparently it's not.

Apparently I have been fooled --

Mr. Zimmerman: Richard, you heard what Steve brought up today, and he's bringing up the same point that I'm saying.

Mr. Gable: No.

Mr. Zimmerman: You actually are the first person that showed me that it's not a CFR, the title --

Mr. Gable: 49-15-2.

Mr. Zimmerman: You were the first one that showed me that two months ago.

Mr. Gable: What was done was against the law.

Mr. Zimmerman: And I agree with that. That's why I told you if you see fit you have a right to go file whatever suit you feel against us.

In order for me to do the right thing, I have to go by that statute that you showed me.

Mr. Gable: No. You told me --

Mr. Zimmerman: I don't care what I told you.

That's -- after you showed it to me, Steve brought it up there.

We have a responsibility to the resource.

Mr. Gable: Ernie, you told me --

Mr. Zimmerman: To go by the scientific data, Richard.

Mr. Gable: Ernie, you told me that you had a bunch of radical idiots that you was trying to please and that's why you stood the ground that you stood. Now that's exactly what you said, Ernie.

Mr. Gable: Mr. Gable, I think this argument is going nowhere. Thank you, sir.

Mr. Gable: It hasn't gone nowhere. And I thank you, and I'm sorry for me wasting y'all's time.

Mr. Gable: Thank you, sir.

Do I have a motion to adjourn?

Mr. Drummont: I make a motion we adjourn.

Mr. Zimmerman: Second.

Mr. Gollott: All those in favor.

Mr. Farrell: My name is Ronnie Farrell. And I'm elected as spokesperson for about 18 or 20 old part-time commercial fishermen.

And what I want to talk about is the endorsement for the spotted seatrun.

It appears after reading both Mississippi's law and Florida's law that you all kind of modeled this law on Florida's law. Florida contains seven exemptions to this law. Mississippi, the one you all adopted, contains zero exemptions.

These exemptions -- this exemption that I'm going to ask you to reconsider for means a great deal to these 18 or 20 fishermen that I'm representing because these all -- all these fishermen are over 65 years of age. They're all on Social Security. They're all retired. The little bit of money that they're getting from doing this few months that they're able to do it that it's open means a great deal to them economically.

The only thing we're going to ask for is that you reconsider this and amend this law to include this one exemption, simple exemption, 65 and older legally disabled, waive the income requirement and the seafood sale requirement.

These guys fish only a few months out the year.

After polling each one of them, average income from doing this is about $700. Way, way, way below the $5,000 requirement.

Mr. Gollott: Mr. Farrell, that's the reason, and I'm going to make a motion that we put in there, you have to prove ten percent of your earned income. If you sell $10 worth of fish and that's all your earned income is you qualify.

Mr. Farrell: But it's not ten percent because if you're on Social Security and you get a thousand dollars --


So if you don't sell the $10 worth of fish and you can prove, you know, that's more than ten percent of your income, earned income, you qualify.

Mr. Farrell: Well, the way it says in here it says ten percent net income, that's the way it's written up.

Mr. Gollott: The word earned is in there.

Mr. Farrell: Mine says ten percent of net income in a previous tax year.

Mr. Gollott: It should say earned income.

Mr. Farrell: No. It just says income, previous income.

Mr. Gollott: We might have to modify it. I'm sorry. But that would be something you can consider.

Mr. Farrell: Because, you know, like if you're on Social Security and you only get a thousand dollars a month,
that's twelve thousand a year, $700 is not ten percent of it.

MR. GOLLOTT: But they exclude your Social

Security, and you should be able to qualify easily with $700.

MR. ROSARGE: But look at it also from the

commercial fishery standpoint, the true commercial fisherman's

standpoint, you've got 50,000 pounds we're allowed to catch.

Recreational sector, 1,300,04, you know, bunch of fish.

You're taking away (inaudible). I understand,

you want to try to figure a way to make a little money out of

that in the same boat. I'm sorry, but the reason we did the

qualifier was to give those fish to the true commercial

fishermen. They've got three percent of the total, that's all

they've got. You want to take away from that.

MR. FARRELL: I understand that. But, you know,

my comment earlier also, say like myself, I'm totally disabled,

I can't go out grass to make extra money to supplement my

income. However, I can fish because it's easy for me to fish.

But I can't walk -- it's hard for me to walk from here to my

truck parked in that handicap spot right out there. But I can

sit down all day and fish. I can do that.

MR. GOLLOTT: Mr. Farrell -- and I think it's

appropriate if the fishermen wanted to come with a petition for

us to do a special deal where a recreational fisherman could

sell his fish, I'd have no problem with him doing that as long

as it doesn't take away from the commercial fishermen and they

stay within their bag limits. In other words, it would be 15

fish a day, you know.

But I wouldn't want -- like Steve said, we did

this to protect the commercial fishermen. But I think you

qualify the ten percent earned income. The staff is saying it

reads earned income may be what they printed.

MR. FARRELL: It doesn't say that in the paper.

MR. GOLLOTT: We'll be glad to look at it for

you.

MR. FARRELL: Okay. Appreciate that if y'all

would consider it.

MR. GOLLOTT: Okay.

MR. FARRELL: Thank you.

MR. GOLLOTT: Do I have a motion to adjourn?

MR. DRUMOND: Can we adjourn now?

MR. GOLLOTT: Sounds like we have a motion. Do

we have a second?

MR. ZIMMERMAN: Second.

MR. GOLLOTT: All those in favor. Adjourned.

(Meeting adjourned 1:35 p.m.)