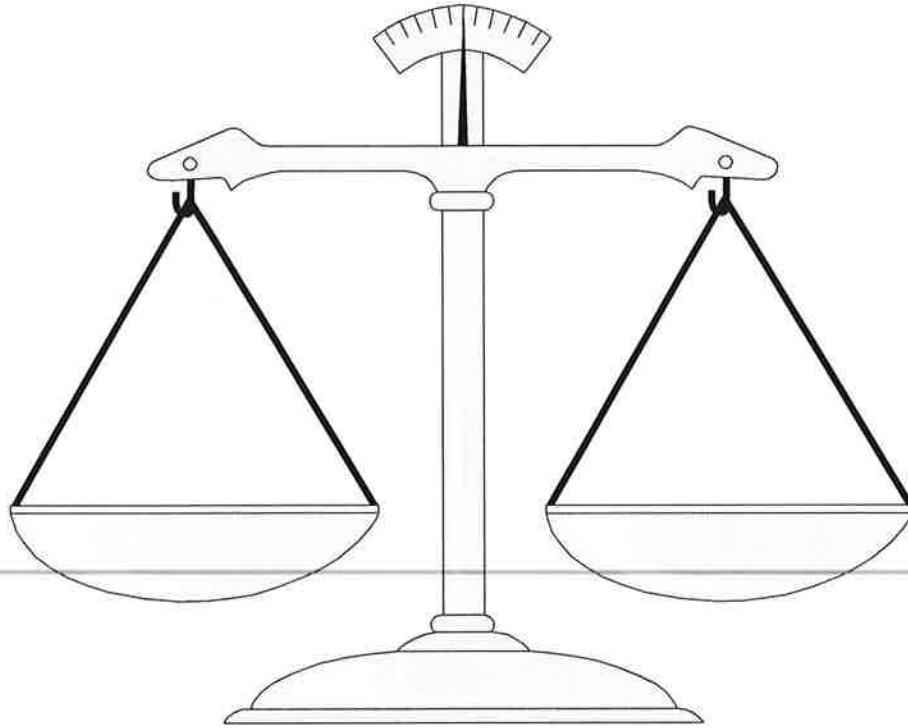


# *Compressed Transcript*



COMMISSION ON MARINE RESOURCES

## COMMISSION MEETING

May 20, 2014

**N.J. Soroie, CSR, P.O. Box 2102, Bay St. Louis, MS 39521  
(228) 467-2199**

## COMMISSION ON MARINE RESOURCES

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May 20, 2014

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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  
 SHELBY DRUMMOND  
 STEVE BOSARGE  
 ERNIE ZIMMERMAN

ALSO PRESENT:

JAMIE MILLER, Director DMR  
 JOSEPH R. RUNNELS, ESQ., Asst. Attorney General  
 SANDY CHESNUT, ESQ., Asst. Attorney General

1 It's tough to get old, too.

2 Approval of the minutes. We have a motion and a  
 3 second.

4 MR. BOSARGE: 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  
 12 motion to remove F-5 off the agenda.

13 MR. DRUMMOND: So moved, Mr. Chairman.

14 MR. TAYLOR: Second?

15 MR. ZIMMERMAN: Second.

16 MR. TAYLOR: All those in favor. Opposed?

17 Item Number 4. Beverly Martin is not here, so  
 18 that will be scratched, too.

19 D. Executive Director's Report

20 MR. TAYLOR: So next up is executive director's  
 21 report.

22 MR. MILLER: Thank you, Chairman Taylor.

23 I've got a brief but important announcement.

24 I'm going to announce the Officer of the Quarter from the  
 25 office of marine patrol. And I will ask after I make the

1

3

## 1 A. Call to Order

2 MR. TAYLOR: Thank you all for coming. Sorry  
 3 for being a little late. Sometimes business gets in the way of  
 4 volunteerism. So I apologize for it.

5 Before we get started, anybody that wants to  
 6 make any comments on anything, we have a form here. Please fill  
 7 out and give to one of the team members and put on there what  
 8 it's about so that if there's an agenda item we want you to  
 9 speak during the agenda. So I see we have three so if do  
 10 you... Some of you have done comments and sent them to us, Joe  
 11 Jewell, we have received all those comments. I have read all  
 12 of them and I assume that the other commissioners have. So  
 13 thank you.

14 We have Jill Duckworth with Steven Palazzo's  
 15 office. Jill, where are you? Thank you for coming. And Ray  
 16 Carter from the Secretary of State. Ray, where are you?  
 17 Everybody ought to know Ray; he's at every meeting. So  
 18 anyway...

19 But, okay. First is call the meeting to order  
 20 and approval of the agenda.

## 21 B. Approval of Minutes

22 MR. GOLLOTT: So moved, Mr. Chairman.

23 MR. DRUMMOND: Second, Mr. Chairman.

24 MR. TAYLOR: Excuse me. Approval of the  
 25 minutes. I'm sorry. I don't have an agenda in front of me.

2

1 announcement, I'm going to read a few things about the officer,  
 2 and so I'll ask him to come up after I finish reading this and  
 3 receive his certificate.

4 This quarter's Officer of the Quarter award goes  
 5 to Senior Master Sergeant Kyle Wilkerson.

6 Officer Wilkerson has been serving as an acting  
 7 supervisor for the West District for the last six months while  
 8 Lieutenant Jimmy Hester has been out on sick leave.

9 Kyle has done an excellent job serving in this  
 10 capacity and has the utmost respect from the officers in the  
 11 field.

12 Kyle is also our officer in charge of firearms  
 13 training and has served in this position for the last several  
 14 years.

15 Officer Wilkerson started his career with MDMR  
 16 November of 2000 and served the people of the State of  
 17 Mississippi and MDMR with loyalty and professionalism.

18 Officer Wilkerson was promoted to senior master  
 19 sergeant in June of 2008 on the recommendations from all of his  
 20 supervisors for his dedication to the job.

21 It's with great pleasure that I select Senior  
 22 Master Sergeant Kyle Wilkerson Officer of the Quarter.

23 Thank you, Kyle. Come on up.

24 (Applause.)

25 MR. MILLER: Chairman, we still have some items.

4

1 Sandy, we're going to handle the administrative penalties in  
2 the director's report. You're going to help me with that?  
3 MS. CHESNUT: I think Joseph Runnels is going to  
4 help you.

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

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

9 MR. BOSARGE: On Page 4, Line 7, it says next  
10 last week in Baton Rouge the Gulf of Mexico's Fisheries  
11 Management Council through an emergency rule voted to add 11  
12 day recreational red snapper season. This was primarily the  
13 result of a recent -- it says, C-O-R-P-S decision regarding  
14 lack of accountability measures in the recreational red sapper  
15 fishery. That should be court, C-O-U-R-T, decision.

16 MR. TAYLOR: Do I have a --

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

19 MR. TAYLOR: Do I have a second?

20 MR. ZIMMERMAN: Second.

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

23 Okay.

24 1. Administrative Penalties

25 MR. RUNNELS: Thank you.

5

1 This is a copy of the receipt dated October 5,  
2 '12, for the amberjack, 28 pounds, showing who it was purchased  
3 from.

4 And this is a copy of the order that had closed  
5 the season that year back in April.

6 This is provisions of the law that was violated,  
7 Title 22 Part 7 Chapter 9 Section 104.

8 Potential penalties as found in Mississippi Code  
9 Section 49-15-405 Subsection 5. It can be up to \$10,000.

10 The executive director has reviewed this. He's  
11 met with Mr. Trang, he's had discussions also with Mr. Rea, and  
12 has found that the complaints have merit, and he has  
13 recommended a fine against Family Seafood, Mr. Trang, in the  
14 amount of \$250, and the same amount for Mr. Rea.

15 And I don't know whether Mr. Rea is here.

16 MR. REA: Yes, sir.

17 MR. RUNNELS: Mr. Rea is here if he'd like to  
18 address the commission.

19 The commission also can either accept or reject  
20 or modify the executive director's recommendation.

21 And I don't know if there's anyone from Family  
22 Seafood here or not. Doesn't appear to be.

23 Mr. Rea, if you want to address the commission,  
24 come right up here and introduce yourself.

25 MR. TAYLOR: Come up and state your name.

7

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

3 These two cases are companion cases. One  
4 involves Trang -- and I'm going to botch the name, but it's up  
5 there -- Trang Thi Huynh, doing business as Family Seafood.  
6 It's Cause Number 022114-1. And the following case involving  
7 Johnny Rea is 022114-2. And they both involve an inspection of  
8 Family Seafood that was done on October 26, 2012. Family  
9 Seafood is located at 15223 Dedeaux Road in Gulfport.

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

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

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

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

6

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

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

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

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

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

23 This was my mistake. Real briefly, I understand  
24 ignorance of the law is no excuse. But I was at a fishing  
25 trip, a camp I have in Port Eads, Louisiana, brought redfish

8

1 back over with one amberjack. The amberjack was legal,  
2 recreationally legal at that time. We caught it in Louisiana  
3 waters. The fish was one fish in the whole ocean. And I  
4 brought it back with redfish, and I totally honest didn't want  
5 to clean the redfish so I sold the redfish. Normally I'm going  
6 to clean my fish and consume them, or I'm going to allow my son  
7 to sell and help support his -- keeping me from spending money  
8 on him.

9 The trip consisted of a day on the water in  
10 Louisiana where I brought back redfish and the one amberjack.  
11 Again, it was caught legally in recreational season. When I  
12 came to Family Seafood with the redfish, they were -- and I  
13 have sold redfish maybe once or twice to that seafood market,  
14 but I sold the redfish. And in the same ice chest was a  
15 amberjack, one amberjack.

16 He asked that if I would sell that to him, he  
17 was going to consume it personally. He was not going to sell  
18 it.

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

24 I do understand that it evidently is a law that  
25 I was not aware of. So for that I'm guilty, I guess. But I

9

1 certainly think there are many other violations out there that  
2 are on purpose that y'all are very much aware of, and I just  
3 would like for the committee to accept my apology for selling  
4 one amberjack illegally and ask that the fine be waived.

5 Thank you.

6 MR. GOLLOTT: Mr. Chairman, can I say something?

7 MR. TAYLOR: Yes.

8 MR. GOLLOTT: In the interest of full  
9 disclosure, Mrs. Trang is a friend of mine and a customer, so  
10 I'm not going to vote on this.

11 But her husband was involved in this, and since  
12 then he has passed and she owns the business now.

13 So she really didn't understand all of this that  
14 was going on. So I'm going to agree that it was your mistake  
15 all the way around. She did tell me that they did consume the  
16 amberjack at home. They didn't sell it in the retail market.

17 So just to let everyone know.

18 MR. BOSARGE: And you said you hold a commercial  
19 hook and line license?

20 MR. REA: Yes, sir, me and my son, separate  
21 license.

22 MR. BOSARGE: And you're also a recreational  
23 fisherman?

24 MR. REA: Yes, sir.

25 MR. BOSARGE: Which do you consider yourself?

10

1 MR. REA: Very much a recreational fisherman,  
2 but when I sometimes catch an abundance of fish and again, it  
3 would be with just he and I fishing, we're trying to help pay  
4 for his college, to be honest with you. And it would be a  
5 summer job for him basically.

6 MR. BOSARGE: Yes, sir.

7 MR. REA: He wasn't with me on this trip.

8 MR. BOSARGE: The one amberjack you caught was  
9 out of season by four or five months.

10 MR. REA: It was in season in Louisiana  
11 recreationally.

12 MR. BOSARGE: Caught in state waters.

13 MR. REA: In state waters, yes, sir.

14 MR. BOSARGE: Where did you fish out of?

15 MR. REA: Port Eads, Louisiana.

16 MR. GOLLOTT: Out of South Pass.

17 MR. REA: Yes, sir.

18 MR. DRUMMOND: Do you have a Louisiana fishing  
19 license?

20 MR. REA: Yes, sir.

21 MR. BOSARGE: Which one are we working on now?  
22 The seafood place or Mr. Rea?

23 MR. RUNNELS: You can make individual motions if  
24 you would like.

25 The recommendation of the executive director is  
11

1 the same in Cause Number 022114-1 and 2. So the same  
2 recommendation of a \$250 administrative penalty.

3 MR. BOSARGE: It's my opinion ignorance is no  
4 excuse for the law for the commercial side. When you break the  
5 law, you don't get a slap on the wrist.

6 I make a motion that we accept the fine for both  
7 and keep it at \$500 each.

8 MR. TAYLOR: Do I have a second?

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

11 MR. TAYLOR: All those in favor.

12 MR. GOLLOTT: Let the record show I did not vote  
13 on that.

14 MR. TAYLOR: All those opposed. Passes. Thank  
15 you.

16 I do want to thank you for your candidness. We  
17 all make mistakes, but the commission has to uphold the law.  
18 Thank you, John.

19 MR. REA: Thank you very much.

20 MR. ZIMMERMAN: Mr. Chairman, I have a question.  
21 Mr. Richard explained that this gentleman that's involved in  
22 the first one with the Family Seafood is deceased. Are we  
23 fining a deceased person?

24 MR. TAYLOR: That's a good point. Joe, who was  
25 the ticket issued to?

12

1 MR. RUNNELS: It was issued to Mr. -- I'll have  
2 to ask Commissioner Gollott to pronounce his last name -- Mr.  
3 Trang.

4 MR. ZIMMERMAN: I mean, I think you need to pull  
5 that.

6 MR. TAYLOR: Would you entertain a motion?

7 MR. BOSARGE: I withdraw that.

8 MR. GOLLOTT: I think we ought to waive it.

9 MR. TAYLOR: Well, I mean, yes. But he's not  
10 here. He's not alive; correct?

11 MR. ZIMMERMAN: Correct.

12 MR. TAYLOR: Do you want to make a motion?

13 MR. ZIMMERMAN: I'd like to make a motion that  
14 we -- let's first rescind what we just voted on, and then  
15 re-vote on the second matter. I'd like to rescind the past  
16 motion, please.

17 MR. BOSARGE: Second.

18 MR. TAYLOR: All those in favor.

19 Now we have Cause Number 022114-2, Johnny Rea.  
20 Make a motion there.

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

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

13

1 second?

2 MR. DRUMMOND: Second.

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

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

8 The third and last case involves Justin M.  
9 Roland and Gulfport Harbor Fuel & Bait, Inc., doing business as  
10 Long Beach Tackle Box, Gulfport Tackle Box, and Tackle Box Too.  
11 This is Cause Number 012414-1.

12 And this is a case of first impression. We've  
13 never before asked to suspend a live bait dealer's camp  
14 license.

15 Gulfport Fuel & Bait operates these three camps.  
16 And between the time period of April 12, 2010, and January 14,  
17 2013, this camp and/or its employees have been issued at least  
18 seven citations for violating various provisions of the seafood  
19 laws in Title 22 Part 6 of the Mississippi Administrative Code  
20 that governs live bait operations.

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

23 Justin and his family are good friends of mine.  
24 I don't vote. Am I doing anything by chairing this? We have a  
25 vote, I'm not going to vote. Do I need to step away now?

14

1 MR. RUNNELS: I think as long as you're not  
2 voting, I don't believe it would be a problem.

3 MR. TAYLOR: Okay. I just wanted to make sure.

4 MR. RUNNELS: Okay. The citations resulted in  
5 seven Justice Court convictions in Harrison and Jackson  
6 Counties.

7 We sent out the notice of this complaint,  
8 administrative complaint. Mr. Roland requested an informal  
9 settlement conference with the executive director which was  
10 held on May 5. Mr. Roland and his attorney Mr. David Sullivan  
11 appeared, and they were advised that this matter would be  
12 coming before the commission today.

13 And I believe Mr. Sullivan is back here, and I  
14 think Mr. Roland came in, as well. So they are both here.

15 You were previously sent the supporting  
16 documentation. This is the code section that provides that if  
17 you have X number of offenses within a certain period of time,  
18 in this case it's three years, you can actually suspend the  
19 license up to two weeks for the first offense, six months  
20 following the second, and up to a year for the third.

21 And then in Mississippi Code Section  
22 49-15-63(1)(f) it also provides that if you have five seafood  
23 violations within a five year period of time, you can actually  
24 revoke the license indefinitely.

25 So these are the two penalty sections we are

15

1 looking at.

2 The executive director, as I said, has met with  
3 Mr. Roland and his counsel and has determined that the  
4 allegations contained in the administrative cause have merit,  
5 and he recommends a three month suspension of the live bait  
6 camp license from the period of July 1, 2014, through September  
7 30, 2014.

8 And again, the commission may accept, reject, or  
9 modify the executive director's report.

10 Just for clarification, just to show you the  
11 citations and the convictions, I put these in this Power Point  
12 and all of these were mailed to you. What you're seeing here  
13 are the citations followed by the abstracts from Justice Court  
14 that verifies that these were causes that resulted in  
15 convictions. And there are seven of these here.

16 And this was actually a picture that was taken  
17 -- this is the only one that had any pictures of to make things  
18 more interesting. This is a picture of one of the tanks at the  
19 camp in Gulfport that had the undersized flounder conviction in  
20 it that resulted in the undersized flounder conviction.

21 This is just a summary of the cases. These were  
22 the charges. The names in parentheses are the names of the  
23 employees or representatives of the bait camp who were engaged  
24 in the operations that resulted in the citations.

25 And I don't know whether Mr. Sullivan wants to

16

1 come up and address the commission or not.

2 MR. SULLIVAN: Good morning, gentlemen. My name  
3 is David Sullivan. I'm an attorney in Gulfport. I represent  
4 Gulfport Fuel & Harbor, Justin Roland, Roland family.

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

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

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

25 We would ask the commission -- this is a case of

17

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

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

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

25 Thank you.

19

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

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

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

25 But in any event, that's not what we're here for

18

1 MR. TAYLOR: Mr. Sullivan, are the people that  
2 -- Mr. Duhon and Mr. Rodriguez still working for --

3 MR. SULLIVAN: No, sir. And again, we can  
4 address each of these. The excessive tow time from 2013 is the  
5 only charge that Mr. Roland actually received. And we believe  
6 that if we were given an opportunity to present testimony that  
7 we could show the commission that even -- that it was  
8 represented to him by the Justice Court in Jackson County that  
9 if he took a guilty plea rather than go to trial, even though  
10 he felt he had a valid defense, that it couldn't be used  
11 against him. And we are now here today finding that it can, in  
12 fact, be used against him.

13 The other violations were somewhat beyond his  
14 control, but nonetheless he is the captain of the ship. He  
15 understands that what his contractors and employees do reflects  
16 negatively on him.

17 But again, if he's put on probation, his  
18 employees will be strictly admonished to follow the rules to  
19 the letter of the law, as will he. And we can assure you that  
20 you will not see us in front of this commission again for  
21 anything like this ever again.

22 MR. GOLLOTT: Mr. Sullivan, how is he going to  
23 make sure that this contractor -- I'm just reading between the  
24 lines -- apparently the boat captain was the one that got the  
25 ticket.

20

1 MR. SULLIVAN: Yes, sir.  
2 MR. GOLLOTT: How is he going to guarantee that  
3 the boat captains don't get another ticket?  
4 MR. ROLAND: I'm the only licensed boat.  
5 MR. TAYLOR: You need to come forward and state  
6 your name.  
7 MR. ROLAND: I apologize. My name is Justin  
8 Roland, Gulfport, Mississippi.  
9 I could probably answer this more accurately  
10 than David because he probably doesn't know.  
11 With each live bait dealer's license that's  
12 issued each year, you can have two live bait catch vessels  
13 under each license. Mr. Duhon and Mr. Rodriguez are examples  
14 of that.  
15 To answer your question directly, I am the only  
16 -- my boat is the only one licensed to catch live bait for my  
17 company. And after seeing all of this come to light, it will  
18 remain that way. I don't know that I would put my faith in  
19 other people.  
20 And up until a couple of months ago, I had no  
21 clue that any of those violations were committed.  
22 MR. TAYLOR: Hold on just a minute. Do you have  
23 any other citations for live bait?  
24 MR. ROLAND: No.  
25 MR. DRUMMOND: I'm not sure that I know what a

21

1 probationary hearing is. Does that suspend a license?  
2 MR. SULLIVAN: No, sir. We would ask basically  
3 that he be I guess in criminal defense lawyer terms given a  
4 non-adjudication where you hold this in abeyance and give him  
5 say a three month or a six month probationary period where if  
6 no violations are committed by him or any of his employees for  
7 six months these charges would be passed to the files or  
8 something along those lines.  
9 But if a violation were committed in the next  
10 six months, then you could bring these charges against him plus  
11 any new charges against him, and we would accept whatever  
12 recommendation was made by the commissioner or the executive  
13 director on those new penalties.  
14 MR. GOLLOTT: Mr. Sullivan, I'm like you, I  
15 don't want to see a hearing. Let me put something on the  
16 table. What about suspending the bait license for one month  
17 and giving you a five year probation?  
18 MR. SULLIVAN: Would it be possible to only  
19 suspend the bait catching license so that he could buy his bait  
20 from other dealers and still sell bait as a bait shop?  
21 MR. DRUMMOND: I think we ought to suspend  
22 adjudication. In other words, you know, he goes free, but I  
23 would like to fine the gentleman \$1500.  
24 MR. TAYLOR: And put him on probation?  
25 MR. RUNNELS: Commissioner Drummond, there's no

22

1 option here to fine. You have to select your poison on the  
2 front end as to whether or not you're going to go to Justice  
3 Court or go strictly administratively.  
4 Since these cases went to Justice Court first,  
5 it's my understanding, and Sandy can correct me, that there's  
6 not an option here to impose an administrative fine.  
7 MR. DRUMMOND: Not according to what I'm reading  
8 here, here, Joe. It says the commission may accept, reject, or  
9 modify the executive director's recommendation upon the  
10 motion.  
11 MR. RUNNELS: That's correct. You can modify it  
12 as --  
13 MR. DRUMMOND: It doesn't say fine, but I don't  
14 see why you couldn't fine him.  
15 MR. RUNNELS: Because trust me. Mr. Sullivan  
16 will beat me all day long in court if you impose a fine.  
17 MR. SULLIVAN: Be careful when a lawyer says  
18 trust me.  
19 MR. DRUMMOND: Okay. Disregard my  
20 recommendation.  
21 MR. SULLIVAN: We like your recommendation,  
22 Commissioner Drummond.  
23 MR. BOSARGE: Mr. Chairman, could we have  
24 Commissioner Gollott repeat that one more time, the motion?  
25 MR. GOLLOTT: Go ahead and suspend the bait

23

1 camp's license for a month and put him on five years  
2 probation.  
3 MR. TAYLOR: The live bait camp or catching of  
4 live bait?  
5 MR. GOLLOTT: What is y'all's opinion on this?  
6 MR. TAYLOR: I hate to see the bait camp and I'm  
7 going to say put out of business because it is very hard to get  
8 live bait when you're a speckled trout fisherman anywhere,  
9 Biloxi, Gulfport, you know, the other bait dealers he could buy  
10 bait from, but it will affect him because he's going to be  
11 paying for something that he can get for free.  
12 MR. GOLLOTT: Well, I'm kind of the opinion, you  
13 know, you either fish with plastic or you're cheating, you  
14 know.  
15 I would go for suspending the boat for a month  
16 and five year probation on everything.  
17 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?  
20 MR. GOLLOTT: No, sir.  
21 MR. BOSARGE: Also, could we request -- require  
22 a \$3,000 performance bond during that probationary period?  
23 MR. ZIMMERMAN: During that time, any infraction  
24 he would lose that performance bond. Joe, can that be?  
25 MR. RUNNELS: Yeah, I believe there's a

24

1 provision for a bond.

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

4 MR. ZIMMERMAN: Well, we'll make it for a  
5 thousand.

6 MR. BOSARGE: One thousand dollars.

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

14 MR. SULLIVAN: Yes, sir, I understand.

15 The issues that have come up here -- and again,  
16 had he been aware -- he didn't even know that these -- the  
17 drum, the flounder, and the Duhon and Smith tickets -- he  
18 didn't even know these violations had been committed because  
19 these guys didn't tell him they got the tickets. They got the  
20 tickets. They went to Justice Court. They paid the fines.  
21 They never told him about it. And the one violation that is  
22 attributed to him is the excessive tow time, and he believes  
23 that he had a valid defense for that. But after sitting in  
24 Justice Court for several hours without an attorney -- had I  
25 been there, it would have been a different story, but we --

25

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

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

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

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

11 MR. ZIMMERMAN: I'll give that motion a second.

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

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

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

19 MR. RUNNELS: You have an option for an appeal.  
20 Thank you very much.

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

23 E. Office of Marine Patrol

24 MR. PITTMAN: Good morning, Mr. Chairman,  
25 commissioners, Director Miller, Ms. Chesnut.

26

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

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

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

23 MR. PITTMAN: You're welcome.

24 Also on that same night, May 9, at 10:30,  
25 Department of Wildlife Office John Collum (ph.) was killed

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1 responding to a prowler at his neighbor's house. He was run  
2 over on the road as he was crossing. We sent two officers to  
3 that funeral. There were over a hundred agencies from all over  
4 the country that showed up for that funeral. So we were  
5 represented. Department of Wildlife did notify me Major Carter  
6 and advised me that he really appreciated us sending some  
7 officers up there for that funeral.

8 1. Report on Citations

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

12 Undersized spotted seatrout, redfish, over the  
13 limit red drum.

14 Also had -- you haven't seen this one on there  
15 before -- over the limit of set poles and a trot line -- they  
16 misspelled trot as you can tell -- not tending the bottom.  
17 Over the limit of set poles, one of our new boats, the Sea Ark  
18 that we got, it's a Tomadrive Sea Ark, the two officers  
19 patrolling that area came up on the set poles. They were  
20 picking them up from out of the water. And when the owner of  
21 the set poles fisherman came up and accused them of stealing  
22 his poles, and when they advised him, no, we're not stealing  
23 them, we're officers, well, I've never seen that boat before.  
24 So these two boats are really going to come in handy with  
25 getting violations.

28



1 We got a few more safety violation again this  
2 month with the weather warming up, people getting out. This  
3 weekend we got Memorial Day weekend. One thing I do advise  
4 that everybody please that go on the water, please check your  
5 boats, make sure everything is working order, that you have all  
6 your personal safety gear that you are required to have. We  
7 will have all officers working this weekend. We'll have plenty  
8 of coverage throughout the three coastal counties.

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

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

16 He got the people off the boat, and they got the fire put out.  
17 On our JEA report, we had 45 patrols, 633 man  
18 hours, 642 contacts. We had 13 enforcement action reports and  
19 9 state issued citations.

20 MR. GOLLOTT: Rusty, I got a question for you.  
21 You've got two violations here, over the limit on red drum, it  
22 says 32 inches here. Was that recreational, commercial?

23 MR. PITTMAN: I believe that was commercial, I  
24 believe. I'm not positive.

25 MR. GOLLOTT: We have a minimum. I didn't know

29

1 we had a maximum.

2 MR. PITTMAN: Well, you can have one over 30,  
3 and they had two over 30.

4 MR. GOLLOTT: So the person with the third one,  
5 what did you say, two over 30?

6 MR. PITTMAN: Where are you seeing that one at?

7 MR. GOLLOTT: The commercial violations, Number  
8 3 and 4.

9 MR. PITTMAN: Right. He had two over 30. He's  
10 only allowed one over 30, and they just put the two down that  
11 he had. He had more than that. He had the one 30 and then  
12 plus two more over.

13 MR. GOLLOTT: Okay.

14 MR. PITTMAN: The first one and then the second  
15 one, different times they were caught.

16 MR. TAYLOR: Any other questions?

17 MR. DRUMMOND: Yes, I have one for Rusty.

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

20 MR. PITTMAN: Oh, that was a call that we had  
21 come in to the office reporting illegal gill netting. And at  
22 that time when we got the call, I got with a couple of the  
23 captains, we pulled two -- that's going to be in next month's  
24 report -- we pulled two officers off shift and let them work  
25 different hours at night. The first night they worked they

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1 caught the subjects the next morning. And they were inside the  
2 half mile and not using approved material.

3 MR. BOSARGE: Rusty, I had a couple of  
4 questions. The injured pelican. Do you remember what the  
5 injury was?

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

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

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

21 MR. TAYLOR: Are most of them on piers?

22 MR. PITTMAN: Yes, sir, most of them are on  
23 piers. But there have been some fishing in boats that didn't  
24 have the licenses. But most of the ones you see with  
25 nonresident are usually in boats fishing.

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1 MR. BOSARGE: Thank you.

2 MR. TAYLOR: Thank you, Rusty. Next up is Joe  
3 Jewell, marine fisheries.

4 F. Office of Marine Fisheries

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

8 Good morning, commissioners, Director Miller,  
9 Sandy.

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

12 Red drum, we had 44,864 pounds landed so far.  
13 Flounder, we had 868 pounds landed so far. And spotted sea  
14 trout, we had 13,938 pounds. And those are all posted on our  
15 website.

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

19 1. State Records

20 MR. DEVERS: Good morning, commissioners,  
21 Director Miller, Ms. Chesnut.

22 I've got one state record for you this month.  
23 It's conventional tackle. And it's an Atlantic bumper,  
24 *Chloroscombrus chrysurus*. The old record was 3.45 ounces. The  
25 new record is 6.03 ounces, and it's caught by Thomas O'Brien.

32

1 And there's the fish, and there's the fish with  
2 the angler.

3 Thank you very much.

4 MR. TAYLOR: Do we have a motion?

5 MR. JEWELL: We need a motion for the adoption  
6 of the record.

7 MR. GOLIOTT: I make a motion we approve it.

8 MR. ZIMMERMAN: Second.

9 MR. TAYLOR: All those in favor. Motion passes.  
10 Thank you.

11 MR. JEWELL: Thank you, commissioners.

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

15 2. Gulf FINFO

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

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

25 This is a joint effort of the five states of the

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1 Gulf of Mexico and an initiative of the state marine resource  
2 directors of the five states of the Gulf of Mexico.

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

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

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

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

23 So like I said, it provides information for  
24 consumers and buyers to access that information. This is not a  
25 third party certification like you might see with the Marine

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1 Stewardship Council or other programs that are out there, and  
2 it's not a red light or green light advisory list like you  
3 might see with Monterey Bay that has a seafood watch program.

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

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

11 But the site is broken down into four different  
12 key areas. Number one, Gulf fisheries profiles, again  
13 primarily state based, state managed fisheries. The second  
14 part, sustainable fisheries management, how the states are  
15 managing fisheries throughout the Gulf of Mexico and how that  
16 happens and who does it. We have an economics page that talks  
17 about jobs and contribution to GDP and those sorts of things.  
18 And then we have a marketing site or an enjoying Gulf seafood  
19 tab. Also on the front page here, you'll see there's a seafood  
20 binder. You can search through the profiles of the species  
21 that we have on the site. There are about twenty some state  
22 level species and a number of federal species.

23 So here's a snapshot or look at one of the state  
24 level species, in this case blue crab. And here you see it's  
25 broken down on a regional basis and on a state by state basis

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1 in terms of giving an overview in harvesting and monitoring and  
2 managing. And then in a more detailed sense, you'll see on the  
3 right side there is information on the population, the  
4 ecosystem impacts, current initiatives, and those sorts of  
5 things, sort of key pieces of information about the species and  
6 where it is in terms of the population and those sorts of  
7 things.

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

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

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

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

23 Here's a view of the economics section of the  
24 website. Again, information is presented on a regional basis  
25 and on a state by state basis so the economics here is broken

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1 down commercial and recreational. And we are able to show what  
2 the dockside revenues have been over time, the landings  
3 dollars. And then drill down into more detailed information in  
4 terms of what's the economic contribution of seafood

5 commercially and then on the recreational side to the economy.  
6 Here you can see that in terms of sales for each  
7 of the states, but you can also change and look at jobs and  
8 income and value added and those sorts of things.

9 Then our last part of the website deals with  
10 marketing and enjoying Gulf seafood and takes it to each of the  
11 state marketing pages, such as the Mississippi seafood  
12 marketing page in that program and then also links to the  
13 regional program such as the Gulf seafood marketing coalition.  
14 Also gives an overview of quality and safety, HSSP  
15 information, handling information.

16 So that's a quick overview of the site. The  
17 website is gulfinfo.org. We're excited that we've been  
18 able to put this together. And we appreciate the help from  
19 each of the states, especially here in Mississippi, the  
20 Mississippi DMR. And we really appreciate your help in putting  
21 this together and look forward to working with the states to  
22 update the site and keep this out. I think it will be a good  
23 resource for seafood buyers and consumers to be able to access.  
24 We've had some positive feedback from some seafood retailers  
25 already that are excited to see this as sort of a new paradigm

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1 in how we communicate sustainability of our fisheries.

2 So appreciate the opportunity. Thank you guys.

3 MR. TAYLOR: Thank you very much.

4 MR. BOSARGE: I have a couple of questions.

5 I was lucky enough to get the preview of all  
6 this at the crab task force meeting from two young ladies that  
7 presented. And in Mississippi we're working primarily right  
8 now on crab?

9 MR. ALEX MILLER: Right. So what you're  
10 referring to is the Audubon Nature Institute that I think is  
11 here today with us. And what they're doing is putting together  
12 marine advancement plans. I think they're starting with crab  
13 in Florida, Mississippi.

14 So this is a little bit different than what  
15 they're doing in terms of creating marine advancement plans.  
16 This is taking information from fisheries management plans and  
17 those sorts of things and putting it on a site so that people  
18 can access it.

19 I mean, there are overlaps here. And as they  
20 continue to develop what they're working on, their information  
21 will be included on this site.

22 So there are overlaps, but what you saw at the  
23 task force meeting is different than this, but similar -- it's  
24 similar in the fact that it's communicating the sustainability  
25 in a different way and a potentially --

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1 MR. BOSARGE: And you're doing this for each  
2 state along the Gulf?

3 MR. ALEX MILLER: What's that?

4 MR. BOSARGE: You're doing this for all states  
5 along the Gulf?

6 MR. ALEX MILLER: The FINFO site has each state  
7 represented with their state level fisheries that they decide  
8 they'd like to have on the site.

9 For the Audubon, it is regional. But, like I  
10 said, they're starting with blue crab in Florida, Alabama, and  
11 Mississippi.

12 MS. ROSENBERG: Hi. I'm Ashley Rosenberg with  
13 Audubon Nature Institute, the Gulf United for Lasting  
14 Fisheries.

15 We have a really strong partnership with the  
16 Gulf States Marine Fisheries Commission. And so where we're  
17 getting a lot of our information for these marine advancement  
18 plans that we spoke to you about at the crab task force meeting  
19 does come from FINFO. So it's basically taking the information  
20 that we need and we put it into our plan. So that's where the  
21 overlap is.

22 This is an informational website whereas -- and  
23 that's for all fisheries. Our plans are fishery specific, and  
24 we're starting with crab in Florida, Alabama, and Mississippi.  
25 They're about to break into Texas and Florida. So it's a

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1 little bit different. But we do work very closely with Gulf  
2 States Marine Fisheries.

3 MR. BOSARGE: That's why I was a little  
4 confused.

5 That's good.

6 MS. ROSENBERG: Yeah. Same goals of  
7 communicating sustainability, just different tools to do so.

8 MR. BOSARGE: Thank you.

9 MS. ROSENBERG: Thank you.

10 MR. TAYLOR: Any other questions? Thank you  
11 very much.

12 MR. JEWELL: Thank you, Alex.

13 Next up on the agenda, we recently conducted a  
14 red snapper summit to seek input from recreational fishermen.  
15 And Mr. Matt Hill will give that update to the commission.

#### 16 4. Red Snapper Summit Update

17 MR. HILL: Good morning, commissioners, Director  
18 Miller, Sandy.

19 We conducted a recreational saltwater red  
20 snapper summit on May 6, 2014, at the Biloxi Civic Center. We  
21 had nearly 100 participants. It was a good turnout. A lot of  
22 people worked really hard to put this together, and we made a  
23 few mistakes. It was our first one. But overall, it turned  
24 out well, and we had some good comments on it.

25 The goal of the summit was to develop and

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1 prioritize options for management alternatives to be provided  
2 to the Gulf of Mexico Fishery Management Council to ensure  
3 Mississippi anglers the most opportunity and greatest  
4 flexibility for red snapper harvest.

5           Considering -- we asked three questions, and  
6 then we broke them out into groups. And we figured this -- we  
7 could control them a little bit better. The questions were:  
8 Considering limitations and management challenges mentioned in  
9 the Gulf Council presentation, what are your expectations for  
10 the recreational red snapper fishery?

11           We had a lady, Ms. Carrie Simmons, she came in  
12 and gave a brief update of what was going on at the council.  
13 And from that presentation, we asked this question.

14           The second is: What can be done to improve data  
15 collection from recreational red snapper fishermen and what  
16 data collection methods could you support?

17           Third: What management methods or new ideas  
18 would you like to see implemented to improve the recreational  
19 red snapper fishery?

20           We compiled a list, and we asked them to vote on  
21 this list at the end after these breakout sessions. And some  
22 of the more favorable suggestions that we got were for anglers  
23 to participate in the red snapper data collection program, to  
24 ~~develop and implement sampling that would directly affect the~~  
25 accuracy of stock assessments, some type of reallocation,

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1 mandatory reporting for all for-hire vessels, a log book or an  
2 electronic program, season to be open when multiple species can  
3 be harvested, pursue federal legislation to allow all Gulf  
4 states to manage red snapper out to nine nautical miles, and  
5 give states the authority to manage red snapper throughout the  
6 Gulf.

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

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

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

25           MR. GOLLOTT: Matt, are you recommending a trip

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1 ticket program?

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

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

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

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

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

20           MR. HILL: That is correct.

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

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

25           MR. MILLER: Commissioner Zimmerman, we have

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1 been in conversations with Congressman Palazzo's office.  
2 That's the reason Jill Duckworth is here. But federal  
3 legislation -- Jill can speak to this -- has been drafted  
4 actually to amend Magnuson to support the three Gulf states  
5 that don't have a nine nautical mile boundary to include that  
6 initiative in this reauthorization of Magnuson.

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

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

12           MR. HILL: Correct. Not complying.

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

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

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

25           MR. TAYLOR: I think you're going to present

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1 some of that in your presentation; aren't you?

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

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

11 MR. HILL: That is correct.

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

14 MR. HILL: Yes, sir.

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

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

25 There's an ample of things we can do at the

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1 agency which is what we're going to talk about, the voluntary  
2 collection and potentially future mandatory program to collect  
3 that information. And then at the federal level actually we've  
4 got to work with our delegation to see what additional  
5 flexibility or how can we amend the federal legislation to give  
6 the states more authority.

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

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

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

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

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

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

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

22 But the current enforcement regime at the  
23 federal level but they have some (inaudible) advantages on the  
24 Coast Guard obviously but they're patrolling the whole Gulf,  
25 but the way they have set up enforcement is to give states

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1 money to do joint enforcement. Basically, they give us money  
2 to go do the enforcement for that. And so what they hold over  
3 is basically in Louisiana is to call their bluff in a sense and  
4 say we don't want your money, we'll enforce it the way we want  
5 to enforce it, and you go enforce with your capacity at the  
6 Coast Guard and NMFS to go enforce it because they know they  
7 don't really have the capacity to do it.

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

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

14 MR. HILL: Yes, sir.

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

20 The Mississippi red snapper quota monitoring  
21 program. We'd like to require an offshore landing permit.  
22 This would be a vessel permit, not an angler permit. The owner  
23 or the captain of the vessel would be required to possess the  
24 landing permit with an associated authorization code in order  
25 for the vessel to land red sapper in Mississippi.

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1 The authorization code would only be valid for  
2 the single trip and must be reported on even if the trip did  
3 not occur. We have to have them clear these trips out to know  
4 if they were active, inactive, and so we can move on with that.

5 This would be a no cost permit.

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

12 Reporting would consist of logging into the  
13 system via smart phone app, on line, or by telephone.

14 The information that we would require them to  
15 give us would be the authorization code assigned, whether it  
16 was active or inactive trip, if there was some reason they  
17 didn't take the trip, weather, personal issues, it would just  
18 be inactive.

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

24 If landing at a public access site, give us the  
25 location, and that way we can concentrate our efforts on these

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1 end of the season, we will contact them and try to get an  
2 answer from it and clear it out.

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

10 And do we have any questions on that?

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

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

19 MR. HILL: That's correct.

20 MR. TAYLOR: We have how many?

21 MR. HILL: Eighty thousand.

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

24 What basically this would eliminate would be  
25 probably -- I'm going to pick a number -- probably 77,000 of

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1 areas when we're trying to collect the biological information  
2 for the species that we're interested in which would be red  
3 snapper in this case.

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

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

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

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1 those which will bring the catch data down, we've got 3,000  
2 people fishing for snapper instead of seventy-seven or eighty  
3 thousand, whatever it is, and the data would be more relevant.  
4 And that's the whole purpose I think of (inaudible) and all  
5 this and providing good data and would hope that maybe some of  
6 the other states, and I think y'all are talking to Alabama --

7 MR. HILL: Correct.

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

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

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

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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. ZIMMERMAN: 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, CCA, etcetera, and actually go to meetings and stress  
21 the importance of getting good data, and that's the only we can  
22 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

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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. ZIMMERMAN: 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. ZIMMERMAN: 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 pushed 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 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. CHESNUT: 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. ZIMMERMAN: 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 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 right 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. Y'all make our job a lot easier here. Y'all do a  
19 great job. Thank you.

20 MR. ZIMMERMAN: 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.

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1 MR. ZIMMERMAN: Mr. Chairman, could I have the  
2 floor for a second, please?

3 MR. TAYLOR: Yes, sir.

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

12 MR. TAYLOR: So what I have is a motion to  
13 implement the recommendation that Matt Hill made immediately.

14 MR. GOLLOTT: So moved, Mr. Chairman.

15 MR. TAYLOR: So we have a motion. Do we have a  
16 second?

17 MR. ZIMMERMAN: Second.

18 MR. TAYLOR: All in favor.

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

24 Thank you.

25 6. Title 22 Part 5: Gill Nets

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1 requests for a public hearing.

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

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

11 Those are the summary of the changes.

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

14 The major changes allows for gill net and  
15 trammel net fishermen within this time period September 1,  
16 2005, to March 18, 2014, to construct their nets with  
17 multifilament nylon twine. Allows new entrants into the gill  
18 net and trammel net fisheries. However, these fishermen would  
19 only be allowed to construct their nets with cotton linen or  
20 materials meeting the degradable materials definition. Does  
21 not sunset approved degradable gill or trammel net gear as  
22 defined in Chapter 3 Section 103. Does sunset the use of nylon  
23 material after retirement of eligible net fishermen between  
24 those periods. That's September of 2005 to March 2014.

25 Are there any questions?

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1 MR. JEWELL: Thank you, commissioners.

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

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

8 MR. JEWELL: We have a public comment section  
9 that would be perfect for them at that time.

10 MR. ZIMMERMAN: I have a question. Was this  
11 item pulled, Beverly Martin, Mississippi Hospitality?

12 MR. TAYLOR: She's not here.

13 MR. ZIMMERMAN: Okay.

14 MR. JEWELL: Items 4 and 5 were removed from the  
15 agenda.

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

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

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

22 Public comments were received. Summary of the  
23 comments: 37 comments received in favor of the proposed  
24 changes to Title 22 Part 5; 21 comments received opposing the  
25 proposed changes to Title 22 Part 5. We received eight

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1 MR. GOLLOTT: Joe, would you go back to the  
2 public comments and try to give us an idea of how many --  
3 reiterate that? How many people did we have opposed?

4 MR. JEWELL: Opposed was 21. It roughly broke  
5 out to about 64 percent of the comments were for the proposed  
6 changes to Title 22 Part 5 and about 36 percent were opposed to  
7 it.

8 MR. GOLLOTT: So the majority was in favor of  
9 the recommended changes?

10 MR. JEWELL: Correct.

11 MR. GOLLOTT: One of the things that concerned  
12 me and one of the reasons that I had taken the sunset off of  
13 the agenda is because I understand that a lot of people were  
14 opposed to the sunset of those nets.

15 MR. JEWELL: I'm sorry. Say that again.

16 MR. GOLLOTT: I understand a lot of people in  
17 the public comments were opposed to the sunset. Some fishermen  
18 said, look, we'll give up the nets if we can get the nylon.  
19 But the majority of the fishermen were opposed to giving up the  
20 fishery in favor of getting the nylon is what I'm trying to  
21 say.

22 MR. JEWELL: That's correct. The comments that  
23 were for this final adoption, there was some bleed over into  
24 the comments that they were opposed to sunseting of the  
25 material and they were opposed to sunseting of the license.

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1 MR. GOLLOTT: Was there any scientific data  
2 submitted in favor of or opposed to the nylon?  
3 MR. JEWELL: No, sir.  
4 MR. GOLLOTT: Is there any legal reason why we  
5 should approve this nylon?  
6 MR. JEWELL: None to my knowledge, Commissioner.  
7 There was comments submitted. Some of the  
8 comments were several pages long that outlined in very detail  
9 the opposition to both the material and the gear.  
10 MR. BOSARGE: And in the comments, do you  
11 remember what were the -- we talked about the license. And  
12 Matt asked the question last week about or last meeting about  
13 whether the license would be transferrable or  
14 non-transferrable. What's the comments on that?  
15 MR. JEWELL: Most of the comments that were  
16 received on the final adoption were that they were requesting  
17 that the license be transferrable.  
18 MR. BOSARGE: Is that a possibility?  
19 MR. JEWELL: The comments that we're talking  
20 about, they were the provisions for the sunseting of the gear  
21 and then the final adoption that we're discussing right now is  
22 for sunseting of the material. Two different issues that  
23 we're talking about.  
24 MR. BOSARGE: In here there is no sunseting of  
25 anything; correct?

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1 MR. JEWELL: Well, for the eligible fishermen  
2 between this time period that would be allowed to use nylon,  
3 once they retired from the fishery for whatever reason, those  
4 eligible fishermen, the material would be retired.  
5 MR. BOSARGE: And what would be the basis or the  
6 reasoning for that retirement?  
7 MR. JEWELL: Well, the basis for it is the  
8 commission asked us to provide that.  
9 MR. BOSARGE: Actually, for it to be  
10 non-transferrable.  
11 MR. JEWELL: That's correct.  
12 MR. BOSARGE: And at the time (inaudible) and  
13 I'm sure there will be (inaudible) on this in the next issue,  
14 and the last thing (inaudible) is one group pitting against the  
15 other. You know, here we are, we're pitting commercial against  
16 recreational. That doesn't need to happen. But it's going to  
17 happen because we've been forced to that point. I just don't  
18 understand --  
19 MR. DRUMMOND: Steve, I can't quite hear you.  
20 MR. BOSARGE: I'm sorry, Shelby. We only have  
21 one mic down here, and for some reason mine is not working.  
22 So for clarity, we have the next agenda item is  
23 a sunset clause?  
24 MR. TAYLOR: That's off.  
25 MR. JEWELL: No, sir. That was the first

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1 presentation was the sunset clause, and that was removed by the  
2 commission.  
3 MR. BOSARGE: I had asked staff to provide some  
4 information for me that we can present here in the public to  
5 show where we are with this fishery and try and rationalize why  
6 we're doing what we are doing.  
7 I guess, Matt --  
8 MR. JEWELL: If you'd like, Commissioner, we are  
9 prepared to do that.  
10 MR. BOSARGE: I would like to offer up --  
11 there's going to be some discussion -- a motion that Title 22  
12 Part 5, we change in there that there is no sunseting of the  
13 gear and that the license is transferrable. And hopefully we  
14 can have a rational discussion here.  
15 MR. TAYLOR: Can we do this, Sandy? Or would it  
16 have to go back to hearing?  
17 MS. CHESNUT: It would have to go back out on  
18 notice of intent.  
19 MR. TAYLOR: Okay. So we can't do that today.  
20 MS. CHESNUT: You can make a motion to change  
21 it, but you would have to act on the present one that's out  
22 there now and then make a motion to amend it and however you  
23 want it to go back out on notice.  
24 MR. JEWELL: The regulation that's up for final  
25 adoption right now does not have in its rules the provision for

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1 sunseting the gear. It has in it the provision for sunseting  
2 the material. But the sunset clause had in it the statement for  
3 sunseting the gear. The final adoption that's before you  
4 right now is for sunseting the material and for just those  
5 fishermen that were in that universe between September 2005 and  
6 March 2014. And then that's about -- it's just under ten  
7 fishermen. They would be allowed to use nylon, and then when  
8 they retired from the fishery for whatever reason, only they  
9 could use nylon. All new entrants would be -- they would have  
10 to use cotton linen.  
11 MR. BOSARGE: And I see that as not quite fair.  
12 And the way to correct that would be in my opinion to make that  
13 license transferrable to where if there was a new entrant that  
14 wanted that same option of using nylon, the license could  
15 transfer from one person to the other.  
16 In other words, I see no -- if we get into some  
17 of the data and some of the science, I see no reason for a need  
18 to sunset gear. We have a fishery here that basically targets  
19 three species -- speckled trout, redfish, flounder, some  
20 mullet. We have those three species on the commercial side  
21 under quota. This gear is not going to change that. There's a  
22 lot of reasons (inaudible).  
23 MR. JEWELL: If you're -- within this final  
24 adoption that we are considering right now, if your proposal is  
25 to make the license transferrable just for those eight, we can

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1 modify -- Sandy will have to direct there -- legal counsel can  
2 direct -- you could modify the current proposal, and you could  
3 do that. But if you wanted to create the universe larger --

4 MR. BOSARGE: No.

5 MR. JEWELL: -- for any -- okay.

6 MS. CHESNUT: That would be a major amendment to  
7 what's --

8 MR. JEWELL: That would be a substantial change.  
9 I think what Commissioner Bosarge is saying is based on the  
10 comments that's been received that to make the provision for  
11 the license to be transferrable just for that universe of the  
12 less than ten, those people that are in the industry from  
13 September of 2005 through March of 2014, that the license be  
14 transferrable for those individuals that are in that unique  
15 universe.

16 MS. CHESNUT: That wasn't under consideration in  
17 the rule that's proposed now and out on notice of intent.

18 MR. JEWELL: Correct.

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

22 MR. BOSARGE: And what would be the other  
23 option, Sandy? Would be to approve this?

24 MR. TAYLOR: Approve or disapprove it.

25 MR. BOSARGE: Approve it as it stands and then

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1 ask for a change?

2 MR. TAYLOR: You can't change it until it goes  
3 out on notice.

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

12 MR. TAYLOR: So it would be separate from this.

13 MR. JEWELL: Right.

14 MR. BOSARGE: That's the path that I think I  
15 would like to take.

16 MR. TAYLOR: Okay. So you want to -- would this  
17 be the time to make a motion?

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

25 MR. BOSARGE: (Inaudible) Commissioner Gollott,

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

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

21 So my point is, these eight fishermen, morally  
22 we need to do what's right, and giving these eight people the  
23 opportunity to use nylon gear that went out of date back in the  
24 '70s, that -- we are not giving them the bank, in other words,  
25 we're just trying to right a little bit of a wrong.

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1 MR. TAYLOR: Thank you.

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

5 MR. TAYLOR: First up would be Larry Ryan, Sr.  
6 Come to the microphone, state your name, and you've got three  
7 minutes.

8 MR. RYAN: Good morning, everybody. My name is  
9 Larry Ryan. I'm probably a sixth or eighth generation  
10 fisherman.

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

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

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

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

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

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1 Thank you.

2 MR. TAYLOR: Thank you, Mr. Ryan.

3 Next up is Larry, Jr.

4 MR. RYAN, JR.: My name is Larry Ryan, Jr. I've

5 been in this since I was a child. I grew up watching these men

6 like Mr. Steve and my father. It's not a dying breed. We made

7 it that way.

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

9 I grew up knowing the fishermen was on the

10 bottom of the totem pole. It's never been us against them. I

11 have no fix against any recreational. That's not my porch. I

12 don't have time to sweep his off, so I don't feel like he's got

13 time to sweep mine off.

14 I grew up in the '90s when it was a battle and

15 it was a fight to watch my parents, my uncles, my aunts, my

16 family get degraded time and time again over somebody's

17 opinion.

18 There's no scientific proof that this nylon is

19 going to change everything. It makes it easier for me to call

20 and get webbing out of Memphis, out of Florida, that I can get

21 the right size, the time I need, and it lasts very little

22 longer. The stuff rots all the same.

23 You show me a net that don't rot, we'd have

24 fished with it in the '90s when fishing was booming.

25 But all I ask is this board, go home tonight and

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1 affect a stock of fish, or stocks of fish in this case. In

2 other words, we need to see the forest, not the individual

3 trees.

4 I have done more debating in this meeting than

5 what I'm typically comfortable with, but there is a very good

6 reason for this. I did my research on this particular issue.

7 It is an issue that has been ongoing for over two decades now.

8 When I researched how the current regulations came into being,

9 I realized that this was a politically charged issue and the

10 regulations of 1996 were enacted based on the political tide at

11 the time, instead of on the tenants that we have sworn to abide

12 by when making fishery management decisions. This is not 1996,

13 and we are not that commission.

14 We no longer live in the good old by world. Our

15 recent history within the DMR is proof positive of that. This

16 commission will not tolerate such actions.

17 Instead, we evaluate the issues presented before

18 us based on the guidelines laid out in Mississippi Code

19 49-15-2, which states that any fishery management plan and any

20 regulation promulgated to implement that plan or promulgated

21 under the state seafood laws shall be consistent with the

22 following standards for fishery conservation and management,

23 and I have summarized them or the sake of time.

24 Shall be based on the best scientific

25 information available.

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1 to lay their head down with a clear conscience knowing that

2 they stood up for what was right and not for what their opinion

3 was.

4 Thank you.

5 MR. TAYLOR: Thank you very much, Larry.

6 Okay. Commissioners, any other comments? Any

7 other questions?

8 MR. BOSARGE: I do have one more comment. I'd

9 like to kind of read it out. I've worked with my hands all my

10 life, and I've got three children, two Doctorates and a Master,

11 but that's another (inaudible), I never attended college. I

12 never had that opportunity. So I tried to put my words to

13 paper just to give a little summary. And I'd like to read it

14 for you.

15 First I would like to thank staff for the time

16 and effort they put into the presentations, although you

17 haven't seen those yet, they gave to the commission in order

18 for us to assess the issue before us. They are always thorough

19 and informative. In the many positions which I hold on various

20 fisheries management related commissions, panels, and boards, I

21 have found that the most beneficial presentations for fishery

22 management decisions begin by framing the particular stock of

23 fishing being affected. This makes sense to me because we are

24 fishery managers, not net managers. We are discussing changes

25 to net requirements as a result of the fact that these nets

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1 Shall ensure any allocation is fair and

2 equitable and reasonably calculated to promote conservation.

3 Shall consider efficiency in the utilization of

4 fishery resources.

5 Shall take into account variations in fisheries,

6 fishery resources, and catches.

7 Shall, where practicable, minimize costs and

8 avoid unnecessary duplication.

9 Shall take into account the importance of

10 fishery resources to fishing communities in order to provide

11 for the sustained participation of those communities and, to

12 the extent possible, minimize adverse economic impacts on those

13 communities.

14 Shall, to the extent practicable, minimize

15 bycatch.

16 Shall, to the extent practicable, promote the

17 safety of human life at sea.

18 So the issue before us is whether or not to

19 amend the current gill and trammel net regulation to allow

20 fishermen which have a properly tagged net to use webbing that

21 they can consistently procure, such as nylon, and whether or

22 not to continue to allow this license to be transferrable.

23 There are a total of eight licenses which this amendment will

24 affect. Now we must apply the above evaluation criteria to the

25 regulation currently on the books, which was enacted in 1996,

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1 in order to determine if this amendment is appropriate. We  
2 have almost 20 years of data with which to do this.

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

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

20 Does this current regulation consider  
21 efficiency? This criteria refers to economic efficiency. In a  
22 document prepared and presented by NOAA, they clearly state  
23 that in Mississippi, commercial fisheries attribute 5,466 jobs  
24 and \$99,497,000 in value added to the economy, whereas  
25 recreational fisheries attribute only 1,649 jobs and

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1 \$85,497,000 in value added to the economy. Therefore, the  
2 unbiased governmental information we have available reinforces  
3 supporting the commercial sector, which means allowing the  
4 license to be transferrable and allowing them to use webbing,  
5 such as nylon, that is readily available.

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

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

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

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

18 The current regulations have reduced the amount  
19 of harvest produced by these highly selective nets and replaced  
20 it with gear such as hook and line which in no way compares to  
21 the selectivity you get from the net. Every time you put a  
22 hook in the water and pull up something other than what you set  
23 out to catch, that is bycatch. These nets are designed to have  
24 minimal bycatch because the mesh is sized so that it  
25 specifically catches the targeted fish.

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1 Does the current regulation promote the safety  
2 of life at sea? The regulation does not address the safety of  
3 life at sea, so it is not applicable.

4 So in conclusion, when we evaluate the issue  
5 before us based on the criteria listed in state law 49-15-2, it  
6 becomes clear that if we do not enact this amendment and allow  
7 these eight commercial net fishermen to use nylon webbing and  
8 have a transferrable license, we are in clear violation of our  
9 legal mandate as fisheries managers. Not only is it clearly  
10 the right choice based on the scientific data, but it is  
11 morally the right thing to do. All fishermen that harvest our  
12 marine resources should be held to the same standard. We  
13 cannot allow one group of fishermen to use monofilament and  
14 Spectra, knowing the detrimental effects it has on the  
15 environment and marine mammals, and then not even allow the  
16 other group of fishermen to use nylon. We cannot allow an open  
17 and unlimited entry fishery to one group and then tell the  
18 other group, I'm sorry but we are going to put a moratorium on  
19 you and then we will make your license non-transferrable so  
20 that you will be completely eliminated from the fishery.  
21 Anyone who walked into this room today -- I'm sorry, we haven't  
22 got to see the slides, but -- walked into this room today with  
23 an open mind that listened to the facts presented to the  
24 commission could come to only one conclusion, that the current  
25 net regulation should be amended to allow these eight remaining

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1 fishermen to use nylon webbing and to have a transferrable  
2 license.

3 And I'm sorry I had to read all that, but that's  
4 the only way I can get my thoughts to say what I want to say.

5 MR. TAYLOR: That's old age.

6 Okay. Any other commissioners?

7 MR. ZIMMERMAN: I'd like to say something. And  
8 I agree with what Steve has. Steve has completely outlined  
9 what our job is as commissioners. And one of the things that  
10 I've asked for, you know, that I believe and I feel -- I  
11 believe that (inaudible) better year, they're going to have  
12 less trips, so you wind up with less bycatch. But that's not  
13 in front of me. I don't have that scientific proof. I need  
14 that solid ground to stand on.

15 What I do remember about this were four nets  
16 that I pulled out of Twin Bayou unattended old nets back in the  
17 '80s. I do remember that. And that's why we did away with the  
18 nets, but those nets were legal.

19 I believe that the tagging of the nets will stop  
20 that. But I don't have that solid ground. I need that  
21 scientific data that Steve talks about, about knowing that  
22 having that gear will reduce bycatch because it will decrease  
23 your trips to get your quotas.

24 And so I do agree with what he brought, and  
25 thank you for bringing it before us.

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1 MR. TAYLOR: Anybody else? Do I have a motion?

2 MR. GOLLOTT: Commissioner, do you think if we  
3 table this you would be able to get that information that  
4 you're looking for to make a decision?

5 MR. ZIMMERMAN: That's why I do, I'd like to  
6 table this and try to get the information that we need so that  
7 we can make the best decision we can for the fishery and for  
8 the people that are in the fishery.

9 MR. GOLLOTT: I make a motion, Mr. Chairman,  
10 that we table this until the next meeting.

11 MR. TAYLOR: We have a motion on the floor.

12 MR. BOSARGE: I believe, Commissioner Gollott, I  
13 think we've got one motion already on the floor.

14 MR. TAYLOR: I don't have a motion on the floor.  
15 We have a motion to table this until next  
16 meeting, action on this agenda item. Do I have a second?

17 MR. ZIMMERMAN: Could I amend your motion, Mr.  
18 Richard?

19 MR. GOLLOTT: Sure.

20 MR. ZIMMERMAN: In that motion, we need to  
21 request the data, give it directly to the DMR to collect this  
22 data, and I'd like to add that to it and get this scientific  
23 data before us with this so we can go forward with final  
24 adoption at the next meeting.

25 MR. TAYLOR: We'll have to file another notice

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1 of intent.

2 MR. JEWELL: My understanding is that what we  
3 have on the floor right now is the final adoption, and we're  
4 delaying the final adoption vote until next commission meeting.  
5 So it's tabled for now until we come forward with --

6 MR. BOSARGE: But maybe we should get Matt to  
7 present the slides with some of the data that I have asked for.

8 MR. TAYLOR: If we're not going to vote on it, I  
9 don't see -- we do it at the next meeting.

10 MR. BOSARGE: I believe we've got the slides  
11 here.

12 MR. JEWELL: We do have those slides available  
13 if you'd like us to present that. It's whatever the  
14 commission's will is we can do.

15 MR. TAYLOR: And I think it would be fresher in  
16 your mind, Steve, and I'd rather see it when we get to a vote  
17 than a month later. And if you're like me, I can't remember  
18 what I had for lunch.

19 MR. BOSARGE: I guess my question is what are  
20 you asking for? In other words, in my mind, what I would ask  
21 of you is prove to me that we have a problem and then I'll  
22 prove that we don't. Do you see what I'm saying? So where is  
23 the proof that says you're saying -- I'm trying to get a little  
24 clearer picture here now. Where is the science that you say  
25 there's a problem with gill nets?

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1 MR. ZIMMERMAN: I never did say that.

2 MR. BOSARGE: What are you asking for then?

3 MR. ZIMMERMAN: I'm asking for data that will  
4 prove to me that by going back to nylon which was outlawed in  
5 '96 for whatever reason it was, and I know the only thing that  
6 I have is I'm going to take the (inaudible) that fish forever  
7 that didn't break down. So we went to biodegradable material  
8 so they would rot and not keep ghost fishing.

9 As I said, I think the tagging will stop that  
10 because the gear will be watched.

11 But, I mean, I feel -- personally I feel that  
12 letting these guys take whatever gear, which is the nylon, that  
13 they will be able to go and make -- have, what, 50,000 pounds  
14 redfish (inaudible) now. They take 100 trips right now with  
15 the cotton gear and go get that net -- those fish and by  
16 letting them have the nylon gear they can go do it 30.  
17 Environmentally and resource, it's much better to do that  
18 because you're increasing bycatch by them being able to do it  
19 with better gear.

20 And that's what I'm looking for. I'm looking  
21 for the point that makes environmentally, that gives me solid  
22 ground to stand on and say, yes, I do agree with it.

23 MR. BOSARGE: Here we go back again to the point  
24 of you're going to do to one fishery and not do to the other.  
25 So I guess my -- the way that you say that gill nets are not

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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 me 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. ZIMMERMAN: Aye.

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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 is 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.

20 7. Oyster Season Update

21 MR. GORDON: Good afternoon, Mr. Chairman,  
22 commissioners, Director Miller, Ms. Chesnut.

23 I'm Scott Gordon. I'm shellfish bureau  
24 director, and I just wanted to give you a very brief update on  
25 the results of our 2013-2014 Mississippi's limited oyster

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1 season.

2 This is looking at landings going back to FY  
3 1990 through this year 2014. And we are right over here on the  
4 right side trying to rebuild after several major disasters. We  
5 stand at 78,019 sacks being harvested. There were over 5800  
6 trips that brought in those 78,000 sacks. That averaged up to  
7 be about 13.4 sacks per day. As you can see, this is the  
8 breakdown towards -- from Mississippi dredging, nonresident  
9 dredging, Mississippi tonging, nonresident tonging.

10 And marine patrol checked cull closely every  
11 day. They did an excellent job of that, and I appreciate it.

12 We distributed harvester books and culling  
13 tools. We had one brief precautionary closure due to a  
14 tropical storm approach. And there were several extended  
15 closures due to rainfall and river stages. And also during  
16 this time, we initiated the harvester education classes.  
17 That's because of the interstate shellfish sanitation  
18 conference's new adoption of these classes.

19 So far we've had several hundred people. I  
20 believe the vast majority of the licensed harvesters have  
21 attended this class. And that's required of them before they  
22 can purchase a license.

23 I thought this might be interesting for you.

24 ~~This is Hancock County's reported rainfall exceeding one inch.~~

25 This is during our season. And this information I gathered

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1 from the COCORHAS and that's the Community Cooperative Rain,  
2 Hail & Snow network. There's volunteers that are submitting  
3 this information.

4 One inch of rainfall will shut down some of our  
5 nearshore conditionally approved areas. And two inches of  
6 rainfall will shut down our other conditionally approved areas.

7 We had 20 instances where we had greater than  
8 one inch of rainfall and eight instances where we had greater  
9 than two inches of rainfall. So we had a very wet season.

10 Also, if you look at the river stage, and this  
11 is the Pearl River gauge at Pearl river, Louisiana, that is one  
12 of our other conditional criteria, that if we exceed a ten foot  
13 river stage, that will shut down some of the nearshore reef  
14 areas. And if we exceed a 12 and a half foot stage, then  
15 that's this upper dotted line, that will shut down some of the  
16 other further offshore conditionally approved areas.

17 And we have to allow the river to crest before  
18 we can take a water sample to try to get the area reopened.

19 We had about eight instances where the river  
20 exceeded ten feet and about five of those where the river  
21 exceeded 12 and a half feet.

22 But I'd also like to point out to you the median  
23 daily statistics. This is averaged over the last 16 years for  
24 these dates. That's this line here. And the actual gauge  
25 height is this blue line. And as you can see throughout most

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1 of the season, we were above what the average was. There were  
2 a few times where it dropped below, but it stayed up fairly  
3 high.

4 Fourteen foot is the -- that's the flood stage.  
5 So we even got above the flood stage. And I know after I  
6 prepared this chart, it went even above that.

7 And I saw some news articles recently that had  
8 some discussions about us possibly being entering into another  
9 El Nino cycle which the last severe one that we had was in  
10 1997, and that was pretty drastic. We had even more rainfall  
11 than what we have.

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

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

16 MR. TAYLOR: Thank you, Scott.

17 MR. GORDON: Thank you.

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

22 MR. GORDON: To plant the areas?

23 MR. GOLLOTT: Plant.

24 MR. TAYLOR: Replant.

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

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

5 MR. GOLLOTT: We just don't want any obstacles  
6 in our way --

7 MR. GORDON: I understand.

8 MR. GOLLOTT: Thank you.

9 MR. GORDON: Thank you.

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

12 8. Shrimp Season Update

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

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

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

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

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

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

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

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

17 Here's some of our overall economics based on  
18 study from Mississippi State University Coastal Research &  
19 Extension Center in 2011 showed that the Mississippi shrimp  
20 fishery produced \$136 million in total value of economic goods,  
21 created over 3,000 jobs, and generated \$56.8 million in income.

22 Here's some important dates from the 2013 shrimp  
23 season. We opened on June 11, 2013. We also opened some  
24 additional waters in the East Biloxi Channel from Channel  
25 Marker 18 to Channel Marker 26 on October 30, and that was due

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1 to our sampling showing we had some good numbers of large white  
2 shrimp in that area.

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

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

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

18 In case you can't see, for 2013 we sold 450  
19 resident commercial licenses, 224 resident recreational  
20 licenses, a little less than 150 nonresident commercial, and  
21 then just a handful of nonresident recreational licenses.

22 Here we have landings and value since 1986.  
23 This is all shrimp heads on. On this side, we have our  
24 landings in millions of pounds, and then this axis is our value  
25 in millions of dollars. You'll notice that in 2012 we had our

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

6 And once again, this data 2013 is still  
7 preliminary.

8 Here we look at the number of seafood dealers  
9 and processors that we had. Before Katrina, we had 76.  
10 November of 2007, we had 47. And as of last month, we had 57.

11 Now we're going to take a look at what's  
12 happened in the 2014 season. We've got to start with  
13 environmental conditions.

14 This chart here shows our total rainfall in  
15 inches since 2011. You'll notice the red bar here represents  
16 2014. January we had an average amount of rainfall. Starting  
17 in February we've had significant amounts of rainfall. In  
18 March, we had almost eight inches. In April, we had almost 12  
19 inches. And then up through yesterday, we had over six inches  
20 of rain. This is in Biloxi.

21 And as you know, rain directly correlates with  
22 salinity. This chart here shows the average salinity since  
23 2011. Again, the red bar represents 2014, and you'll see a  
24 downward trend of our salinity at the mouth of Biloxi Bay since  
25 January.

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1 and out of the bay and into the Sound where they can start  
2 growing.

3 That chart shows the number per day. This chart  
4 shows the cumulative number since 2010. This blue line right  
5 here represents 2014. We've captured right around a thousand  
6 post-larval brown shrimp to date, and it's more than 2012 and  
7 2013.

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

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

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

24 This chart here shows our historic opening dates  
25 dating back to 1975. Last year, we opened on June 11. And

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

6 This chart here again shows average temperature  
7 since 2011. The red also represents 2014. And if you  
8 remember, we had a really cold winter, extremely cold winter,  
9 and that brought our water temperatures down to right around  
10 40, 45 degrees in January. But we've been in a warming trend  
11 which is good for brown shrimp growth. So to put it all in  
12 perspective, brown shrimp like salty water and warm water.

13 And we're getting the warm water; we don't have  
14 the salt yet.

15 Starting in February of each year, we conduct a  
16 survey using a beam plankton trawl in order to sample the  
17 abundance of post-larval brown shrimp entering the Mississippi  
18 Sound.

19 This chart shows the number of post-larval  
20 shrimp per sampling day. And also it shows the salinity  
21 sampled on that day. And what's interesting about this chart  
22 is that every time we had a spike in the number of post-larval  
23 shrimp that were caught, we had a drop in salinity. So  
24 basically what that means is when you get a good amount of  
25 rainfall, it's flushing those little shrimp out of the marsh

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1 since 2009, we have opened as late as June 25 and as early as  
2 May 25 in 2011.

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

7 (Mr. Taylor left meeting.)

8 MR. GOLLITT: Do I have a motion on that?

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

10 MR. GOLLITT: We have a motion. Do we have a  
11 second?

12 MR. ZIMMERMAN: Second.

13 MR. GOLLITT: All those in favor. Opposed?  
14 Motion carries unanimously.

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

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

25 But anyhow, could we look at doing the same

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

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

7 MR. BOSARGE: Pardon?

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

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

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

15 MR. GOLLOTT: Thank you.

16 MR. BURRIS: Thank you.

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

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

24 Okay. Next we have Jan Boyd.

25 G. Office of Coastal Zone Management

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1 over the marsh.

2 The public will have access to the pier for  
3 boating and leisure activities.

4 The proposed project is allowable within the  
5 general use district.

6 There are no precedent setting effects expected  
7 based on this project since this site has historically been  
8 utilized as a marina.

9 Piling installation may temporarily increase  
10 turbidity in the construction area and may result in a  
11 temporary decrease in the number of benthic organisms. Best  
12 management practices will be utilized during all phases of  
13 construction.

14 The proposed modification is an extension of an  
15 existing pier inside the marina. No alternatives were  
16 considered.

17 There are other structures in the area, and this  
18 project is not expected to adversely affect the natural scenic  
19 qualities.

20 The notification of the project appeared in the  
21 Sun Herald on April 27, May 4, and May 11, 2014. And also in  
22 the Sea Coast Echo on April 26, May 3, and May 10, 2014. And  
23 we received no public comments.

24 DEQ is currently reviewing the project.

25 Archives & History has no objections. Secretary of State says

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1 MR. BOYD: Good afternoon, Mr. Chairman,  
2 commissioners, Director Miller, Ms. Chesnut.

3 Coastal has four action items for your  
4 consideration today, and Chris Pickering will be our first  
5 presenter.

6 1. Bureau of Wetlands Permitting

7 a. Hancock County Board of Supervisors

8 MR. PICKERING: Good afternoon. This is a  
9 permit request modification by the Hancock County Board of  
10 Supervisors, DMR Number 904501. The location is an unnamed  
11 canal adjacent to Bayou Cadet on Pleasure Street in Bay St.  
12 Louis, Hancock County, Mississippi. It's in the general use  
13 district. And the agent is Compton Engineering.

14 This is an aerial. You can see Highway 90 is  
15 here, Lakeshore Drive, and Bayou Cadet.

16 And a zoomed-in aerial. This is currently the  
17 marina here that has an existing pier which they're proposing  
18 to add on along the shoreline here.

19 The structure they're proposing is a 480 foot in  
20 length by 6 foot wide pier and six access piers that will range  
21 from 50 to 60 feet by 5 feet.

22 Here is a diagram of the 480 foot pier along  
23 with the six access piers.

24 And this is a picture of the existing pier and  
25 where the 480 foot will extend out and the access piers going

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

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

7 MR. GOLLOTT: Is there a motion on this?

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

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

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

13 MR. GOLLOTT: Seconded by Commissioner Drummond.  
14 All those in favor say aye. Opposed? Carries unanimously.

15 b. Boyd Gaming

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

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

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

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1 the 110.

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

6 And the applicant has requested to retain the  
7 previously authorized bridge and moored work barge until August  
8 16, 2016. That's when the actual dry dock permit for the  
9 casino expire.

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

15 This is a diagram of the barge and the bridge.

16 And just a little chronology.

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

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

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

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

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

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

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

13 MR. ZIMMERMAN: So moved.

14 MR. GOLLOTT: Second?

15 MR. DRUMMOND: Second.

16 MR. GOLLOTT: All those in favor. Opposed?  
17 Passes unanimously.

18 c. Dale Gollott

19 MR. CHRISTODOULOU: The next item on the agenda  
20 is a certificate of exclusion request by Dale Gollott. It's  
21 located on the Tchoutacabouffa River at 941 Northshore Drive in  
22 Biloxi, and it's in the general use district.

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

25 A zoomed-in aerial.

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1 Mr. Gollott's residence is at this location

2 right here. He has existing structure, piers, and a boathouse,  
3 and he also does have title to -- and his adjacent property  
4 owner have title to this spoil peninsula.

5 The applicant is requesting three structures: a  
6 pier 100 feet by 5 feet, a pier 30 feet by 4 feet, and a pier  
7 20 feet by 10 feet.

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

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

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

22 There would be no public benefit associated with  
23 the project.

24 The project is allowable within the general use  
25 district.

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

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

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

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

12 Best management practices will be utilized.

13 And shorter piers could have been constructed.  
14 But again they would have to go over marsh and would be a much  
15 greater impact to marsh than waterbottoms.

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

18 Piers do require waterfront location.

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

22 DEQ is reviewing the project. Archives &  
23 History has no reservations. No Secretary of State lease  
24 issues with the project, but they ask that precautions be taken  
25 to prevent adverse impacts to marsh vegetation due to its

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1 location within the Biloxi River marshes coastal preserve.  
2 And Wildlife, Fisheries & Parks also stated that  
3 best management practices should be implemented, monitored, and  
4 maintained, and that the piers be constructed so that they  
5 don't excessively shade the marsh.

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 MR. BOSARGE: So moved.

11 MR. DRUMMOND: Second.

12 MR. GOLLOTT: All those in favor. Those  
13 opposed. Let the record show that Commissioner Gollott did not  
14 vote on this. And it passes. Thank you.

15 d. Kevin Courville

16 MR. CHRISTODOULOU: The final item on the agenda  
17 for coastal is a violation/after-the-fact permit for Mr. Kevin  
18 Courville. It's located on the St. Louis Bay at 122 Sweet Bay  
19 Drive in Pass Christian. It's the Timber Ridge subdivision.  
20 It's general use district. And the agent is Billy Culpepper,  
21 Culpepper & Associates.

22 Highway 90 in Pass Christian. Pass Christian  
23 Harbor. And then right above here, this is I-10, and here is  
24 the project location at the yellow thumb tack.

25 And a zoomed-in aerial. Mr. Courville's

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1 residence and the structure in question.

2 On February 18, 2014, staff met with  
3 representatives of the applicant on site to discuss the  
4 proposed additions to his existing piers. And the staff  
5 informed representatives that the existing structures seemed to  
6 be out of compliance with the previously issued general permit.  
7 They were rather large structures.

8 On February 19, we did an initial measurement  
9 using the aerial photography. And the structures that were  
10 currently existing appeared to exceed the previously authorized  
11 general permit.

12 On March 4, spoke with Mr. Culpepper about the  
13 project and that if the existing structures were in  
14 non-compliance, they would have to be approved by the  
15 commission, as well as any additions. And we indicated to him  
16 at that time that the largest residential structure that we  
17 allowed -- that the commission allowed was 2,016 square feet.

18 On March 27, 2014, again spoke with Mr.  
19 Culpepper about the project and indicated to him that using  
20 grated material in place of conventional wooden decking would  
21 help reduce the project area and bring it closer to the current  
22 precedent that the commission had set. The original proposal  
23 on this project was 2,272 square feet. They indicated that it  
24 was going to be larger than the precedent that was set by the  
25 commission, so staff gave them options of how to reduce the

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

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

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

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

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

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

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1 The new diagram for the project now that is

2 2,012 square feet consists of changes, the reduction on these  
3 areas on both of these ends. Instead of using a wooden pier  
4 grating, they're just going to go with a clear grating to allow  
5 light penetration in this area and also on this boat loading  
6 dock right here. That's about 110 square foot area that will  
7 be grated and not be wooden deck.

8 Also, they have reduced the size of the cover  
9 for the jet ski lift in this area. They've taken out this  
10 pier.

11 So now the current structure is below the  
12 precedent set by the commission.

13 Here's some photos of the existing structures  
14 that are in place.

15 The project does not serve a higher public  
16 purpose.

17 The proposed project is allowable within the  
18 general use district.

19 The largest residential project approved by the  
20 commission is 2,016 square feet.

21 There are no precedent setting effects  
22 anticipated with this project.

23 Piling installation may temporarily increase  
24 turbidity in the area. And proposed piers and boathouses will  
25 shade an additional 689 square feet of waterbottoms at this

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1 location.  
2 Best management practices will be utilized.  
3 No offsite alternatives were considered because  
4 this is a private residential lot, and the project serves to  
5 allow the property owner access to the water.  
6 There are other piers and boathouses present in  
7 the area, and most of them are roughly in comparable size with  
8 the other structures in the vicinity.  
9 The proposed additions to this would make it  
10 larger than most of the surrounding structures, and it could  
11 decrease the scenic qualities of the area.  
12 We had the project put on public notice in the  
13 Sun Herald as required. We did receive a comment from one of  
14 the adjacent owners concerning the roof line of the proposed  
15 additions. And basically their concern was with the pitches  
16 and the style of the roof. However, DMR doesn't dictate the  
17 style of roof that people have on their boathouse. So the only  
18 thing that we require is a height limitation which is 25 feet  
19 above mean high tide.  
20 DEQ is reviewing the project. Archives &  
21 History is reviewing the project. The project presents no  
22 tidelands lease issues. And Wildlife, Fisheries & Parks has  
23 stated that best management practices be properly implemented.  
24 And based upon departmental review and  
25 evaluation, it's been determined that the project is consistent

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1 with the Mississippi Coastal Program and that staff recommends  
2 issuance of the after-the-fact permit for the existing  
3 structures and a fine in accordance with Mississippi Code  
4 49-27-51.  
5 The violation was discovered on February 18.  
6 Duration was 44 days. The maximum potential fine is twenty-two  
7 thousand. The minimum is fifty. And the recommended fine is a  
8 thousand.  
9 And the decision factors for the fine were: The  
10 applicant was issued a general permit in '08, so he was aware  
11 of the permitting process. And the applicant has been  
12 cooperative in working with the staff to minimize the project  
13 to below the precedent setting levels that the commission  
14 previously allowed.  
15 MR. DRUMMOND: I make a motion that we accept  
16 the recommendations of the staff, Mr. Chairman.  
17 MR. GOLLOTT: With the fine, also?  
18 MR. DRUMMOND: And the fine of \$1,000.  
19 MR. GOLLOTT: Do we have a second?  
20 MR. BOSARGE: I would like to add to that  
21 motion, if we could, also that because he did have a permit, he  
22 knew what he was supposed to build, and he built more than he  
23 was supposed to do, I'm okay with the thousand dollar fine, but  
24 if you go back and check this second time and you find that  
25 it's not, then the maximum is then applicable.

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1 MR. ZIMMERMAN: Second.  
2 MR. GOLLOTT: All those in favor. Opposed?  
3 Motion carries.  
4 H. Office of Finance and Administration  
5 1. FY14 Monthly Report  
6 MR. FEIDT: Good afternoon. I'll try to keep it  
7 short and sweet.  
8 These are the agency financial results as of the  
9 end of April.  
10 At the end of April, we had state revenue of  
11 almost \$12 million. Total agency revenue of \$28 million.  
12 State net is at \$2.5 million. That's money to finish out the  
13 year with. And then operating funds have net of \$2.2 million.  
14 Overall, the agency is in pretty good shape to finish the year.  
15 From a budget standpoint, we're underneath the  
16 budget, as well. We have 36 percent of the budget remaining of  
17 the operating funds and 50 percent of the tidelands budget left  
18 to go.  
19 And I'll give my standard PSA that all the  
20 reports are consistent with what's available on  
21 transparency.gov.  
22 Any questions?  
23 MR. ZIMMERMAN: I do have a question, Bill.  
24 Under expenditures, there's no vehicles. Does that all come  
25 under equipment? Do y'all have that altogether? Is that why

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1 it's that way?  
2 MR. FEIDT: The reason we have no expenses under  
3 vehicles is so far this year we have not purchased any. We're  
4 in the process of putting a plan together to get some purchases  
5 in before the end of the year before the moratorium kicks in.  
6 MR. ZIMMERMAN: The other question I have:  
7 You're saying you're okay on funding, we have 58.33 percent  
8 left for seven months, and we only have 39.9 percent of the  
9 budget left. Why is that?  
10 MR. FEIDT: Oh, are you asking why we have so  
11 much left or so little left?  
12 MR. ZIMMERMAN: So little left.  
13 MR. FEIDT: This is cumulative through the year  
14 that ends at the end of June. So we have 36 percent left.  
15 MR. ZIMMERMAN: Why do we have so much left  
16 then?  
17 MR. FEIDT: I thought that was a good thing to  
18 have a lot left.  
19 MR. ZIMMERMAN: I agree. I forgot we were going  
20 off the fiscal year on this.  
21 MR. FEIDT: Yeah. So this will get us through  
22 the end of June.  
23 MR. ZIMMERMAN: Thank you.  
24 MR. FEIDT: No problem. Any other questions?  
25 I. Directorate

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## 1 1. Public Affairs

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

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

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

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

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

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1 to.

2 And also next Friday on May 30, we will host the  
3 fifth annual Mississippi Seafood Cookoff. We will have seven  
4 chefs from around the state, and we will have five judges. And  
5 the winner of this will represent Mississippi at the National  
6 Seafood Cookoff. Our winner last year was named the national  
7 winner, David Cruse.

8 So we also will have an opportunity to raise  
9 some money, I think the Red Cross is going to have a table,  
10 where we will raise money for the tornado victims in north  
11 Mississippi. So if you would like to join us for that, we'd  
12 love to have you.

13 Any questions?

14 MR. GOLLOTT: Thank you, Melissa.

## 15 J. Other Business

16 MR. GOLLOTT: Under other business, John  
17 Marquez. Since that issue has been resolved, do you still want  
18 to talk on that?

19 MR. MARQUEZ: Briefly if I could.

20 MR. GOLLOTT: Sure.

21 MR. MARQUEZ: Thank you. My name is Johnny  
22 Marquez. I'm the executive director of the Coastal  
23 Conservation Association. I'll keep my comments brief. Being  
24 at the end of at three hour meeting that went through lunch is  
25 not a great time slot.

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

5 The gill net issue has been kind of percolating  
6 in the CMR here for a few months. Last month prior to the CMR  
7 meeting, the issue was not on the agenda to my knowledge other  
8 than in other business, just like I'm up here speaking today.  
9 There was no rule making before the CMR. I was not going to be  
10 able to be at the meeting. I called the DMR to find out if it  
11 was on the agenda. I talked to a couple of commissioners. To  
12 the best of our knowledge, it was not on the agenda.

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

16 And I think that the CMR procedures -- there are  
17 CMR procedures in place in the handbook to make sure that this  
18 type of action doesn't happen, sort of rule making on the fly.  
19 The CMR is composed of a diverse group that represents various  
20 sectors in the marine environment. We all have core shared  
21 desire to have a healthy resource. But at times we won't  
22 always agree. So for that reason we have five commissioners up  
23 here that all represent some different user group.

24 So the CMR's regulations, or handbook I should  
25 say, specifically provides that if there is going to be a rule

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1 making procedure, advance notice should be given to the  
2 commissioners ten days in advance. They should have something  
3 in writing that they can look at and that when we get to a  
4 meeting unless it's something like the situation today that  
5 would require a three-fifths vote to move on that action, that  
6 you should hold off. And I think in a situation like we had  
7 last month if there's a commissioner that's absent, that  
8 highlights the need for this.

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

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

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

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

22 That letter fit into regulation Title 22  
23 Part ( ) which would put that letter as a petition for  
24 reconsideration. And I stated that on the record last month  
25 that it was being treated as a petition for reconsideration.

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1 There are certain things that the commission  
2 could take action on because it was under a petition for  
3 reconsideration. But that also conflicted with the commission  
4 handbook. Okay? The commission handbook provides that it is  
5 in the bylaws of the commission. It also provides that if  
6 there's a conflict between the statute and the regulation, that  
7 the statute and regulation control.

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

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

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

21 MS. CHESNUT: And (inaudible) in the future  
22 certainly, and I would like to point out that there's  
23 safeguards written into the law in the Administrative  
24 Procedures Act because that they had a proposed rule, that had  
25 to go out for notice of intent. The fact that we had numerous

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1 discussions about that proposal shows that this process is  
2 working. So the Administrative Procedures Act is working.

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

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

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

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

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

25 K. Public Comments

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1 MR. GOLLOTT: Okay. Time for public comments.  
2 Mr. Richard Gable, do you still want to talk?

3 MR. GABLE: Yes. Hello. My name is Richard  
4 Gable.

5 I wasn't very happy with what was done, but I  
6 want this on public record that I'm saying this and that I'm  
7 asking -- I want to ask the question to one particular chairman  
8 or commissioner, I'm sorry, if I can ask a question to a  
9 commissioner.

10 MR. GOLLOTT: Ye, sir. Ask it. Whether he'll  
11 answer it or not, I don't know.

12 MR. GABLE: I know that. But I want it on  
13 record that I asked the question.

14 MR. GOLLOTT: Sure.

15 MR. GABLE: Ernie, didn't you call me three or  
16 four days ago and ask me about selling redfish and speckled  
17 trout, and I told you, Ernie, you know I can't fish. I told  
18 you that that was the purpose of me doing all of this.

19 And you told me that you knew this man would pay  
20 more than \$3 a pound or pay \$3 a pound on speckled trout and  
21 redfish, and it's all cash money. And I told you, Ernie, I  
22 don't care whether it's cash money or not, we keep records with  
23 what we do, and you know I couldn't fish.

24 ~~When I sat in your restaurant and you completely~~  
25 agreed with nylon with -- you agreed with a half mile. And

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1 then -- let me finish.

2 MR. ZIMMERMAN: Mr. Gable, I've always told you  
3 just the same thing I said in the meeting today, I need solid  
4 ground to stand on.

5 I believe that nylon netting will let y'all know  
6 if you catch fish with less trips. And I believe that, but  
7 there's no scientific data to back that.

8 MR. GABLE: Ernie, it's not an argument thing.  
9 But I'm going to do what you told me to do. It was -- I was  
10 more than patient for six or seven trips, I have come before  
11 this meeting. You knew nothing of 2012 when I first asked for  
12 nylon.

13 MR. ZIMMERMAN: That's correct.

14 MR. GABLE: And I have done it very humbly, and  
15 now you have pushed me to to a point. I want it to be known  
16 I'm going to get a ticket, I'm going to go take it to court. I  
17 didn't want to do that.

18 You want scientific data. There was no  
19 scientific data to take the nets period.

20 MR. ZIMMERMAN: And that was before my time,  
21 Richard.

22 MR. GABLE: Well, then how can you sit up --

23 MR. ZIMMERMAN: I'm asking for scientific data.

24 MR. GABLE: How can you get scientific data now  
25 on something that didn't exist back then? You can't.

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1 You told me yourself, you said, Richard take  
2 this to court.  
3 MR. ZIMMERMAN: And that's your right. I didn't  
4 say take it to court. I was saying that is your right as a  
5 fisherman.  
6 MR. GABLE: No.  
7 MR. ZIMMERMAN: Everybody --  
8 MR. GABLE: If that's what this commission  
9 wants.  
10 MR. ZIMMERMAN: That's not what we want. That's  
11 your right as a fisherman and a citizen of the state.  
12 MR. GABLE: I have come here and I think it's  
13 all on record on how many times and how many letters I've  
14 wrote. And God as my witness, I'm going to the house, I'm  
15 going to go get a ticket, I'm going to take it to court. I  
16 didn't want to have to do that. I thought this commission was  
17 different than the old bunch, but apparently it's not.  
18 Apparently I have been fooled --  
19 MR. ZIMMERMAN: Richard, you heard what Steve  
20 brought up today, and he's bringing up the same point that I'm  
21 saying.  
22 MR. GABLE: No.  
23 MR. ZIMMERMAN: You actually are the first  
24 person that showed me that it's not a CFR, the title --  
25 MR. GABLE: 49-15-2.

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1 MR. ZIMMERMAN: You were the first one that  
2 showed me that two months ago.  
3 MR. GABLE: What was done was against the law.  
4 MR. ZIMMERMAN: And I agree with that. That's  
5 why I told you if you see fit you have a right to go file  
6 whatever suit you feel against us.  
7 In order for me to do the right thing, I have to  
8 go by that statute that you showed me.  
9 MR. GABLE: No. You told me --  
10 MR. ZIMMERMAN: I don't care what I told you.  
11 That's -- after you showed it to me, Steve brought it up there.  
12 We have a responsibility to the resource.  
13 MR. GABLE: Ernie, you told me --  
14 MR. ZIMMERMAN: To go by the scientific data,  
15 Richard.  
16 MR. GABLE: Ernie, you told me that you had a  
17 bunch of radical idiots that you was trying to please and that  
18 that's why you stood the ground that you stood. Now that's  
19 exactly what you said, Ernie.  
20 MR. GOLLOTT: Mr. Gable, I think this argument  
21 is going nowhere. Thank you, sir.  
22 MR. GABLE: It hasn't gone nowhere. And I thank  
23 you, and I'm sorry for me wasting y'all's time.  
24 MR. GOLLOTT: Thank you, sir.  
25 Do I have a motion to adjourn?

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1 MR. DRUMMOND: I make a motion we adjourn.  
2 MR. ZIMMERMAN: Second.  
3 MR. GOLLOTT: All those in favor.  
4 MR. FARRELL: My name is Ronnie Farrell. And  
5 I'm elected as spokesperson for about 18 or 20 old part-time  
6 commercial fishermen.  
7 And what I want to talk about is the endorsement  
8 for the spotted seatrout.  
9 It appears after reading both Mississippi's law  
10 and Florida's law that you all kind of modeled this law on  
11 Florida's law. Florida contains seven exemptions to this law.  
12 Mississippi, the one you all adopted, contains zero exemptions.  
13 These exemptions -- this exemption that I'm  
14 going to ask you to reconsider for means a great deal to these  
15 18 or 20 fishermen that I'm representing because these all --  
16 all these fishermen are over 65 years of age. They're all on  
17 Social Security. They're all retired. The little bit of money  
18 that they're getting from doing this few months that they're  
19 able to do it that it's open means a great deal to them  
20 economically.  
21 The only thing we're going to ask for is that  
22 you reconsider this and amend this law to include this one  
23 exemption, simple exemption, 65 and older legally disabled,  
24 waive the income requirement and the seafood sale requirement.  
25 These guys fish only a few months out the year.

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1 After polling each one of them, average income from doing this  
2 is about \$700. Way, way, way below the \$5,000 requirement.  
3 MR. GOLLOTT: Mr. Farrell, that's the reason,  
4 and I'm going to make a motion that we put in there, you have  
5 to prove ten percent of your earned income. If you sell \$10  
6 worth of fish and that's all your earned income is you qualify.  
7 MR. FARRELL: But it's not ten percent because  
8 if you're on Social Security and you get a thousand dollars --  
9 MR. GOLLOTT: No. Earned income. Not Social  
10 Security. Earned income.  
11 So if you don't sell the \$10 worth of fish and  
12 you can prove, you know, that's more than ten percent of your  
13 income, earned income, you qualify.  
14 MR. FARRELL: Well, the way it says in here it  
15 says ten percent net income, that's the way it's written up.  
16 MR. GOLLOTT: The word earned is in there.  
17 MR. FARRELL: Mine says ten percent of net  
18 income in a previous tax year.  
19 MR. GOLLOTT: It should say earned income.  
20 MR. FARRELL: No. It just says income, previous  
21 income.  
22 MR. GOLLOTT: We might have to modify it. I'm  
23 sorry. But that would be something you can consider.  
24 MR. FARRELL: Because, you know, like if you're  
25 on Social Security and you only get a thousand dollars a month,

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1 that's twelve thousand a year, \$700 is not ten percent of it.

2 MR. GOLLOTT: But they exclude your Social  
3 Security, and you should be able to qualify easily with \$700.

4 MR. BOSARGE: But look at it also from the  
5 commercial fishery standpoint, the true commercial fisherman's  
6 standpoint, you've got 50,000 pounds we're allowed to catch.  
7 Recreational sector, 1,300,04, you know, bunch of fish.

8 You're taking away (inaudible). I understand,  
9 you want to try to figure a way to make a little money out of  
10 that in the same boat. I'm sorry, but the reason we did the  
11 qualifier was to give those fish to the true commercial  
12 fishermen. They've got three percent of the total, that's all  
13 they've got. You want to take away from that.

14 MR. FARRELL: I understand that. But, you know,  
15 my comment earlier also, say like myself, I'm totally disabled,  
16 I can't go cut grass to make extra money to supplement my  
17 income. However, I can fish because it's easy for me to fish.  
18 But I can't walk -- it's hard for me to walk from here to my  
19 truck parked in that handicap spot right out there. But I can  
20 sit down all day and fish. I can do that.

21 MR. GOLLOTT: Mr. Farrell -- and I think it's  
22 appropriate if the fishermen wanted to come with a petition for  
23 us to do a special deal where a recreational fisherman could  
24 ~~sell his fish, I'd have no problem with him doing that as long~~  
25 as it doesn't take away from the commercial fishermen and they

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1 stay within their bag limits. In other words, it would be 15  
2 fish a day, you know.

3 But I wouldn't want -- like Steve said, we did  
4 this to protect the commercial fishermen. But I think you  
5 qualify the ten percent earned income. The staff is saying it  
6 reads earned income may be what they printed.

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

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

10 MR. FARRELL: Okay. Appreciate that if y'all  
11 would consider it.

12 MR. GOLLOTT: Okay.

13 MR. FARRELL: Thank you.

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

15 MR. DRUMMOND: Can we adjourn now?

16 MR. GOLLOTT: Sounds like we have a motion. Do  
17 we have a second?

18 MR. ZIMMERMAN: Second.

19 MR. GOLLOTT: All those in favor. Adjourned.

20 (Meeting adjourned 1:35 p.m.)  
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## COMMISSION ON MARINE RESOURCES

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