1 A. Call to Order

MR. GOLLOTT: I would like to call to order the regular meeting of the marine resource commission and welcome everyone.

I want to remind everybody, if you want to speak at public comments, please fill out a card in the back. Okay. With that being said, let's have the pledge of allegiance first.

B. Approval of Minutes

MR. GOLLOTT: I'd like to recognize several people that's here with us today. Representative Casey Bure. Thank you. And Justice Court Brandon Ladner, Judge Ladner.

We need an approval of the minutes from the last meeting.

MR. DRUMMOND: So moved, Mr. Chairman.

MR. ZIMMERMANN: Second.

MR. GOLLOTT: We have a motion that's been made and seconded. All those in favor say aye. Opposed? Motion carries.

C. Approval of Agenda

MR. GOLLOTT: Now we have the approval of the agenda. Do we have any changes?

MR. ZIMMERMANN: Mr. Chairman, I'd like to move that B-3 swearing in the marine patrol officers to C-1, that we move it up in the agenda to get those guys sworn in a little sooner.

MR. GOLLOTT: Okay. Do we have a motion to approve the agenda as amended?

MR. DRUMMOND: So moved, Mr. Chairman.

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

MR. ROSARDE: Second.

MR. GOLLOTT: We have a motion and a second.

All those in favor say aye. Opposed? Motion carries.

D. Executive Director's Report

MR. GOLLOTT: Then we move on to the executive director's report.

MR. MILLER: Thank you, Chairman.

As the agenda was amended, we now ask Justice Court Judge Brandon Ladner and Chief Davis to come up for the swearing in ceremony of Chief Davis to take the oath of office.

CHIEF DAVIS: Thank you, Director, Chairman, and the rest of the commission. We thank you for the opportunity to make this official today to swear in the marine patrol division of the Department of Marine Resources.

Also like to thank Judge Ladner to take out of his schedule to come and do this for us today. Judge, thank you so much.

(Chief Davis sworn by Judge Ladner.)

CHIEF DAVIS: At this time, I would ask that the marine patrol division step forward to be sworn in at this time.

(Cath administered by Chief Davis.)

CHIEF DAVIS: Mr. Chairman, Director, these oaths of offices will be signed and affixed to every one of their files, personnel files. Thank you so much.

MR. MILLER: Thank you, Chief Davis.

MR. ZIMMERMAN: I'd like the opportunity to thank all of the officers what you all do. The commission makes laws and it’s up to you guys to enforce it, and y'all do a great job. I don’t know if y'all heard the letter that Executive Director Miller read last month, but y'all had a great letter sent from a person acknowledging what you all do daily. And we appreciate it. So keep up the good work.

MR. MILLER: I'll continue with the executive director's report.

Next I want to mention the budget. Our agency budget request for Fiscal Year 2016 was prepared and submitted to Jackson on August 1. It was also provided in your commission packet for review.

Additionally, we have prepared hard copies at the back of the room on the table for anyone interested in the public and media outlets interested in having a copy of our budget, you're welcome to pick up.

We also have made it available electronically on...
our website in a PDF document.
There are two books. One is the agency budget.
The other is the tidelands budget. We encourage anyone
interested to take a copy of it.

Most importantly I want you to know we are not
requesting additional funds from the Mississippi legislature.
We are requesting level funding this year. We worked hard last
year to manage the agency expenses, and we'll continue to focus
on meeting the goals of our agency's mission to enhance,
protect, and conserve Mississippi's marine resources.

Next, I'd like to direct your attention to the
projection screen and the TV's for a video recently produced by
the Mississippi Public Broadcasting Agency. We contacted MTPB
in the spring to produce three 30-second videos for our agency.
The three videos will highlight the agency's mission by
capturing the day to day responsibilities of our staff and
their dedication to their jobs.

So at this time -- I'm sorry.

MS. LEHRER: There's no sound, I'm sorry, for
the video. So next time.

MR. MILLER: We'll do it next time, then. If
you miss the sound, then you miss the whole performance.

Apologize for that.

If no video, then let's move to administrative
penalties. Sandy Chesnut our counsel will step through our

1 administrative penalties.

MS. CHESNUT: We have six penalties to go over.

It's not as bad as it looks. They were all involved in the
same violation, so we'll do them all together.

We have Hung Ho, 022413-1, associated with the
enforcement report 0653; Tam Van, 022413-2, EAR 0657; Yong Lin,
022413-3, EAR 0656; Lisa Lynn, 022413-4, EAR 0655; Ha Minh
Dang, 022413-5, EAR 0654; Chris Av Tran, 022413-6, EAR 0658.

They were all charged with possession of undersized red
snapper.

A compliance check of a recreational vessel at
the Keesler master tower in the Gulf of Mexico revealed 11 red
snapper in the front ice chest and one red snapper hooked on a
rod and reel for bait.

Eleven of the 12 red snapper were undersized
ranging from seven and a half to 12 inches. All fishermen
aboard were issued EAR for possession of undersized red
snapper.

The executive director has reviewed this
violation, and based on the documentation contained in the file
he finds the allegations contained in the EAR report have merit
and he is recommending that the commission impose
administrative penalty against each individual in the amount of
$250 each.

The commission may accept, reject, and/or modify

1 the executive director's recommendation upon motion. All
supporting documentation including photographs have been
provided to each member of the commission, and all violators
have been notified via certified and regular mail that this
matter would be presented to the commission today.

If there's anyone present, any of the violators
present that would like to speak, please let me know.

Okay. Having heard no response...

The responses are varied, of course, when you
have six people involved. And if you want to just go ahead and
flip to the last screen, I kind of did a synopsis so we could
look at it all together.

They all received a copy of the executive
director's recommendation except for Mr. Av. However, Mr. Av
has already submitted the $250 which was recommended. So I
don't know if he received the notice or someone paid his fine
for him thinking that that was the final decision.

Mr. Ho is the only one that submitted a written
response. None of the violators requested an informal
settlement. Payment has already been received from Ho, Lynn,
and Av. Again, I'm sure they were thinking that the director's
recommendation was the commission's final judgment.

They were all notified of today's meeting.

Mr. Ho's written response provided that they
thought the fish were Vermilion snappers and that they all

learned a valuable lesson and did not intend any harm and
regret having violated the law.

So it's now up to the commission to decide to
accept the director's recommendation, modify it, or reject it.

MR. GOLOTT: Do I have a motion on this?

MR. BOGARGE: I have a couple of questions if we
could.

I guess I'll direct it toward Rusty.

Rusty, when did this take place, what was the
date?

MR. PITTMAN: I'd have to ask Captain Armes
because he was on patrol at that time. And he'd have probably
the exact date, but we can get with you after the commission
meeting.

MS. CHESNUT: I can answer that. It took place
in January of 2013.

MR. BOGARGE: I guess a couple other questions.
Were those the only fish that they had on the
boat?

MR. ARMES: Yes, sir.

MR. BOGARGE: And is that -- we always call it
the government tower, I didn't actually know it was the
Keesler's tower -- is that within the nine miles?

MR. ARMES: I'd have to look it up.

MR. BOGARGE: Thank you.
I make a motion we accept the executive director's recommendation of a $250 fine.

MR. ZIMMERMAN: Second.

MR. COLLOTT: We have a motion and a second.

All those in favor --

MR. DUMMOND: I have just one question. Three of them have paid a fine of $250. I understand this fine is to be decided by the commission. And evidently this was decided before the commission meets. So I don't know whether this is legal or not. But --

MR. MILLER: Let me just -- since you asked if it was legal or not.

MR. DUMMOND: What?

MR. MILLER: Since you made the comment whether it was legal or not, let me just clarify. I sent out a recommendation but there apparently was a misunderstanding from the gentleman who received it. I made an administrative penalties recommendation that they have a chance to come sit with me and write a written response. But nothing is final until you all act.

So if you -- and Sandy can correct me -- but if you all are today to determine that you all wanted to increase or decrease the fine, that would be the final say, and then they would either owe the agency more money or we would be refunding some of the money they've already submitted.

MS. CHESSUT: But because they sent the payment in, we haven't cashed those checks yet. So we're holding those in abeyance until the commission makes their final decision. So nothing has been accepted by the agency.

MR. DUMMOND: I just wanted to make sure that this was -- we were conducting this in the right manner.

Anyway, that's fine with me.

MR. COLLOTT: We have a motion; we have a second. All those in favor say aye. Opposed? Motion carries.

We have Chief Davis, marine patrol.

E. Office of Marine Patrol

CHIEF DAVIS: Mr. Chairman, I'm going to defer to Chief Pittman to do the report.

1. Report on Citations

MR. PITTMAN: Good morning, Mr. Chairman, commissioners, Director Miller, Ms. Chessut.

We have the report in front of you, report on the violations this past month. You can see we did a little change to it.

For shrimp violations, we had a total of four.

Crab violations, we had a total of two.

Miscellaneous commercial violations, we had a total of three.

Fishing violations, total of 63.

Boat and water safety violations, 95, which is unlawful for any person, firm, or corporation to drag or pull a trawl or try net under the water with a bag tied or untied in any area of the territorial waters of the State of Mississippi which are closed to shrimp.

Further, it shall be unlawful for any person, firm, or corporation to drag or pull a double or multiple rigs under the water with the bags tied or untied in any area of the territorial waters of the State of Mississippi which are closed to the use of double rigs or in waters which are closed to use of that size, type, or number of rig.

Option 4 compromise is off the table. We're not going to go to Option 4.

Our opinion is to leave the law as it is. Since 2005, ten cases have been made on this law. Eight of them were prior to shrimp season opening. Two were during the season when it was open.

The reason I'm looking at this, I'm going why would a commercial shrimp be shrimp in open waters, say in Louisiana or federal waters, leave his nets in the water, when he crosses into the State of Mississippi when the season is closed and he knows that the season is closed.

So what we're recommending is just to keep the law as it is on the books now.

MR. BONOGR: Rusty, coming from a commercial fisherman and shrimp, the problem we have is even though the
season is closed, most of the time the guys are just washing
their nets.

Now, I understand that you could make a judgment
of what you're going to get out of the water and they should wash it,
but if you go by the law, you have to issue them a
citation which basically is trawling in closed waters when in
all reality they had no intention or no desire to be trawling
in closed waters.

So --

MR. PITTMAN: Actually, we issue them a citation
for washing in closed waters before the season.

MR. BOSARGE: Correct. And that's my point.
They were just washing their nets.

And it happens, I can see where from your point
it makes it easier for you to make an arrest for somebody that
is doing something they're not supposed to be doing.

If we change the law you would have to catch
them actually in the act.

MR. PITTMAN: That's correct.

MR. BOSARGE: I think that with Option 3 you
would still be able to catch them because they would have their
bags tied. And, you know --

MR. PITTMAN: As you know being a commercial
fisherman, there is a line that goes to that bag which we've
had happen before as we approach the vessel, they release that
line which has released anything that was in the net. In other
words, shrimp during closed season which we do have at this
time -- at that time, we can cite them for washing the trawl.

MR. BOSARGE: I can't quite follow you now. Do
what?

MR. PITTMAN: The time we get them we have to
see the nets in the water if they're shrimp during closed
season. As we head towards that boat, if they get the nets out
of the water, the bag is still in the water. There is a line
that goes to that bag that they can keep on the dock that they
can pull to release that bag which releases anything that's in
the net. At that time, we fall back on washing in closed
water.

MR. BOSARGE: From the time that they start
winching back to the time they can get to that line might have
seven or eight minutes if they're quick. I don't understand
how that -- in other words, if you could see them, with the
boat y'all got now, five minutes you will be on them.

MR. PITTMAN: These are past cases that's
happened before, and we've gotten to them, and they've got that
bag untied.

Now, there's some cases we got to them where the
bag was still tied and the shrimp were in the net, and we did
change them for shrimp during closed season.

But it just didn't make any sense if you're in
open waters and you know you're fixing to go into a state
that's close, why would you want to wash your trawls in those
waters.

MR. BOSARGE: Most of the time it's coming in
the Pass. Most of the time it would be because it's so rough
outside, when it's rough and the boat's rolling, washing your
nets works good because you're not only getting the motion this
way, you're getting the motion this way by the roll of the
boat. And you get in the Pass, anybody that knows anything
about the water, that's going to be your roughest spot in the
Pass because of the tide. So most of the time they try to get
inside the island where it's calmer so they can pick their gear
on up. That's where and not necessarily boats from
Mississippi, it could be an out of state boat that didn't
realize that there's a law that says not only can you not trawl
but you can't even have your nets in the water washing them.

So anyhow, in my opinion, I think you could
still do your job if we just amended Option 3.

MR. PITTMAN: I'll leave that up to y'all.

MR. GOLLERT: And I agree with you. First of
all, if you trip a net, when you pull the tail up you're going
to have dead fish floating on the water, so all you'd have to
do is take a picture and pick up a few dead fish, you know, you
get them.

It would probably make your job a little bit
harder, but you'll err on the side of encouraging these
fishermen -- you know, it's one ticket written for a boat that
put his outriggers over to stabilize the boat (inaudible). He
could have gotten the ticket, and there wasn't even a rope in the
tail.

So I'm like Commissioner Bosarge. I'd rather
err on the side of the fishermen.

Do I have a motion?

MR. BOSARGE: I make a motion that we take
Option 3.

MR. PITTMAN: And this would be to take the
intent, a motion for intent to take that out; right?

MR. BOSARGE: For intent.

MR. GOLLERT: Do I have a second?

I'll second that motion.

Okay. All those in favor say aye. Opposed.

Motion carries. Thank you.

Next we have Joe Jewell.

P. Office of Marine Fisheries

MS. FLOYD: Good morning, Mr. Chairman,

21 commissioners, Director Miller, Ms. Chesnut, distinguished
guests.

I'm Traci Floyd. I'm representing the fisheries
office this morning in the absence of our office director, Mr.
Joe Jewell. He was required to be at a Gulf States Marine
N.J. Soroe, CSR #1297
Fisheries commission budgetary meeting in New Orleans.

We have a full agenda today for fisheries. So first up, we're going to have Mr. Matt Hill. He'll give the first three presentations. And those will be first consideration for opening an additional recreational red snapper season. Next, Title 22 Part 7 modification of the spotted seatrout endorsement. And third, the red drum stock assessment follow-up.

1. Consideration for opening an additional recreational red snapper season

   MR. HILL: Good morning, commissioners, Director Miller, Ms. Chesnut. I'm going to be up here for a little while, so let's all try to get along.

   First thing we're going to ask for today is consideration of opening a recreational red snapper season. We're going to give a little bit of history about what happened in the July season and try to come up with something from there.

   In our July weekend only season, we had a total of 12 fishing days. We were able to conduct effort surveys on seven of these days. These were aerial surveys combined with vessel surveys. We were also able to conduct biological sampling on dockside to obtain lengths, weights, and otoliths when available. And we also employed our voluntary reporting system.

   Some of the things that we observed in some of our reported effort. On average, we saw eight vessels per day. And these vessels on average, there were four anglers in each vessel. So that's roughly 32 anglers per day. Our catch rate was 1.9 snapper per angler per trip. And the average weight of these snapper was 3.6 pounds. And this is approximately half of what the average was during the nine day federal season.

   Our highest effort occurred on July 26 with a total of 16 vessels observed red snapper fishing. And mainly all this effort occurred on our three fish havens, FN-1, -2, and -13 and some of the adjacent rigs.

   Our analysis. The July weekend only red snapper season gave anglers the opportunity for continued harvest of red snapper after federal waters were closed to harvest. Only a small number of anglers took advantage of this opportunity. Therefore, a limited number of red snapper were harvested having minimal impact on the resource.

   Our recommendation is for the commission to grant the executive director the authority to open a supplemental red snapper season in the territorial waters of the State of Mississippi upon staff recommendations. The Gulf Council meeting is next week. Tuesday is the big day. So we're trying to go ahead and get this in place and we would be able to react to what happens at the council meeting. And this is our staff recommendation for this.

   MR. GOLLOTT: Do we have any discussion?

   MR. ZIMMERMANN: I have a question. Matt, I read something this week that we released, the hatchery just released 10,000 fingerlings. Will this have an impact on that?

   MR. HILL: We released approximately 2500 on this past Friday. The goal is to release 10,000 before the year is over. And we will monitor, and the impact will obviously not be immediate. It will be in the years. It just depends on what type of return rate we get, and we'll just have to monitor to see what type of impact that these fish will have and if they will stay localized to our region.

   MR. ZIMMERMANN: Matt, you will work with them on that?

   MR. HILL: Correct. We will continue to work with the research lab and monitor these fish.

   MR. BOSARGE: You said that during the July season there were not many boaters. Why do you think that happened? What was your reason?

   MR. HILL: I think people were -- I think anglers were wary in the beginning of receiving citations from the Coast Guard or from NOAA. I think they were confident that we would not give them a citation in this area. However, we did see effort increase as the season went on. People realized that people were not receiving tickets. And to my knowledge, nobody did receive a citation on our three fish havens during this season. I think they just had a little more confidence toward the end.

   MR. BOSARGE: And when you saw the size of the fish, basically average size of fish harvested drop in half?

   MR. HILL: From the federal season. And the reason for that is the majority of these fish that are in here now on our reefs are males. The larger females are pushed out into the cooler waters. It's their peak spawning time. They're in the deeper cooler waters. During the nine day season, the anglers were able to go out into those areas. They were able to go 30, 40 miles offshore and target those larger fish.

   And we do have some females on our fish havens right now, but the majority of them were the smaller males, 16, 18 inch males.

   MR. BOSARGE: You're saying they went 30 or 40 miles out?

   MR. HILL: Oh, absolutely. Absolutely. And we observed that.

   MR. BOSARGE: (Inaudible) nine miles.

   MR. HILL: Yes, sir. We would go -- the legislature has given us the authority for the nine mile --

   MR. BOSARGE: Well, can you see with our administrative penalties to be a typical example of what those guys catch in that nine miles? I ask the question because when
people fish, you know --

MR. HILL: Correct.

MR. BOSARGE: -- every fish that they caught is in the boat most likely and every one of them is a small fish, so they have to do a lot of picking.

And I guess my point, you know I've been involved in red snapper management for a long time. And as much as the popular decision would be, heck, yeah, let's (inaudible) it up, at the end of the day it's all about the fish and the resource. And I'm trying to get some -- when we get up here, we have to use the best scientific data available, and I'm looking for it.

MR. HILL: If we saw a hundred boats out there during the July season, we would not -- I would not be recommending this, we would not be having this conversation.

My point of view is what I saw the minimal amount of boats that were taking advantage of that season, and I saw what the catch rates were, and we were doing some of our independent sampling, and I saw that the majority of these fish were males that were being harvested which I would prefer. I just feel like they had a very, a minimal impact on our localized resource on our reefs during that time period because there was so few anglers that were out there.

MR. BOSARGE: From what I hear you said that harvesting 30, 40 miles offshore basically what you were seeing is the few that actually were in the nine miles, the ones that were bringing the fish in were bringing in from further offshore.

MR. HILL: No. That was during the nine day season. That was a comparison from the nine day season, the nine day federal season, we had an average weight of approximately eight to eight and a half pounds. And once -- the July season, they were restricted to the nine mile area, it was cut in half.

MR. BOSARGE: I just worry that putting more pressure on inshore reefs and like we saw -- if I go with the best scientific data available it's going to be NMFS data. And it puts a (inaudible) on the commercial side. And they've always told us if you don't agree with the data, you go get your own data, do your own stock assessment.

So I'm against doing any further damage to the resource, as much as I'd love to say, hey, yeah, let's go catch fish.

MR. HILL: And I understand. And I'm not -- my recommendation so far is to -- I'm not going to give the recommendation to the executive director to go ahead and open it. We were just trying to grant him -- give him the authority to react to what happens with the -- at the Gulf Council meeting next week.

MR. BOSARGE: And what are you worried about at the Gulf Council meeting? Because, you know, most all sates are noncompliant.

MR. HILL: That is correct.

MR. BOSARGE: And I feel that any data is going to be gathered during this noncompliant time will not be used to further an allegation.

MR. HILL: My concern is that after the Gulf Council meeting, if our neighboring states realize that it's highly unlikely that we will have a federal red snapper season next year that they will open up a state fall season as they did during the summertime after the federal season closed and that our fishermen will be at a disadvantage if we didn't have the opportunity to do that or they would not be able to fish this year nor would they have the opportunity next year.

MR. BOSARGE: I agree. But I think that maybe we should wait until that time to make that decision.

MR. HILL: If we want to do this, like I said, we would just need to grant the executive director the authority to open the supplemental season in territorial waters upon staff recommendation. That's up to y'all.

MR. GOLLOTT: Okay. Thank you, Matt.

Do we have a motion on this item? Do we have a motion?

MR. BOSARGE: I'd like to make a motion, Richard, that we bring it up for discussion after the Gulf Council meeting.

MR. HILL: In September or...

MR. BOSARGE: Yes, sir.

MR. ZIMMERMANN: I'll second that.

MR. GOLLOTT: We have a motion and a second.

All those in favor say aye. Opposed. Motion carries. 2. Title 22 Part 7 - Modification of the Spotted Seatrout Endorsement.

MR. HILL: Our next issue, a gentleman came before the commission about an exception to the spotted seatrout endorsement. And we've had concerns, and I'm going to give a few examples, but we're going to go through this first. Regulation is located in Title 22 Part 7, regulations to provide size limits and bag limits in certain fish species and to prevent sale of seafood by recreational fishermen.

The commission voted to place a spotted seatrout means test a while back. And it's located in Section 110. Individuals harvesting spotted seatrout for sale must possess a spotted seatrout endorsement in addition to a current applicable harvester's license. To qualify for this endorsement, an application must be completed. The fisher must present proof that $5,000 of seafood product was sold in any 12 consecutive months. Proof would be copies of sales records and a copy of the applicable harvester's license for the
appropriate time period or the fisher must present proof that
ten percent of their net income came from the commercial
fishing activities in a previous tax year. Proof would be a
form provided by the FMR, completed by a licensed tax preparer,
notarized, and submitted to the department. This endorsement
will be valid for three years, at which time a new application
with qualifying documents must be submitted for a new
endorsement. The income requirement and seafood sale provision
of this section shall cease to be in effect April 30, 2020,
unless further commission action is taken to extend the
requirement.

What we were asked or the commission was asked
to consider an exception for safety purposes.

So the proposal is to add Section 111, the
following provisions are provided to address safety concerns
and allow a fisherman to have another individual on board in
the event of emergency.

It would read, for commercial hook and line
fishermen, if only two fishermen are aboard a vessel
commercially harvesting spotted seatrout, one of the fishermen
is required to possess the spotted seatrout endorsement. However,
that fisherman is required to possess an applicable
commercial harvester's license. If two or more commercial hook
and line fishermen possessing the spotted seatrout endorsement
are aboard a vessel commercially harvesting spotted seatrout,
all fishermen aboard the vessel are required to possess the
spotted seatrout endorsement.

And one example we had on this early on is we
actually had three individuals come in on separate occasions,
and they had their children. They had been buying their
license, one individual had been buying this license for his
child for eight years now. And he was not able to take him on
the vessel when they were commercially harvesting spotted
seatrout. This would take care of that.

However, this would prevent what we intended on
preventing is if you already have two people on board with the
endorsement, everybody has to have the endorsement. You can't
have two people and one without the endorsement. It's just for
safety purposes and to take care of some of these guys that
have been bringing their children for years. And that was a
bonus if we decide to do this.

There is another portion of this, though,
because it's for the net fishermen, because each individual
does not have to be -- have a license on a net boat, just the
vessel is licensed, so we had to also add this into there, so
it's a continuation.

For net fishermen, the vessel must possess a
valid fishing boat license. And if only two fishermen are
aboard a vessel commercially harvesting spotted seatrout, one
of the fisherman is not required to possess the spotted
endorsement. If two or more net fishermen possessing
the spotted seatrout endorsement are aboard a vessel
commercially harvesting spotted seatrout, all fishermen aboard
the vessel are required to possess the spotted seatrout
endorsement.

If the commission so chooses to do this,
required would be a motion for notice of intent for Title 22
Part 7 to add statements in Section 111 of Chapter 9.

MR. ROSARDO: I've had fishermen come to me with
the same concern, so I'm glad that you've got it addressed. It
looks good. I didn't quite understand the reason for if two of
them had the endorsement, and three of them that was on the
boat, then they all have to have it. But I can understand now
where you're coming from as far as safety of two people.

I'll make a motion if there are no more
discussions.

MR. GOLIOTT: Any more discussion on it? Steve
made a motion that we accept this. Do we have a second?

MR. DRUMMOND: I'll second the motion, Mr.
Chairman.

MR. GOLIOTT: Motion has been made, seconded.
All those in favor say aye. Motion carries.

3. Red Drum Stock Assessment Follow-Up

MR. HILL: The next issue is the red drum stock
update. It's the continuation from the last meeting, and we
said that we would have the results from one of models. So
we're going to go over some of the things we did the last
meeting plus the results of the models.

Our current regulation. Commercially, we have
an 18 inch minimum length. Fishermen may only retain one red
drum over 30 inches. We have a 50,000 pound annual quota which
began on January 1 of each year. We have already met the quota
for this year, so it is closed. Fishermen must possess current
applicable harvester's license to commercially harvest.

Current quota of 50,000 pounds was implemented
January 1, 2014. The previous quota was set at 35,000 pounds
beginning October 1 of 1990.

Fishery has met the quota in 11 years since
2013, and we have met it this year in 2014. I made a mistake
and added that to it.

Recreational. Here's some of our other states' recreational limits, including ours. Florida is 18 to 27,
basically have a two fish per person limit. They also have a
vessel limit. Alabama, 16 to 26, three fish per person.

Louisiana is 16 to 27, five fish per person. Texas is 20 to
26, three fish per person. And, of course, we're at 18 to 30
with three per person and one may be over 30 inches.

Stock assessment. The first part of the stock
assessment is our escapement rate. Escapement rate is defined
1. as the proportion of fish that survive to a given age in the
2. presence of fishing mortality relative to a population not
3. subject to fishing mortality. Basically, that's the fish
4. population versus an unfished population.
5. Mississippi has chosen age four fish as our
6. target age for our escapement rate calculation.
7. The NMP or the Fisheries Management Plan
8. escapement rate target recommendation for red drum is 30
9. percent. Mississippi, Alabama, and Louisiana follow the
10. recommendation of 30 percent for stock status and management
11. decision. Texas and Florida also follow these recommendations.
12. of 30 percent escapement as a minimum. However, both states
13. strive for a 40 percent escapement rate when determining stock
14. status and setting regulations.
15. Here are our updated escapement rate
16. calculations. We were able to add — recalculate these after
17. we ran our per recruit model. And as you can see from 2000 on,
18. we have not met our 30 percent escapement rate. From 2004 to
19. 2007 we did. Historically over time, if you take all these
20. years, we did meet it, but it has been on the decline.
21. Our status. The NMP recommendation is
22. escapement rate of at least 30 percent. Mississippi average
23. calculated escapement rate at our 18 inch minimum size
24. including the years 2004 to 2012 is 29.4. Our average
25. escapement rate from these same years at the same size limit
26. was 32.75.

1. excluding our outlier year of 2010 which was the BP oil spill
2. is over the 30 percent rate at 32.75.
3. During 2004 to 2007, mean escapement rates
4. approach 40 percent. However, in recent years escapement rates
5. have been consistently lower averaging approximately 22
6. percent.

Although there has been a decline in the mean
8. escapement rate in recent years, it has been shown that over an
9. extended period of time current regulations are effective in
10. maintaining the recommended 30 percent escapement rate set
11. forth in the NMP.

The model results. We used a per recruit model.
13. Dr. Leaf from the research lab ran this model for us. The per
14. recruit models are widely used for management of fisheries to
15. provide guidance to managers with information about the
16. expected magnitude of egg production given some level of
17. fishing mortality and length or age of entry into the fishery.
18. And the length or age into the fishery is your minimum size
19. limit.

Expected lifetime reproductive potential of a
21. single individual or a cohort of individuals is theoretically
22. correlated to population growth potential.
23. The results from the model. A slight decrease
24. in spawning stock biomass per recruit would occur if the size
25. limit was decreased. The model indicated that at current
26. 17

1. mortality rates, a change in the size limit from 18 inches to
2. 16 inches will result in a five percent decrease in spawning
3. stock biomass per recruit.

Although this is a seemingly small decrease in
4. spawn or biomass, it is not possible to determine the extent of
5. the effect this modification will have on the sustainability of
6. the stock.

The conclusion of the model. Long term
7. stability of the red drum population is dependent on survival
8. until escapement of the youngest age classes. The individuals
9. referenced are generally age class four or less and measuring
10. less than 26 inches.

Currently the minimum size limit is 18 inches,
11. and the modeling indicates only a slight decrease five percent
12. in spawn or biomass would occur if the size limit were reduced
13. to 16 inches. I said this statement in the slide before. I
14. thought it was important, so we're going to say it again.
15. However, it is not possible to determine to what extent this
16. seemingly small decrease in spawn or biomass due to a reduced
17. size limit will have on the sustainability of the stock.

1. Some options the commission may consider
2. commercially. Status quo. Fifty thousand pounds beginning
3. January 1 of every year. We could increase the commercial red
4. drum quota. We could place the red drum under the species
5. endorsement or the means test as we have spotted seatrout. We

1. could increase the commercial red drum quota and also place it
2. under the species endorsement, combination of the previous two.
3. If we placed it under the endorsement, it would
4. look like this. Just it would be the highlighted portion. We
5. would place red drum after spotted seatrout. It's the same as
6. what I read before.

Recreationally. We could leave it status quo,
7. 18 to 30 inches. There is no recreational quota. This could reduce
8. the minimum size limit to 16 inches. We could reduce the
9. maximum size limit to 27 inches. We could do both, reduce the
10. minimum and the maximum size limit. Or we could have a
11. modification for the bag limit.

Any questions?
14. MR. GOLDBLATT: Matt, my question is, why do we
15. care about escapement when the federal government won't let
16. anybody take a redfish out of the Gulf of Mexico when you could
17. walk on them basically out there.

MR. HILL: When the NMP came out, we agreed on
18. the commission actually voted to take into consideration the 30
19. percent, and this was a long time ago, to take into
20. consideration the 30 percent escapement rate when — and adopt
21. it when making the regulations.
22. So we calculated that it would take an 18 inch
23. minimum size limit to achieve this even though there is no
24. harvest in federal waters. And it's a very difficult thing to

N.J. Soroce, CSR #1297
do because we can't sample out there, either. There is no data. So it's not that we don't care, it's just that we adopted that 30 percent and the numbers show that currently in the last handful of years we are not meeting that escapement rate.

MR. BOGARDE: And I'm just trying to get a grasp around stock assessment. Last meeting, Commissioner Drummond asked a question on how many fish the recreational side takes. And I think that number was around, I think you said 895,000. And before we make any changes to what we have now, would it be possible to graph where we are going with the production on redfish on the recreational side? In other words, we're looking at making some of the changes that would add to the catch of redfish and some changes that would limit the catch of redfish.

Where are we headed? In other words, in my mind the stock assessment, I want to know what's there, what's being taken, and where is the line headed.

MR. HILL: The problem with the stock assessment on the red drum to know how many are there is because there is no sampling in federal waters right now. So we don't have an idea on the stock out there. So we're just -- we have this inshore stock. We know these fish are escaping, and in Mississippi we think after 27 inches, they're four years old, they escape, and they rarely return. I mean, some do return, but the majority of them stay in the offshore spawning stock.

Now the recreational catch, it's tied to the effort. The effort continues to go up, so the recreational catch continues to go up. So the fish are available; however, the catch per unit effort is going down. So we're having more fishermen out there, they're able to catch these fish so it's going up, but they're not catching as many fish, as many red drum per trip as they were in the past.

And I had that in a presentation I had given earlier that the catch per unit effort is going down.

MR. BOGARDE: Wouldn't that weigh on our decision as to what we want to do or don't want to do by how many fish are available and how many are being harvested?

MR. HILL: Yeah.

MR. BOGARDE: In other words, to keep that escapement rate, in other words, if we're borderline on the escapement rate where we are now and effort is continuing to increase, then at some point we've got to curtail effort, got to curve the line back down.

MR. HILL: As a manager that's what you -- I don't get caught up necessarily on the precision of the numbers and what the -- I like to look at the trends, either the trends are going up, the trends are going down. And right now, the wrong -- they're trending in the direction that I don't like to see. I would rather the trends be the other way. I would rather either the catch per unit effort to be static or to be going up and that our -- and also to raise our escapement rate back to the levels they were from 2004 to 2008.

I would feel comfortable making changes if we were back at those escapement rate levels.

MR. ZIMMERMANN: Matt, I agree with that and I understand. The sustainability of the redfish I think is moving in the wrong direction from what I can see.

With that said, I'd like to put a motion on the floor to keep the status quo.

MR. GOLLOTTI: Let me ask you about this endorsement. I think we might want to discuss the endorsement for the commercial fishermen. That would be the only way we could protect the commercial fishermen.

MR. BOGARDE: Well, again, you know, I agree, Richard. I thought about it. Whether we needed to do that or not, it appears that the commercial fishermen -- the true commercial fishermen are catching most of the fish, the red drum. You know, we're at 50,000 pounds which I think on the recreational side they're about 2400 pounds a day if you average it into 365 days. That's a very minute amount, 50,000 pounds.

MR. HILL: I don't have the exact numbers in front of me. But when we did the speckled trout endorsement, it was a large number of individuals harvesting speckled trout.

I mean, it was over 400 that had -- there is a -- it's quite a few red drum but it's nowhere near that many. I believe the actual number is under a hundred that are actually commercially harvesting red drum.

MR. BOGARDE: My concern would be that once you stop them from catching spotted seatrout they'll switch to red drum. That was my concern. That would be my concern with putting it on the endorsement.

MR. DRUMMOND: Matt, have you seen any of those NOAA reports, that tagging program they had a few years ago?

MR. HILL: No, sir. Actually, somebody brought me a copy two weeks ago on my desk, and I haven't had a chance to go through.

MR. DRUMMOND: Was that strictly offshore?

MR. HILL: Yes sir.

MR. DRUMMOND: There were thousands of fish tagged. I don't know what the returns were.

MR. HILL: Yes, sir.

MR. DRUMMOND: I assume that study was given the results on the returns.

MR. HILL: Some over time. And in the red drum fishery, that's the data that we're most lacking because there is no fishery in federal waters right now.

And we know that there are large numbers of red drum that reside in federal waters, and they never return back

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to state. Once they leave, a lot of them return and they stay
in these -- it's a long lived fish, sometimes 25 years.
And if we're protecting, which we are obviously
protecting spawning stock because the fishery is shut down.
MR. DRUMMOND: I know back then nobody knew how
how many redfish were out there.
All of a sudden, you get ten to fifteen thousand
pounds.
MR. HILL: When a fishery is shut down like
that, and there's very limited independent or dependent data
available, it's extremely difficult to get an accurate stock
assessment.
MR. GOLLOTT: We have a motion on the floor. Do we have a second?
MR. DRUMMOND: Is there a motion?
MR. GOLLOTT: Yes, sir, to leave the status
quo.
MR. BOSARGE: Recreational or commercial status
quo?
MR. ZIMMERMAN: To leave the red drum laws like
they are.
MR. HILL: That would keep the 50,000 pound
quota on January 1, and the minimum of 18 inches and 30 inches
for both recreational and commercial.
MR. ZIMMERMAN: Yes.

MR. DRUMMOND: And the size would be 18 inches?
MR. HILL: Yes, sir.
MR. GOLLOTT: Have a motion. Do we have a
second?
MR. BOSARGE: I'll second his motion.
MR. GOLLOTT: All in favor say aye. Those
opposed?
MR. DRUMMOND: No.
MR. GOLLOTT: Motion carries; one dissent,
Commissioner Drummond.
MR. HILL: Thank you.
MS. FLOYD: Next up we'll have Mr. Mike
Brainard. He'll be presenting a Mississippi Department of
Environmental Quality request that we restrict access to shell
plant areas.
4. DEQ request to restrict access to shell plant areas
MR. BRAINARD: Good morning, commissioners,
Director Miller, Ms. Chesnut.
On August 7, we received a request from the
Department of Environmental Quality to restrict harvest to the
two shellfish cultch plants that we're going to be doing in
September.
The two proposed locations are a total of 250
acres. Staff recommends that these areas remain closed for a
minimum of one year, up to two years. This will allow the
young oysters time to grow to market size.
This area will be marked with PVC pipe and
controlled on a regular basis, and areas will be monitored
throughout the sampling -- throughout the one to two year time
frame if the commission chooses to close it.
The site at the top is called Area 11. It is on
Henderson Point. It's a 48 acre site. And then the site to
the south which is the larger site is Area 6 which is on Pass
Marianne Reef, and it is a 212 acre site.
Essentially just need the commission to give the
eastern director the authority to close this area after the
cultch plants are completed for whatever period of time the
commission -- a minimum of a year, but we typically close these
areas for like 18 months after we do a cultch plant.
MR. GOLLOTT: I need a motion to give the
eastern director the authority to open and close those areas.
MR. DRUMMOND: So moved, Mr. Chairman.
MR. ZIMMERMAN: Second.
MR. GOLLOTT: Have a motion and a second. All
those in favor say aye. Opposed? Motion carries.
MR. BRAINARD: Thank you very much.
MS. FLOYD: Next up I'm pleased to introduce Mr.
Jimmy Sanders who will give a Katrina Key update.
5. Katrina Key Update
MR. SANDERS: Chairman, commissioners, Director
Miller, Ms. Chesnut.
I'll give a very brief update on the Katrina Key
expansion.
Katrina Key is located approximately a half a
mile south of Deer Island.
The material that was used to expand this
project was the concrete pilings from the old Margaritaville
site which is located just south of Harrah's Casino.
The project started on May 1, 2014. Like the
previous slide, the material came from the old Margaritaville
site.
The columns deployed on this project had a
measurement of 30 inch square columns that were approximately
ten feet tall. There was a total of 12 deployments with 786
columns deployed. The Katrina Key expansion project extended
the key 150 yards to the east.
And we're hoping that this will be completed by
the end of this week and the beginning of next week.
And there's an aerial view of the extended part
of Katrina Key.
Any questions?
MR. BOSARGE: Looks good, Jimmy.
MR. SANDERS: Thank you.
MR. GOLLOTT: Is that the island there?
MR. SANDERS: No, sir. That is the original leg
of the key. We stepped out and went to the east. Yes, sir.

That way you can have a little current flow.

MR. GOLLITT: Okay. Thank you very much.

MR. SANDERS: Thank you.

MS. FLOYD: Next up we have three state records for your consideration presented by Ms. Emily Satterfield.

6. State Record

MS. SATTERFIELD: Good morning, commissioners, Director Miller, Ms. Chesnut.

We have as stated three records for consideration. All three are on conventional tackle.

The first being a spinner shark, Carcharinus brevipinna. The new record is 164 pounds 7 ounces by Angler Jordan Matthews. This was from the Fourth of July tournament.

There's the shark itself, and the angler with the shark.

Next is a cow nose ray, Rhinoptera bonasus. New record is 28 pounds 9 ounces, also from the Fourth of July tournament from Thor Goodfellow.

And lastly is the Gulf kingfish, Menticirrhus litoralis. The new record is 2 pounds 0 ounces by Angler Riley Sauier. And there it is.

Are there any questions?

MR. GOLLITT: Do I have a motion to approve?

MR. DRUMMOND: I make a motion we accept these new records as new state records.

1. I'll be presenting Item G-1a. It's a modification request by the Jackson County Board of Supervisors, and it's located off the Mississippi Sound at the Lake Mars boat ramp. It's in the general use district. And Seymour Engineering is the agent for the project.

The thumb tack showing a broad overview of the area, I-10, zoomed in area, boat ramp in question, jetties, and the existing pier.

The applicant is proposing to extend the length of a previously authorized jetty at the boat launch. And previously, the eastern section of the jetty was extended 265 feet by 30 feet at a 45 degree angle to the existing section.

And the applicant is requesting that the eastern section again be modified just to increase the length to 340 feet and the width will be reduced a bit to 24 and a third foot. And the angle will remain the same at a 45 degree angle to the existing jetty.

Here's a diagram. The yellow are the jetties that are currently existing on either side of the ramp. The section in red or orange would be the extension requested.

Here is a shot of the eastern jetty looking back toward the ramp.

And the need for this project you'll see in this next slide that I've included. The ramp is basically unusable to the amount of material that is washing in. The jetties currently are basically acting as a sediment trap.

The project will serve a higher public purpose by preventing excessive siltation to a public boat launch which provides direct access to the Sound.

The project is allowable within the general use district.

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

There will be a temporary increase in turbidity which can be minimized by best management practices being implemented.

And the project will have an increase in approximately 372 square feet of impacts to state owned water bottoms.

The length will increase, but the width will narrow so the net basically will be 372 square feet increase.

The extent of the project. The project will continue accretion to the east and erosion to the west. Along our coast, material tends to flow from east to west. And a beneficial use plan could keep the sediment from bypassing the west side of this facility and prevent further erosion.

The applicant did conduct a sediment transport study. And the primary movement again, as I just mentioned, is east to west, so the dog leg that they are proposing should reduce the onshore movement of sediment into the boat launch.
area and channel.

No offsite alternatives have been considered because this is an existing public launch. And the site has existing jetties. The addition of another section should not reduce the scenic qualities of the area.

Public notice was placed on both the Sun Herald and Mississippi Press.

Previously, we received a comment from the landowner directly to the west of the boat launch. He did not comment on this round of modification, but I think it's important that we do mention his concern. And he claims he's been experiencing some land loss because of the construction of this ramp and these jetties. And on our last modification, we proposed that the applicant should document any land loss that occurs to his property and that the applicant also monitor any impacts to his property and if necessary that the property be designated a restoration site in case there's a beneficial use area some of the material could go to that area to restore.

The comments from the agencies. DEQ is still reviewing the project. Archives & History has no objections. Wildlife, Fisheries & Parks is currently reviewing the project. And the Secretary of State's Office will because of the change of the footprint of the jetty will require a modification to the existing lease.

And based upon the review, we've determined that the project serves a higher public purpose by preventing excessive siltation, therefore reducing the need for maintenance dredging of the launch. So staff recommends approval of the permit modification with the following conditions, and those are that the applicant submit a monitoring plan for the shoreline owned by the western adjacent property owner and submit that plan to DPR prior to commencement of this jetty construction and that the applicant submit a monitoring report addressing the current status of the mitigation area approved with the original permit application and that any needed management activities take place prior to or concurrent with the construction.

Basically that second part is when this project was originally approved in 2006, there was some mitigation that was involved for some tidal marsh and high marsh. The work has been done. We have not received any monitoring reports in the last two to three years on it. We did receive monitoring reports the first two years. So basically what we want is an update on what the mitigation site is looking like as of more recent time since we haven't received a report in the last couple of years.

Questions?

MR. BOSARGE: So the adjacent property owner -- I'm not following. How did he have mitigation to do?
And as of right now, his access pier is 50 feet 
by 7 feet 8 inches. And currently our access piers can only be 
six feet wide.

And he has a pier 58 by 5 feet, a pier 34 feet 9 
inches by 4 feet 1 inch, a pier 38 feet 6 inches by 3 feet 9 
inch, another one 16 feet 11 inches by 3 feet, another one 4 
feet 3 inches by 1 foot 7 inch, an irregular shaped pier 4 feet 
7 inches by 4 feet 3 inches, another irregular shaped pier 4 
feet 7 inches by 4 feet 2 inches, and his covered pier is 25 by 
25.

And he also has an enclosed structure under the 
covered pier that is 11 feet long, 3 feet 4 inches wide, and 8 
feet 6 inches high, and this equals 311 cubic feet.

So what he is proposing is basically everything 
is staying the same except for the access pier. He is going to 
bring it back into compliance and make it five feet wide and 
his enclosed structure, he’s going to bring it down to 72 cubic 
feet which is the most the commission has ever allowed before. 

This is a diagram of what he was permitted in 
2007. As you can see, he was actually permitted for a four 
foot wide access pier and the covered pier was only supposed to 
go out 20 feet 6 inches.

This is what he currently has and what he is 
planning on bringing into compliance. The 7 foot 8 inch wide 
access pier in width is going to be brought back to five feet 
wide, and his enclosed structure which is right here you’ll see 
in the pictures is coming into compliance. And he’s asking to 
come 25 by 25 foot wide covered pier.

This is the enclosed structure right here. This 
is just his boat lift looking to the east. And that’s looking 
to the west.

On March 20, an application to construct a boat 
lift was submitted to the DMR.

On April 2, a site visit by DMR staff revealed 
that the existing structures were not in compliance with the 
general permit issued on June 7, 2007.

On May 8, a notice of violation was mailed to 
Mr. Montjoy.

On May 14, Mr. Montjoy called staff and was 
informed of the areas of noncompliance. The applicant said he 
would bring the access pier and enclosed structure into 
compliance, but he wanted to retain the covered pier that he 
currently has.

On July 3, we received an application from Mr. 
Montjoy's agent requesting after the fact authorization for the 
structure that's currently constructed.

Notification of the project appeared in the Sun 
Herald on July 27, August 3, and August 10. Two comments were 
received concerning a mud flat upstream of Mr. Montjoy’s 
structures. I went out there by kayak and actually kayaked 
down the marsh in front of his structure all the way down to 
the property line, and there was no mud flat anywhere in that 
vicinity. Actually, three feet out from the marsh grass it was 
four and a half feet to five feet deep, so there should be 
plenty of room for boats to pass through there.

Department of Environmental Quality is currently 
reviewing the project. Archives & History has no objections.

Secretary of State says the project is within the Bayou Portage 
coastal preserve and all necessary measures should be taken to 
avoid adverse environmental impacts. Wildlife, Fisheries 
and Parks asks for best management practices to be utilized. 

Staff recommends that CMR grant the applicant's 
request with the following conditions:

1. The portion of the covered pier which extends 
more than 25 percent across the width of the waterway be 
removed should the property owners directly across the bayou 
located within the same waterway as Mr. Montjoy's structures.

2. Currently both of these two neighbors both have those two 
boathouses that were shown in the aerial on another canal, so 
it is unlikely we would ever permit them to build across that 
marsh directly across from him.

The reason why he is asking is because of 
the second condition. The portion of the 
boathouse which extends more than 25 percent across the 

width of the waterway be removed should conditions in the bayou 
change due to natural processes that result in Mr. Montjoy's 
structure becoming a hindrance to navigation.

Number 3. Conditions 1 and 2 must be recorded 
in the land records for 23441 Arcadia Farm Road in a manner 
such that this condition be discoverable through a property 
title search. The Mississippi Department of Marine Resources 
must receive evidence that this condition has been met within 
90 days of the commission's ruling or by September 19, 2014.

And Number 4. The applicant pays a fine in 
accordance with Mississippi Code 49-27-51.

The violation was discovered on April 2. The 
violation duration was 62 days. The maximum potential fine is 
$31,000, minimum of fifty. And the recommended fine is five 
hundred.

The previous agent constructed the structures 
out of compliance with the previous permit. This agent is no 
longer in business, but multiple violations have been 
discovered that this agent was involved with.

The applicant has been very cooperative 
throughout the after the fact permitting process.

Any questions?

MR. ZIMMERMAN: I'm kind of familiar with that 
area. This part of Bayou Portage, is this where some of the 
vessels go with hurricanes?
MR. PICKERING: Yes. They go upstream of this area. And that was one of the concerns that they had --

MR. ZIMMERMAN: I want to bring that to the commission.

MR. PICKERING: Currently, two small fishing boats could get through there right now. Two shrimp boats could not. One can with ease, it looks like.

But even if he was to bring it back within 25 percent of the waterway, two shrimp boats couldn’t get through there still.

MR. ZIMMERMAN: But one --

MR. PICKERING: One is able. And, I mean, both of the adjacent property owners that submitted objections to this, both pulled their objections once we let them know about what we found.

MR. ZIMMERMAN: Is anyone here for Mr. Montjoy?

MR. PICKERING: The current contractor is here.

MR. ZIMMERMAN: Does he want to say anything?

MR. PICKERING: I don’t think he does.

MR. GOLLOTT: Okay. Do we have a motion?

MR. DRUMMOND: I make a motion, Mr. Chairman, that we accept the recommendation of the staff. The fine recommended was $500, and I’ll recommend that to the commission.

MR. GOLLOTT: Okay. Do we have a second?

MR. BOGARZ: So second.

MR. GOLLOTT: We have a motion and a second.

All those in favor say aye. Opposed? Motion carries.

MR. PICKERING: Thank you.

MR. GOLLOTT: We have office of finance.

H. Office of Finance and Administration

1. FY14 Monthly Report

MR. FEINT: Good morning, everyone. I’ll try to keep this short and sweet.

As I’ve mentioned in previous meetings, we went to a new accounting system on July 1. As we’re still working through some of the issues with getting it up to full capability, I’m calling these preliminary numbers.

Through the end of July, we had state revenue and agency revenue of just over $3 million. And with expenses of about $700,000, that left our net on both sides at $2.5 million.

Any questions about this?

As it’s one month into the budget year, I didn’t prepare any budget actuals, but I’ll have those in subsequent months.

MR. GOLLOTT: Thank you, Bill.

MR. FEINT: All right. Thank you.

MR. GOLLOTT: Melissa.

I. Directorate

Department of Environmental Quality is holding several community conversation meetings to talk about the money, how to restore the coast, the priorities that we have. There’s going to be a meeting tomorrow night in Bay St. Louis, Thursday night in Ocean Springs, and Saturday in Gulfport.

So someone from our agency will be at all of those meetings.

Any questions?

MR. GOLLOTT: Thank you, ma’am.

J. Other Business

MR. GOLLOTT: We have other business now.

Reconsideration of suspension of the Tackle Box.

1. Reconsideration of License Suspension of Tackle Box, Inc.

MS. CHESTNUT: Mr. Sullivan is here on Mr. Roland’s behalf. Did you want to say anything further? I know you made argument last month.

MR. SULLIVAN: Good morning. Unless you guys want us to reiterate our arguments from last month, we don’t really have anything new to offer other than we have continued our efforts to come up with a substitute supply chain in the event that the commission does impose a suspension of our live bait catcher license.

We have not come up with anything suitable as of yet that would be able to ensure that the fishermen in Gulfport...
and Long Beach were able to get live bait in the event the
commission does suspend our catching license. But we are still
making efforts.

We would ask today that you -- we haven't
received any new ruling obviously from you guys, so we would
ask that we continue to hold this matter in abeyance until Ms.
Chesnut and I have an opportunity to meet and go over this in
more detail to come up with a plan that works for everybody.

MS. CHESNUT: And to refresh your memory, the
order that was entered on July 1 was to suspend the live bait
catcher boat license for one month and require the respondent
to post a $1,000 bond before resuming the use of the live bait
catcher boat and place respondent on five years probation.

Suspension was supposed to take effect August 1,
but that was held in abeyance last month. So it's up for the
commission consideration.

MR. ZIMMERMAN: Would it be acceptable to do
this suspension of the license say October, November, which is
the down season for fishing, would that be something acceptable
to kind of meet?

MR. SULLIVAN: We've looked into that. We still
-- the issue that we're running into is there would be -- we
have issues with the harbors where the two bait shops are
located that we are required to be open and required to sell
bait under our contract with those cities. But we have been

1 violations. It wasn't one violation.
2 MR. SULLIVAN: Only one violation was actually
3 attributable to Mr. Roland. As we've explained on two prior
4 occasions before the commission, he was never aware that these
5 other independent contractors that worked for him had even
6 gotten these violations until this original petition was filed
7 by the commission with this new administration.

Had he been given notice -- and that was our
9 argument last time -- his due process rights were violated
10 because he was never given notice that you've received a
11 violation and we're going to punish you as a business. These
12 were individual violations received by people that worked or
13 that were independent contractors that caught bait for the shop
14 or employees that were working at the shop. And Mr. Roland,
15 the owner of the shop, was unaware of these things.
16 He's taken a lot of remedial measures to make
17 sure that none of these people work for him any more and that
18 none of these types of violations will ever occur. But only
19 one violation cited by the commission was actually attributable
20 to Mr. Roland. And the maximum penalty for that would be a two
21 week suspension under the statute.

So that's kind of where we are. We would like
23 to try to negotiate something with counsel and come up with a
24 plan and be able to tell you guys at the next meeting that
25 we've reached something that we can all live with. It's not so

1 unable to find any other source to purchase bait in order to be
2 -- you know, we're kind of between a rock and a hard place. If
3 we can't catch our own bait, we can't provide it to other bait
4 shops and we can't provide it to fishermen. And so if we
5 continue to catch bait then we're in violation of your order.
6 But if we don't provide bait, then we're in breach of contract
7 with the City of Long Beach and the City of Gulfport.

MR. ZIMMERMAN: This all comes down to breaking
9 the law. Laws have been broken, that's why we're here. And
10 with that said, you know, we have to impose some type of
11 penalty, and you're saying that you all are going to get in
12 trouble with the other thing. It's not our problem.

MR. SULLIVAN: No, sir. It's more detailed than
14 that.

And if we need to take this on appeal or for a
16 hearing, we'll do so. We were trying to avoid that and wasting
17 -- you know, spending more resources on doing so.

As I pointed out before, there's some due
19 process violations here. The order issued by the commission
goes straight to the death penalty. I mean, they go straight
21 for a suspension of our license where there was never a -- you
22 know, this is an enhanceable offense. There should be a two
23 week suspension and then a longer -- and it never happened.

MR. ZIMMERMAN: There were three or four
25 violations, if I'm not mistaken. There was numerous

1 much -- we understand the law has been broken, and we
2 certainly want to be held accountable and are not asking you to
3 look a blind eye on a violation of the law. But to penalize
4 Mr. Roland also penalizes the fishermen in Gulfport and Long
5 Beach who can't get bait. So if we can come up with a penalty
6 that allows him to provide bait to the fishermen but does not
7 put him out of business, I mean, that's kind of our goal, and
8 that's what we're getting at. We're not asking you to just --
9 MR. DRUMMOND: That's what you want us to do,
10 Mr. Sullivan?

MR. GOLLOTT: Counselor, Mr. Roland had called
12 me and asked me to get the penalty put off until September, he
13 could live with this. And at that time, I told him the
14 commission would probably reconsider the probation time, and
15 that's what I think we need to do. I think we need to
16 implement this thing in September and give him -- reduce it down
17 to two years probation. And if you want to take it further, 18
19 you can. That's my recommendation.

MR. BOSARGE: I would request one thing. I'd
20 like to see if they are independent contractors because as he
21 owns multiple live bait boats, as I own multiple shrimp boats,
22 and I'm involved in every phase of the production of those
23 boats, so I pretty well know where they're at and what they're
24 doing.

But I also have to furnish 1099's. I'd like to

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MR. SULLIVAN: We put all of these people’s identity and their business relation in our original response that we filed with the commission. So all that information is already on file with the commission.

MR. BOSARGE: Their 1099?

MR. SULLIVAN: I don’t know if their tax records are, but we can certainly try to find that for you. I don’t see that that would be a problem.

MR. GOLLOTT: We’ve already put this thing off a couple of months now, so I think it’s time.

Do we have a motion on this?

If not, I’ll make a motion that we implement this probation period down to two years and let this thing begin on September 1.

MR. DRUMMOND: Second the motion.

MR. SULLIVAN: I’m sorry, Mr. Gollott, I didn’t hear. Were you saying that Mr. Roland asked you directly to make it in September, because --

MR. GOLLOTT: Yes, sir. He called me on the phone and asked me, said he could live with it if we could put it off until September.

MR. SULLIVAN: Mr. Chesnut and I had a conversation about possibly being November or December, in the cold weather months where there’s not as much fishing. 24

MR. GOLLOTT: I understand that. But that was after I had talked to Mr. Roland, Mr. Roland had called me. He said he couldn’t live with it July, if we put him in July and August. I understand that. That’s prime live bait fishing.

But this thing has to get started. We can’t put it off until it’s convenient for Mr. Roland, then it wouldn’t be a penalty.

MR. SULLIVAN: I understand, Your Honor -- sir. It’s not just Mr. Roland that’s being inconvenienced. If it’s a penalty or fine or something, we would understand. But this is making it impossible for people in Gulfport and Long Beach to get live bait for a month.

MR. GOLLOTT: I’m a speckled trout fisherman. I will find my bait.

MR. CHESNUT: One thing I want to mention that the commission may want to consider reducing the suspension to two years in light of the fact that he certainly was aware of that violation because it was his own violation, and keeping the probationary -- reducing the probationary period to two years like Mr. Gollott had suggested.

MR. GOLLOTT: I’ll go along with counsel if that’s your recommendation to two years.

MR. SULLIVAN: Thank you.

MR. BOSARGE: So if I understand the motion correctly it would be a suspension of license for two weeks with a two year probation period thereafter.

MR. ZIMMERMAN: And a thousand dollars.

MR. BOSARGE: And a thousand dollars.

MR. GOLLOTT: And it starts September 1.

MR. BOSARGE: Starts September 1. I’ll second that motion.

MR. GOLLOTT: We have a motion; we have a second. All those in favor. Those opposed? Motion carries.

MR. SULLIVAN: Thank you for your time.

MR. ZIMMERMAN: Mr. Chairman, I’d like to ask something. How many public comments do we have?

MR. GOLLOTT: Three I believe.

MR. ZIMMERMAN: Could we possibly do that before going into executive session?

MR. GOLLOTT: Can we have a motion that we add it to the agenda?

MR. DRUMMOND: Mr. Chairman, I make a motion that we go into closed session to determine the need to go into executive session to consider personnel matters and ethics outline reports.

MR. GOLLOTT: Shelby, we’re going to hold that off until we consider Ernie Zimmerman’s motion to rearrange the agenda.

MR. ZIMMERMAN: I’d like to go ahead and hear the three public comments, Shelby, and try to get that out of the way rather than keep people waiting. I’d like to modify the agenda.

MR. GOLLOTT: Do we have a second?

MR. BOSARGE: So second.

MR. GOLLOTT: Okay. All those in favor say aye. Opposed? Motion carries.

MR. SULLIVAN: How we’ll vote on Shelby’s motion to go into executive session.

MR. ZIMMERMAN: I second his motion for executive session.

MR. GOLLOTT: We have a motion, a second. All those in favor say aye. Opposed? Motion carries.

K. Public Comments

MR. GOLLOTT: Public hearings.

MR. SWANSON: Good morning. This is the first meeting I’ve ever attended. But I go fishing in Waveland quite a bit. And a lot of people and I have a problem with the crab trap license and in order to run recreational crab traps you have to be in the vessel that’s licensed to the crab traps. What happens if someone gets ill, they’re incapacitated for whatever reason. From what I understand, the way the law is written no one else can run those crab traps. So they either don’t get run or they get stolen or they become derelict.

Is that true? Is that the way it reads?
MR. GOLLOTT: I think we’d have to ask Traci to answer that for us.

MS. FLOYD: Yes, sir, that’s the way it reads.

But if you find yourself in that situation, you can give us a call and we can help you with that.

MR. SWANSON: Okay. But I think in the booklet it tells you that you can’t do it.

So I’ve been living in the area for four years and the state for four years, and before the crab trap licenses were necessary I lived in Louisiana, we used to come here and I ran my little six crab traps and everything was fine until they got stolen.

But moving here, you know, that was one of the reasons I moved here, we enjoy doing that so much with the family. And almost like being afraid to go get the traps to run your own traps that you could be in violation.

So it’s a little scary there is what I’m saying. I think the wording might need to be changed a little bit or maybe there should be a provision in there, stated in there, if you have a situation like that.

I was talking to someone else who said that they have friends that live in the Jourdan River area, and maybe two or three families might have six crab traps per family, and if they wanted to go out in open boat and run all those families, they couldn’t do it.

I would think that if you’ve got your paperwork, your licensing, your tags or whatever you need, I don’t know all the particulars, why is that such a problem, especially if somebody wants to have a big family crab boil. The way crabbing is right now, you’re lucky if you go out -- I’ve talked to people -- lucky if you go out and run your six traps and catch a dozen, two dozen crabs. That’s not enough.

MR. BOSARGE: I think it’s mostly to keep somebody else from running your traps.

MR. SWANSON: Well, and I understand that. But again, keeping them, but if you have the identification with you, if you’re in the boat and you have your identification, I don’t see the problem. I mean, the old story of the officer’s judgment call, I mean, they’re pretty sharp guys, they’ve been out there all the time. They know if somebody is trying to pull the wool over their eyes.

MR. BOSARGE: Do you fish your traps a lot?

MR. SWANSON: I don’t even have any yet. Well, I have some from years ago. They’re sitting under my house. They’ve never been used. I don’t own a boat yet. I’m putting up a -- if you want to call it a shed, whatever, my wife says I can’t have a boat until I finish that. And I don’t blame her because I want to keep it under cover. I don’t want it to be outdoors. I want it to be protected. And I’m 69 now. How much longer do I have? And

1 I want to get this, and I’d like to be able to have my kids come over and have crab boils like we used to have in Waveland.

And I’m just --

MR. GOLLOTT: We’ll refer that to Traci and let her come back with what she thinks.

MR. SWANSON: Okay. That’s basically it.

MR. ZIMMERMANN: Rusty, did you have something to say?

MR. PITTINN: Yes, sir. Of course, state law states six crab pots per household is all you’re allowed. But in case -- I think he mentioned something that if somebody was sick and couldn’t run their crab pots, we have allowed that somebody else could go out if they would call us and take the person that’s crabbing the license with them, the person that is sick, and would be able to run those crab pots and pick the crabs up and bring them in. We have allowed that as long as they call us.

MR. ZIMMERMANN: And, you know, myself, Mr. Swanson notified me about this and that’s why I told him to come speak to us about it. And to me it’s very un-environmental friendly law. You have families that live out in Jourdan River Shores -- I know Mr. Wells is here, he’s talked to me before. Him and somebody else want to go run traps together, they can’t. Rather than loading up in two boats to go do one job, why -- I mean, to me, it gets me as

very un-environmental friendly law.

MR. PITTINN: Of course, that’s a state statute law, so it would have to go through the legislature to be changed.

MR. ZIMMERMANN: So it’s the legislature has it that the license is per boat?

MR. PITTINN: Per boat, yes, sir.

MR. SWANSON: That needs to be changed.

MR. ZIMMERMANN: Well, we need to look at it.

MR. SWANSON: Thank you.

MR. GOLLOTT: Thank you, sir.

Okay. Mr. F.J. Eicke, it’s your turn.

MR. EICKE: My name is F.J. Eicke. I appear today as chairman of the government relations committee of CCA Mississippi.

Melissa Scallan advised y’all of the hearing tonight. That’s the focus of my comments. There is a hearing tonight at six o’clock as she mentioned at the Courtyard by Marriott.

It’s dealing with a thing called Amendment 40 which is a proposal by the Gulf Council to separate the charter for hire from the private recreational subsections you might say that would cut the red snapper allocation in approximately half and assign IPQs, what are essentially IPQs, individual
fishing quotas, to charter captains with reef fish permits.

What you need to realize is that this is based on past catch from 1996 I think the date is to 2012. And it's going to put the Mississippi charter captains at a distinct disadvantage.

The information that I have is that the charter captains in Mississippi are adamantly against this proposal. And this is likely to be one of the few hearings in which private recreational anglers and charter captains hopefully outnumber the group that follows these hearings place to place by support of a environmental defense fund that seems to be doing this and trying to get this in.

This amendment may well be considered by the Gulf Council at the August meeting which occurs at the Beau Rivage next week. And it's my hope and the CCA's hope that not only the DMR representative but the other two representatives from Mississippi on the Gulf Council are aware of the opinion of Mississippi offshore anglers, both recreational and charter captains, and oppose this amendment.

I served on a advisory panel called the Red Snapper Advisory Panel that met back earlier in July, at the end of July. It was real interesting, because the final vote was no action by the Gulf Council. It included 11 votes, three of the votes against that particular no action recommendation or motion came from commercial fishermen. One of them came from someone that is with apparently the Sea Grant out of Texas A&M University. And one was from a charter captain from Destin.

There were six votes that went to approve this motion to the Gulf Council to take no action. Four of them were CCA members. Two of them were charter captains, one from Texas, one from Florida.

The divisions within the charter captains, if you take that as the most effective group, and, of course, I think the recreational group, the private recreational group is also, but if you take that, there are divisions within the charter captains. We're about to have a situation occur with this whole -- with the actions of the Gulf Council on red snapper and other actions that is just going to create a lot of dissonance that we just have not experienced in the past. It's a war going on right now, and the sides are well drawn. And it's about time that we get together and decide things based on rational means rather than some other means that seem to be based on who's going to profit and who's not.

It's going to kill the charter captains, in particular ours, and they know it. It's been done in other places. And so we're well aware of it. It's been looked at.

And CCA is adamantly opposed to Amendment 40.

MR. BOSARGE: Mr. Eicke, this is Amendment 40. This war has been going on a long time. And I know change things, we know for example within the commercial sector in the red snapper IFQs in the commercial sector that those are not even being fished in many, many cases. They're being fished by people, and there's benefit being derived by owners of these IFQs but they're not fishing. They're using them as a property right which is what we gave them back when we did the IFQ in the commercial sector.

MR. BOSARGE: You and I can have this debate some other time.

MR. EICKE: And we would probably never come to an agreement, but that's okay. I thank you.

MR. GOLLOTT: At this time we'll go into closed session.

[Off the record.]

MS. LEIFER: The commission is now in executive session.

[Off the record in executive session 10:45 a.m.]
COMMISSION ON MARINE RESOURCES

COURT REPORTER'S CERTIFICATE

I, Norma Jean Lader Soroe, Certified Shorthand Reporter, do hereby certify that to the best of my skill and ability I have reported the meeting of the Commission on Marine Resources and that the foregoing 72 pages constitute a true and correct transcription of said meeting held on the 19th day of August 2014.

I do further certify that my certificate annexed hereto applies only to the original and certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control and direction.

Witness my signature this the 3rd day of September 2014.

NORMA JEAN LADER SOROE, CSR #1297
Certified Shorthand Reporter

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