COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, June 17, 2014
9:00 o'clock a.m.
Bolton State Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Jimmy Taylor, Chairman
Richard Gollott, Vice Chairman
Steve Bosarge
Shelby Drummond
Ernie Zimmerman

Also Present:

Jamie M. Miller, Executive Director DMR
Sandy Chestnut, Esq., Assistant Attorney General

COMMISSIONER TAYLOR: I would like to call to order the June meeting of the CMM, and I would like to start the meeting with the Very Reverend Dennis Carver, the Rector of Nativity RWM Cathedral, to lead us in prayer. Please stand.

VERY REVEREND DENNIS CARVER: Let us bow our heads and ask for the Lord's blessings.

COMMISSIONER TAYLOR: I'm going to lead us in the pledge.

(whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER TAYLOR: We need to approve the minutes.

Do I have motion to approve the minutes?

COMMISSIONER DRUMMOND: So moved, Mr. Chairman.

COMMISSIONER GOLLOTT: Second.

COMMISSIONER TAYLOR: All those in favor?

(All in favor.)

COMMISSIONER TAYLOR: Next up is approval of the agenda.

COMMISSIONER GOLLOTT: I would like to make a motion that we amend the agenda. Under other business, consider going into closed session.

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER TAYLOR: All those in favor?

(All in favor.)

COMMISSIONER TAYLOR: Under "Other Business", I'm going to remove, "OMR to address staff regarding oyster basket dredges".

COMMISSIONER GOLLOTT: Can we include in that taking it and it will be included next month?

COMMISSIONER TAYLOR: Yes, just table it until next month.

Do I have a motion?

COMMISSIONER GOLLOTT: I make a motion.

COMMISSIONER ZIMMERMAN: Second.

COMMISSIONER TAYLOR: All those in favor?

(All in favor.)

COMMISSIONER TAYLOR: Now is the Executive Director's report, Jamie Miller.

JAMIE MILLER: Thank you, Chairman Taylor.

As many of you know, this is Chairman Taylor's last meeting on the Commission. His term expires at the end of June, and Jimmy Taylor has served on the Commission for eight years.

I would like to read a proclamation into the record and recognize him for his service.

"Whereas, the Mississippi Commission on Marine Resources is a duly constituted governmental entity created to serve the great State of Mississippi, and
"Whereas, said service includes the conservation and wise management of the marine resources of Mississippi, and

"Whereas, the Mississippi Commission on Marine Resources acknowledges contributions to the betterment of the fisheries of the Gulf of Mexico through significant biological, industrial, legislative enforcement, or administrative activities,

"Whereas, Jimmy Taylor served on the Mississippi Commission on Marine Resources from 2006 to 2014 as the charter boat industry representative and contributed to the wise management of Mississippi's marine resources,

"Whereas, he has been an advocate for the local charter boat captains and an avid supporter of artificial reef program initiatives, and

"Whereas, he has been a proponent of public access piers and launch areas for recreational fishermen, and

"Whereas, he has been a volunteer dedicated to the education and promotion of marine conservation,

"Now, therefore, be it resolved, in a duly constituted and assembled meeting, that the Mississippi Commission on Marine Resources recognizes and appreciates the valuable service of Jimmy Taylor to the management of Mississippi's marine resources."

Jimmy, we appreciate everything you have done.

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 359-8760

and I've got a small token from the Commission that says:

"Presented to Jimmy Taylor in appreciation of your service to the Commission on Marine Resources July 18th, 2014."

(?? given to Jimmy Taylor by Janie Miller.)

COMMISSIONER TAYLOR: Thank you.

(Applause.)

COMMISSIONER TAYLOR: I have a few comments,

First, but, if someone knows how to put an iPhone on silent, I got a new phone and I don't know how to work it.

First of all, I'm very honored to have served eight years on the Commission. There have been, as we all know, good times and bad times, bad things, but it has been a very humbling and a very educational experience for me.

As a young kid, I wanted to be a marine biologist, and Camille changed that with my dad losing everything, and this is probably about as close as I will ever get to that.

I want to thank a few people. I want to thank the Commissioners. In eight years, we have made some pretty tough decisions, and I always knew where they stood, and, when a decision was made, there is no ill will, or no feelings.

It is one of the few boards -- and I have served on seven, or eight, boards and been the president of five organizations -- that I have ever seen that, and I want to thank y'all.

I want to thank Janie for bringing the cloud off of the department. I know he has had to make some tough decisions and it has been real tough for him.

The employees, both the enforcement and the employees that work here in the department, y'all do a yeoman's job, and I've said this time and time again. You are under paid, but y'all do so much for us and give us so much information and you do it for the money, but because you love what you do.

I see some of y'all, like Erick, out on weekends taking fish counts and doing samples.

Then, lastly, I would like to thank the public. Many times we disagree with what people step to the podium and say, but, over the eight years, I can't tell you how many times someone has stepped there and said something, and, later on, I get a call from one of the Commissioners, or I call them, "Did you hear what he, or she, said?"

It does make a difference, when the public presents good factual information from the heart. It has changed decisions.

I am going to encourage y'all, the public, to continue to do that because the Commission does listen to you, all of them do. They might disagree, but they listen.

Thank all of y'all. It has been a great eight years.

JAMIE MILLER: I've got one more item, Chairman Taylor.

As many people know, we had a terrible string of tornados that hit north Mississippi, in April. Our Marine Patrol Division went to Louisville and provided some needed help up there and got a letter from the Mayor this week, and I just wanted to read the letter to the agency and to the Commission.

It says, "On behalf of the City of Louisville, we are eternally grateful for the outstanding support, assistance, prayers, and love shown to us, in the aftermath of the April 28th tornado."

"For your kindness and compassion, we will forever be grateful."

"Sincerely, Mayor Will Hill."

Just as a reminder that we do have dedicated and committed employees and staff, when other parts of the state are in need of assistance, they give their personal time to travel and to take care of other parts of the state.

Our CFO handed me this. Just as a positive
reminder of what the shrimp industry means to the state, yesterday, before close of business, we sold thirty-six Louisiana residents shrimp licenses for a total of twenty-nine thousand dollars. So the state took in twenty-nine thousand dollars from non-resident Louisiana shrimpers. It was a big day, in that regard, and we look forward to the opening of the season in the morning. Thank you.

COMMISSIONER TAYLOR: One other thing I failed to mention, if you want to speak at the end of the meeting under public comments, you need to fill out a form in the back and give it to one of the staff, and, once again, we do welcome your comments.

Next up is Interim Chief Rusty Pittman.

RUSTY PITTMAN: Good morning Mr. Chairman, Commissioners, Director Miller, Ms. Chestnut. Mr. Chairman, it has been a pleasure working with you these last eight years. Just know that you do have my phone number. Anytime you have a question on anything, feel free to call me.

COMMISSIONER TAYLOR: Thank you.

RUSTY PITTMAN: As you can tell in our report, we have done a lot of work this last month, especially with citations. Probably some of the most citations I've seen written, in the last eight to ten years.

If you have any questions, just stop me and we will go over it.

We did have two gill net violations last month.

COMMISSIONER TAYLOR: I want to comment on that, it's my understanding they were arrested two days before they came and spoke to the Commission, and they spoke about legalizing gill nets and all. Sometimes you have intuition.

RUSTY PITTMAN: We had had a complaint on it, and we pulled two officers off shift and the first night they worked they got them. It was unapproved material and an unmarked gill net.

We also had some commercial fishing violations. Two of them produced commercial licenses and went ahead and produced the fish they had that were thirteen-and-a-half inches. They have to be fourteen inches for commercial. That's Speckled trout, spotted seatrout. We also had two fishing north of the CSX railroad bridge, commercial fishermen who produced commercial fishing licenses, when they were asked to produce their licenses.

We had fifty-one residents without saltwater fishing licenses last month and nine non-residents. We are still having a problem with licensing. We have no idea why people aren't buying a license.

There have been a lot of warnings issued. If somebody's license expired within two weeks and they get checked, the officers will allow them to go get an updated license, but most of these hadn't had a license in two years.

One thing that really sticks out is our boat and water safety violations. We speak heavily on safety on the water, and, as you can see, we had sixty-three, and, then, eighty-five total boat and water safety violations for the month. Twenty-two of those were negligent operation which could have been bow riding, skiing without an observer, no wake zones, and wake jumping which is illegal.

Under those, we also had two, maybe three, that were written where alcohol was involved, and we also had three boating-under-the-influence arrests last month.

I have always said presence on the water, by enforcement, helps to deter any violations, and, on Memorial Day weekend, we had every officer working. All three coastal counties were covered. Wildlife was working that weekend, too. As you can see, we had several stops that we made and several violations.

We had one boating accident with a fatality. That was on the Wolf River where the young boy got killed in a tubing accident. It's a narrow river. His father was pulling him around a bend at a speed that should not have happened, should have been a slower speed, which flipped that tube out and he hit a tree.

After that happened, I talked to the lieutenants to make sure they try to get more officers to patrol those narrow rivers as much as we can try to stop this. If they see a boat coming around a bend pulling a tube, or a skier, at a high rate of speed, they can be stopped and written a citation for negligent operation.

Last week, we didn't have any problems in the Wolf River, or the Biloxi River, that I'm aware of.

The boating accident with injury which happened on the Biloxi River, that driver was issued a citation for negligent operation under the influence of alcohol. He didn't go BU, but he did have alcohol in his system.

We did respond to a drowning at Ship Island. One of our officers, with a reserve officer on board, Mike Martin, a physician, responded out there. Mike got on the Coast Guard vessel, as they were bringing the young boy in, and performed CPR all the way, until they made it into shore and turned the young boy over to AMR. When they got the young boy to the hospital, they did find a pulse and a heartbeat.

He was transferred to South Alabama, and, the next morning, they made the decision to go ahead and take him off of life support, but Mike Martin did an
outstanding job, one of our reserve officers, on giving
CPR all the way in.

On our JEA totals, we had forty-one patrols, six
hundred and eighty-six man hours, made six hundred and
ninety-seven contacts, had twenty-three enforcement action
reports, and fourteen State citations issued.

COMMISSIONER BOSARGE: The fishermen you caught
fishing north of the CSX, was that recreational fishermen
with a hook-and-line license?
RUSTY PITTMAN: No, sir. They did produce a
commercial license, when the officers asked.
COMMISSIONER BOSARGE: Commercial hook-and-line
license?
RUSTY PITTMAN: Yes.
COMMISSIONER BOSARGE: The other thing, Rusty,
I've had a lot of my constituents question me about the
sale of fish directly to restaurants, mainly a lot of the
recreational fish being sold directly to restaurants.

Do you any checking on that?
RUSTY PITTMAN: We can do that, especially if
you see a sign that has Spotted seatrout, special on
Spotted seatrout. We have had a problem with that, in the
past. It's an ongoing problem. It is hard to make an
arrest, in that type situation, but officers can go in
that restaurant, like we have in seafood shops, and ask to
see their bill of lading where they are buying these fish.

COMMISSIONER BOSARGE: It is by passing the trip
ticket system.
RUSTY PITTMAN: Right.
COMMISSIONER BOSARGE: I walked in a restaurant
and saw one where it said "Ling Daily", and I think Ling
is a gone fish.
Correct?
RUSTY PITTMAN: Right.
COMMISSIONER TAYLOR: You can buy it out of
Louisiana, though.
RUSTY PITTMAN: You can, if it's another state,
as long as they have that bill of lading, that paperwork.
COMMISSIONER BOSARGE: I would like to see a
little more checking, if you could. Not that I want to
give tickets. Just make sure everybody is upstanding and
doing what they are supposed to be doing.
RUSTY PITTMAN: Yes, sir.
COMMISSIONER BOSARGE: Thank you.
RUSTY PITTMAN: You're welcome.
COMMISSIONER DRUMMOND: Rusty, I have a
question.
RUSTY PITTMAN: Yes, sir.
COMMISSIONER DRUMMOND: We had a free fishing
day a couple of weeks ago. It was during the Snapper
season.
Did you have to have a license to fish for a
Snapper, during that period?
RUSTY PITTMAN: No, sir.
If you fished the Louisiana waters, you did.
when you came in with Snapper, you would have to have a
non-resident of Louisiana license and a landing permit,
but in the state marine waters and in fresh waters, too,
it was a free fishing weekend for anybody.
COMMISSIONER DRUMMOND: I had several calls that
day, regarding whether they needed a license, or not.
RUSTY PITTMAN: Saturday and Sunday, and we are
going to have another one on the 4th of July, July the 4th.
COMMISSIONER DRUMMOND: Thank you, sir.
RUSTY PITTMAN: You're welcome.
COMMISSIONER TAYLOR: Thank you, Rusty. It's
been a pleasure working with you.
RUSTY PITTMAN: Thank you, Mr. Chairman.
COMMISSIONER TAYLOR: Up next is Joe Jewell,
Office of Marine Fisheries.

JOE JEWELL: Good morning, Commissioners.
Can you hear me?
COMMISSIONER TAYLOR: Yes.
JOE JEWELL: I'm going to try and fight this
microphone.

Fist of all, I would like to say
congratulations, Commissioner Taylor. It has been a
pleasure working with you all these years. I'm going to
be sad to see you go.
I want to bring the Commission up to date on a
couple of items, before we get into the agenda.

COMMISSIONER DRUMMOND: Could you speak up, Joe?
JOE JEWELL: I'll try.
As you all are aware, we are about to open the
2014-2015 shrimp season. That will occur tomorrow
morning, Wednesday, June the 18th, at 6:00 a.m. We are
cautiously optimistic. We are always hopeful, when the
shrimp season opens, and we will keep you all posted on how
that occurs.
We intend to have a lot of boats out monitoring,
and we are going to have an aerial overflight, and we will
keep you all updated on the count.
Do you all have any questions?
COMMISSIONER BOSARGE: From the scuttlebutt I
hear, most of the guys are excited in that they think it
is going to be a little better than what they were
expecting.

JOE JEWELL: Well, it's always an exciting time
of the year, when we open the season. We were a little
disappointed early on because we had lower water
temperatures and we had a lot of rainfall and a lot of freshwater input into the system, but we have rebounded a little bit. So we are cautiously optimistic, at this point.

COMMISSIONER ROSARGE: With Jamie saying that the boats from Louisiana have purchased licenses, the word gets around. So those guys are anxious to come this way, also.

JOE JEWELL: Next up, I would like to update the Commission on the commercial quotas, as I do generally every month, or every other month.

As you are aware, we closed the Red Drum this past Friday, on June the 13th, and the quota was reached at about fifty thousand. It's a little early. It sort of fluctuates. We have closed early, in the past, but it's a little early.

Spotted seatrout, the quota limit is fifty thousand. We are at twenty-one thousand.

Flounder, the quota limit is seventy-four thousand. We are at two thousand one hundred and eighty.

COMMISSIONER GOLLOTT: Joe, can I ask you something?

JOE JEWELL: Sure.

COMMISSIONER GOLLOTT: I've had some folks asking me could we extend our Red Drum season, or have another small Red Drum season.

Do you think the resource could handle that, or do you want to look at it and come back at the next meeting and give us a recommendation?

JOE JEWELL: Commissioner Gollott, with the current title and part that regulates the commercial quota, the way we would have to do that would be expand the quota above fifty thousand.

We would be more than happy to examine the available science to expand that and get back with you next Commission meeting.

COMMISSIONER GOLLOTT: Thank you.

JOE JEWELL: Next on the agenda would be Cat Island Reef Update. Mr. Sanders is out in the field. Mr. Mike Brainard will present that in his place.

MIKE BRAINARD: Good morning Commissioners,

Director Miller, Ms. Chestnut.

I would like to give you a brief update on our inshore fishing reefs, particularly around Cat Island.

As you can see, there are sixty-nine inshore artificial reefs on the Mississippi Coast. That includes four keys that we have (indicating slide).

As you can see, twenty-five of those reefs are located west of the Gulfport Harbor (indicating slide).

There are a couple of considerations that have to be looked at, when creating an inshore reef. One of those is submerged aquatic vegetation.

As you can see, not really great on this particular slide, but there is quite a bit of aquatic vegetation around Cat Island, particularly to the west side of it. Those have to be taken into consideration so, obviously, you are not covering up existing habitat.

The other thing is the critical habitat for Gulf Sturgeon. The entire Mississippi Sound, including three miles south of the barrier islands, is considered critical Gulf Sturgeon habitat. Obviously, things have to be considered, in that one.

When you are permitting, you have to make sure that you have sediment samples taken to make sure that the existing area is not considered Gulf Sturgeon feeding habitat. That has to be done, and it generally takes anywhere from two-hundred-and-fifty days to a year to get that kind of work done. It drags out the whole permitting process. It's a requirement by NOAA and it's part of the process of obtaining a permit for an inshore reef.

As you can see, Buoy Reef, which is over to the west tip of Cat Island, that was created as an alternate site to Cat Island Reef which is down on the lower east part of the island. Buoy Reef was created as an alternate site to the Cat Island Reef to relieve some pressure, also, off of Pass Marianne Reef (indicating slide).

That is the update, right now. We are in the process of trying to get a permit, and, like I said, it looks like it is going to take anywhere from two-hundred-and-fifty days to a year, but we are going to try to talk to NOAA and see if there is any possible way of speeding up that process.

If you have any other questions, or any questions?

COMMISSIONER GOLLOTT: I've been told that you are doing a reef on the southern east tip of Cat Island.

Where is that located on there?

MIKE BRAINARD: The one that is on the lower right-hand corner there, Cat Island Reef?

Is that what you are talking about?

COMMISSIONER GOLLOTT: Yes.

MIKE BRAINARD: I'm sorry. I thought I mentioned that.

Do you see it there (indicating slide)?

COMMISSIONER GOLLOTT: Is it in the dark blue, or the white?

MIKE BRAINARD: It's in the white.

COMMISSIONER GOLLOTT: It's in the white?

MIKE BRAINARD: Yes.

COMMISSIONER GOLLOTT: Thank you.

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COMMISSIONER BOSARGE: Mike, what are you proposing to use for material for this Buoy Reef?

MIKE BRAINARD: I think they are looking at, like, concrete rubble, culverts, things that are low profile and don't stick up very high.

COMMISSIONER BOSARGE: Will this reef be above the water part of the way up?

MIKE BRAINARD: No. It's not going to be a key. It's going to actually be a reef. It will have to have a minimum clearance for boating safety and that kind of stuff.

COMMISSIONER BOSARGE: Thank you.

MIKE BRAINARD: Anyone else?

(COACH response.)

COMMISSIONER TAYLOR: Thank you.

MIKE BRAINARD: Thank you.

JOE JEWELL: Next we have our State Records presentation.

ERICK FORCHE: Good Morning. We have two records to submit for your approval today. Both of them are conventional tackle.

The first one is for Red Porgy, Pagrus pagrus.

The old record was three pounds eleven point six-eight ounces. It will be a new record of four pounds two ounces, caught by Cecily O'Brien. The Red Porgy and Ms.

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O'Brien (indicating slides).

The second record is for Gray Snapper, Lutjanus griseus. The old record was fourteen pounds seven ounces, it will be a new record of fifteen pounds four ounces, caught by Donald L. Bosarge, II. The Gray Snapper and Mr. Bosarge (indicating slides).

Any questions?

(COACH response.)

COMMISSIONER DRUMMOND: Mr. Chairman, I make a motion we approve these new State records.

COMMISSIONER TAYLOR: Do I have a second?

COMMISSIONER COLLOTT: Second.

COMMISSIONER TAYLOR: All those in favor?

(All in favor.)

COMMISSIONER TAYLOR: It passes unanimously.

Thank you, Erick.

ERICK FORCHE: Thank you.

COMMISSIONER TAYLOR: Next up is Office of Coastal Zone Management, Jan Boyd.

JAN BOYD: We don't have anything on the agenda, Mr. Chairman.

COMMISSIONER TAYLOR: Thank you.

Office of Finance and Administration, Bill Feidt.

BILL FEIDT: Hi. Bill Feidt. I was going to say something nice, Jimmy, but you butchered my name. I was thinking about going to excruciating detail on these numbers, in honor of your last day.

At the end of May, we are in pretty good shape. State revenue of twelve point one million total agency wise we are just under thirty million dollars in revenue.

Our State net income is just under two million dollars. That's what we have to finish the year off with, with one month left, that puts us in good shape. Overall our operating funds have a net of one point three million dollars.

From a budget standpoint, we have twenty-eight percent of the funds remaining in the operating side, and Tidelands is in even better shape with forty percent remaining.

We have a real busy time, right now, with year end. So I will just mention a couple of key activities that are going on.

The fiscal year for 2014 ends at the end of June, June 30th.

We are in the middle of an accounting system conversion. All State agencies are taking part in this. We are going through training and planning to try to minimize the disruption. There probably will be a little bit of disruption, but the entire State will be going through it.

The good news is the new system is state of the art. In about six months, we should be dramatically streamlining and improving the operations, getting money in and out, and being able to keep up with it much better.

On the Tidelands side, fiscal year 2016 applications are due July 1st.

We have started our budget cycle for next year. We have to submit our budget request to the Legislative Budget Office by August 1st of this year.

Any questions?

COMMISSIONER DRUMMOND: Bill, have we got enough money to go the rest of the year?

BILL FEIDT: With one month left, I can say we've got enough to make it.

COMMISSIONER DRUMMOND: The Key Metrics over here on this left side on the first page (indicating document)?

BILL FEIDT: Yes, sir.

COMMISSIONER DRUMMOND: They correspond to the numbers in the yellow squares (indicating document)?

BILL FEIDT: They do, with rounding. I might have misread one.

COMMISSIONER DRUMMOND: Are you sure?
BILL FEIDT: Which one did I miss?

COMMISSIONER DRUMMOND: I don’t know that you missed one. I’m glad we’ve got enough money to last the rest of the year.

BILL FEIDT: Shall we talk about travel, or are we good there?

COMMISSIONER DRUMMOND: Okay.

BILL FEIDT: In all due seriousness, if you have any questions, I will be more than glad to go into it in more detail, but we are in good shape. We are well-positioned to start next year. We have been working hard to get everything in order, and I think we are almost there.

COMMISSIONER GOLLOTT: Bill, Shelby just told me he’s about to fall asleep over here.

BILL FEIDT: I tried to keep it short.

COMMISSIONER TAYLOR: Thank you, Bill.

BILL FEIDT: Jimmy, in all due seriousness, thank you. It has been a pleasure working with.

COMMISSIONER TAYLOR: Thank you.

Next up is Melissa Scallan with Public Affairs.

MELISSA SCALLAN: Good morning Commissioners, Director Miller, Sandy.

Commissioner Taylor, I want to thank you for your service. It has been great working with you the past year, and you have my number, if you need anything.

COMMISSIONER TAYLOR: Thank you.

MELISSA SCALLAN: Our present to you, really, is the shortness of this meeting today.

Since the last meeting on May 20th, we have been mentioned seventy times in local, regional, and national media. Red Snapper got a lot of attention. Our Seafood Cook-off got a lot of attention.

The Seafood Cook-off was held May 30th at the Slavonian Lodge in Biloxi. We had about three hundred people who attended. We had seven chefs from various parts of the State who prepared dishes for the five judges.

First place went to Gary Hawkins of 1908 Provisions in Jackson. He is going to represent us in the Great American Seafood Cook-off in New Orleans in August.

As you know, our chef from Mississippi won last year. So we are hoping for a repeat.


This year we had Hattiesburg Chef Robert St. John who emceed our event and we included, for the first time this year, a fund raiser. Robert St. John runs a charity called Extra Table and he donates food, healthy food, to food kitchens across the State, and five of the ten that he serves are here on the Coast.

We had a painter that painted a painting that we auctioned off at the event, and we raised two thousand five hundred dollars for Extra Table, and Robert St. John said that will take them through the summer of feeding people.

We also attended the Atlanta Food and Wine Festival. We had several Mississippi chefs attend, and they served more than nine hundred portions of Mississippi seafood. It went over very well.

We also will be participating in Operation Dry Water, in two weeks. It’s a national DUI Awareness and Enforcement Campaign. We are going to be getting the word out about that. That’s June 27th through the 29th.

Also, we mentioned earlier that shrimp season opens tomorrow. We are going to be taking some media out on a boat so they can film and take pictures.

I think you can see this in your packet. The Shrimp and Crab Bureau did Shrimping the Sound newsletter which all of the shrimpers got at the first of this month.

It has a lot of good information in it that they put together (indicating document).

Any questions?

Lucille Morgan, CSR 1251
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(No response.)

COMMISSIONER TAYLOR: Thank you, Melissa.

MELISSA SCALLAN: Thanks, Jimmy.

COMMISSIONER TAYLOR: Now we come to other business. We will go to number two, request follow-up from staff on Means Test.

Commissioner Zimmerman.

COMMISSIONER ZIMMERMAN: Yes, Mr. Chairman.

We had a fellow representing about eighteen to twenty people out of Hancock County speak at our last meeting, and the intent of the law is not the way the law was written, from my understanding, with earned income, or actual income.

I would like to open the conversation with the Commissioners to see if we want to move forward with doing anything on that.

Joe, do you have something to present?

JOE JEWELL: Commissioners, we have a presentation, a very short presentation that Mr. Hill will present to you all, if you’re so inclined.

COMMISSIONER GOLLOTT: I think we would like to see it, Joe.

COMMISSIONER ZIMMERMAN: Yes.

JOE JEWELL: Matt.

MATT HILL: Good morning Commissioners, Director.
It is my understanding that if they did put just some portion, if they did report these, that they would qualify for it. So this is why we chose the actual earned net income route.

COMMISSIONER BOSARGE: Here is where I have my problem. If we were cutting grass in a free-market system and there were no restrictions on anybody, they could go cut grass. Anybody could sign up and do what they need to do to cut grass.

we have a resource that has a quota, a fifty thousand pound quota that is set aside for commercial fishermen.

MATT HILL: Correct.

COMMISSIONER BOSARGE: I feed for these gentlemen, but I think it needs to be net income period which is any income minus your expenses.

MATT HILL: Okay.

COMMISSIONER BOSARGE: Otherwise, you are taking away from the true commercial fishermen.

Now, if you want to take the quota off, then, I'm all for it. It's like cutting grass. Anybody who wants to go do it, let's do it.

MATT HILL: I don't think we are quite ready to do that.

COMMISSIONER BOSARGE: I don't either, but do you see my point?

MATT HILL: I understand.

when we were designing this -- I'm not a tax expert by any means -- we chose this language, and we probably should have done a little more research on it. There was some confusion.

Actually, some of the tax preparers were the ones that started calling us and asking us what to use, and we sat down, and I did the best that I could do, as somebody not in that field, and got a little guidance from some people, and we told them to use the earned net income.

Like I said, it has not become a major problem. It's a very small percentage of people that we have had to deal with.

In Florida, there are some exceptions that were made, and we decided to not make those exceptions.

COMMISSIONER BOSARGE: I just wish we had the system Florida has. I have worked all the states in the Gulf and up the east coast, and Florida, they monitor what is taken in, in that state. Nothing bypasses the trip ticket system.

MATT HILL: Yes, sir.

COMMISSIONER BOSARGE: In Florida, it is actually twenty-five percent of your income.
MATT HILL: That is correct.

COMMISSIONER BOSARGE: It can't be any twelve months. It has to be in your tax year, whenever you file your taxes.

MATT HILL: Your annual tax year, correct.

COMMISSIONER BOSARGE: They are more restrictive than we are here.

I just would like to know that we are doing what we need to do to protect the few commercial fishermen that are having to abide by the rules.

The same thing with the gentleman you said that came to you who is not turning in what he is catching. He is just bypassing the trip ticket system.

MATT HILL: That is correct.

COMMISSIONER BOSARGE: Is his vessel registered as a commercial vessel?

Rusty, do you know?

If we are going to be commercial fishermen, let’s be commercial fishermen.

Are we fishing in commercial vessels?

RUSTY PITTMAN: If we come up on a vessel and ask to see a fishing license -- say they had that commercial sticker on the side of their boat and let’s just say it’s in back Bay, the first thing they say is “we’re not commercial today”, and they show us a recreational license that allows them to keep the recreational catch.

Like I did mention in my report, last month we did make an arrest on two individuals north of the CSX that produced a commercial license.

It’s also the same, if they are fishing offshore. If we come upon them and check them and they have recreational limits, if they produce a recreational fishing license, they can recreational fish.

Whatever the Commission wants to do, in regards to that, we are here to back y'all up and support you and enforce the laws, but it has been that way as long as I can remember.

COMMISSIONER GOLLOTT: Can I say something here?

COMMISSIONER TAYLOR: Go ahead.

COMMISSIONER GOLLOTT: This was actually my motion, this bill, and we did discuss whether earned, or unearned, income would be included. At that time, I didn’t want to exclude some people that are retired.

This is a giant leap, compared to what we had a year ago. I think we ought to leave it in place and let’s see how it works a little while and see how it comes out.

I’ve had a lot of people jumping on me about it. I’ve had some legislators jump on me and they want to double the commercial quotas and all that stuff.

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Let’s play this out and see how it comes out.

we can iron out some wrinkles in it a little bit later.

COMMISSIONER TAYLOR: Matt, how many fishermen have passed the means test?

MATT HILL: That is one thing I did want to point out, before I got away from the podium. The means test is doing what it was designed to do.

Before the means test was in place, it was over four hundred fishermen that qualified to harvest, commercially harvest spotted seatrout. Currently, there are ninety-Five that have qualified for this. So we have cut it down by three-quarters.

COMMISSIONER TAYLOR: I think what you have is you don’t have a lot of firemen and people like that, that are doing it that were doing it before, and the same with the Snapper.

MATT HILL: We have denied several people, but we have tried to work with these fishermen the best we can, and most of them do understand. A lot of them that have some of the biggest problems like to argue with us a little bit more, or some that it was designed to keep out.

In my opinion, it is doing what it is supposed to be doing, but I think we do need a little bit of time to see how it is going to play out.

COMMISSIONER GOLLOTT: I think we could visit this thing in a year and we would have a lot more information on exactly what is what on it.

MATT HILL: Yes.

COMMISSIONER GOLLOTT: Thank you.

COMMISSIONER TAYLOR: Steve, are you okay with that?

COMMISSIONER BOSARGE: Yes, but I would like a little clarification on one thing.

When you talked about, say, a person who is disabled, goes out, catches ten dollars worth of Speckled trout, does his paperwork and turns it in, then, that makes him his ten percent qualifier?

Do you see my point?

MATT HILL: What we have to understand is, on the tax portion of this, the ten percent, that’s not something that we administer here at the DNR.

That’s something that a tax professional has to do. They have to fill out the form. They have to sign their name. They have to put their unique identification number. They were trying to get some clarity on the earned and the unearned income.

What has happened is we have not had any people, with certain percentages of disability, qualify because they cannot report their seafood sales income on their taxes because it would affect their disability.
COMMISSIONER TAYLOR: They will lose it.
MATT HILL: They would lose their disability.
I understand what you are saying, but my answer is, if they can't report it, that's not something we can help them with. I can't help them with what they report on their taxes.
COMMISSIONER BOSARGE: I feel for them, but I also represent folks that are steadily being cut back, back, and back.
MATT HILL: We feel for them, also. I mean, it's a tough thing, and we have had that gentleman sit in my office quite a bit and we have this same discussion, but I can't rewrite the tax laws. They are what they are.
COMMISSIONER BOSARGE: You answered my question.
COMMISSIONER TAYLOR: Thank you, Matt.
COMMISSIONER GOLLOTT: Mr. Chairman, I would like to make a motion that we go into closed session to determine the need to go into executive session to discuss personnel matters and pending litigation.
COMMISSIONER ZIMMERMAN: Second.
COMMISSIONER TAYLOR: All those in favor?
(All in favor.)
COMMISSIONER TAYLOR: It passes unanimously. We will now go into closed session.

(Whereupon, a recess was taken.)
COMMISSIONER TAYLOR: I need a motion to come out of closed session.
COMMISSIONER GOLLOTT: Mr. Chairman, I make the motion that we come out of closed session.
COMMISSIONER TAYLOR: Do I have a second?
COMMISSIONER ZIMMERMAN: Second.
COMMISSIONER TAYLOR: All those in favor?
(All in favor.)
COMMISSIONER TAYLOR: Sandy, I think, has to report on what happened.
SANDY CHESTNUT: Yes.
At 9:50 a motion was made by Commissioner Gollott to go into closed session to determine the need to go into executive session to discuss personnel matters and pending litigation. This motion was seconded by Commissioner Zimmerman, and it passed unanimously.
At 9:56, a motion was made by Commissioner Gollott and seconded by Commissioner Bosarge to go into executive session to consider personnel matters and pending litigation. This motion also passed unanimously.
At that time, the Executive Director and legal counsel addressed the Commission, regarding pending litigation.
At 10:35, legal counsel was asked to leave the room to discuss personnel matters.
At 10:51, a motion was made by Commissioner Gollott and seconded by Commissioner Zimmerman to close the executive session and return to open session, and that motion also passed unanimously.
COMMISSIONER TAYLOR: Once again, before Shelby makes his motion, I just want to say how honored I have been to work with all of you all in the Department of Marine Resources and I'm going to miss you all. Thank you.
Shelby.
COMMISSIONER DRUMMOND: Jimmy, it has been a pleasure. I have enjoyed working with you.
COMMISSIONER TAYLOR: Thank you.
COMMISSIONER DRUMMOND: I make a motion we adjourn.
COMMISSIONER TAYLOR: Do I have a second?
COMMISSIONER GOLLOTT: I second it.
COMMISSIONER TAYLOR: All those in favor?
(All in favor.)
COMMISSIONER TAYLOR: It passes unanimously.
(Whereupon, at 10:56 o'clock, a.m., the June 17, 2014, meeting of the Commission on Marine Resources was concluded.)

Commission meeting, June 17, 2014