

# *Compressed Transcript*



COMMISSION ON MARINE RESOURCES

## COMMISSION MEETING

April 15, 2014

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

1 COMMISSION ON MARINE RESOURCES  
 2  
 3 MEETING OF COMMISSION ON MARINE RESOURCES  
 4 April 16, 2014

6 \*\*\*\*\*  
 7 TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT  
 8 BOLTON STATE BUILDING, PUBLIC MEETING ROOM, 1141 BAYVIEW  
 9 AVENUE, BILOXI, MISSISSIPPI, ON THE 15TH DAY OF APRIL 2014  
 10 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER  
 11 SOROE, CERTIFIED SHORTHAND REPORTER.  
 12 \*\*\*\*\*

14 COMMISSION MEMBERS PRESENT:

- 15 JIMMY TAYLOR, Chairman  
 16 RICHARD GOLLOTT  
 17 STEVE BOSARGE  
 18 ERNIE ZIMMERMAN

19 ALSO PRESENT:

- 20 JAMIE MILLER, Director DMR  
 21 JOSEPH R. RUNNELS, ESQ., Asst. Attorney General  
 22 SANDY CHESNUT, ESQ., Asst. Attorney General

1 MR. TAYLOR: Okay. Second?  
 2 MR. ZIMMERMAN: Second.  
 3 MR. TAYLOR: All those in favor.  
 4 D. Executive Director's Report  
 5 MR. TAYLOR: Next up we have Jamie Miller with  
 6 the executive director's report.  
 7 MR. MILLER: Thank you, Chairman Taylor. I've  
 8 got a few items. Shouldn't take too long.  
 9 First, give you an update. In February, the  
 10 agency received bids for the Katrina key expansion. Low bid  
 11 was received from J.E. Borries, and we have a contract in place  
 12 now as far as the demolition of the infrastructure associated  
 13 with Grand Casino or now Harrah's in East Biloxi.  
 14 The contractor is mobilizing here in the next  
 15 few days and should begin deployment of those columns very  
 16 soon, days not weeks.  
 17 Next is commercial oyster and blue crab disaster  
 18 recovery plan. As you know, we've recently been notified by  
 19 NOAA that the agency will receive \$10.9 million in a disaster  
 20 grant as a result of the Bonnet Carre Spillway opening in 2011.  
 21 The staff has been working to prepare a framework plan to  
 22 submit to NOAA by June 1 this year. I would like to request  
 23 that two members of the commission be selected to work with our  
 24 staff to review and comment on the plan before we go out for  
 25 public comment in May.

1 A. Call to Order  
 2 MR. TAYLOR: I want to invite y'all to the April  
 3 meeting of the CMR and call to order.  
 4 B. Approval of Minutes  
 5 MR. TAYLOR: And first up is approval of the  
 6 minutes.  
 7 MR. ZIMMERMAN: Mr. Chairman, I have something  
 8 I'd like to clarify on the motion we made on the gill nets last  
 9 meeting. I believe it's in the minutes as 14 inch square; it  
 10 should be 14 inch stretched. It's a 14 inch stretch  
 11 measurement on the back.  
 12 MR. TAYLOR: Okay. I need a second on that.  
 13 You're making a motion to amend the minutes.  
 14 MR. GOLLOTT: I'll second, Mr. Chairman.  
 15 MR. TAYLOR: All those in favor. Okay.  
 16 Other than that, do I have a motion to accept  
 17 the minutes?  
 18 MR. BOSARGE: So moved, Mr. Chairman.  
 19 MR. GOLLOTT: Second.  
 20 MR. TAYLOR: All those in favor.  
 21 C. Approval of Agenda  
 22 MR. TAYLOR: Next up is the agenda. Do I have  
 23 any changes to the agenda, or do I have a motion for approval?  
 24 MR. GOLLOTT: I make a motion we approve the  
 25 agenda as presented.

1 MR. TAYLOR: Mr. Chairman, I'd like to appoint  
 2 Commissioner Gollott and Commissioner Bosarge to the committee.  
 3 MR. MILLER: Thank you.  
 4 Next, last week in Baton Rouge, the Gulf of  
 5 Mexico's Fishery Management Council through an emergency rule  
 6 voted to have an 11 day recreational red snapper season. This  
 7 was primarily the result of a recent Corps decision regarding  
 8 the lack of accountability measures used in recreational  
 9 component of the red snapper fishery.  
 10 The recreational season has been further  
 11 compromised by incompatible or noncompliant state season and  
 12 bag limits adopted by Texas, Louisiana, and Florida.  
 13 In response to this decision, I called a meeting  
 14 of fisheries and law enforcement staff to discuss and consider  
 15 all options for the agency and the Commission on Marine  
 16 Resources to mitigate this outcome to provide additional days  
 17 or any opportunities to our recreational and for hire  
 18 fishermen.  
 19 I've also been in contact with Alabama's  
 20 director to discuss what options they are considering.  
 21 Additionally, we are planning a Mississippi  
 22 recreational red snapper summit in early May to discuss and  
 23 bring in recreational including for hire charter fishery to  
 24 discuss a path forward. We will make that announcement about  
 25 the time and location as soon as possible, but it's time for

1 Mississippi and our fishermen to get together and figure out  
2 how we move forward with this very important fishery.

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

6 One was SB-2579, the DMR Accountability and  
7 Reorganization Act basically requires annual audits of our  
8 accounts, the DMR, requires certain offices and professional  
9 personnel with specific qualifications be hired for the DMR,  
10 and provides a six month exemption from the State Personnel  
11 Board for reorganization.

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

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

19 And HB-1485 which was DMR's fiscal year 2015  
20 appropriation, basically we kept in place the 147 authorized  
21 positions, our general fund appropriation was the same as last  
22 year, \$1.12 million, and a tidelands trust fund appropriation  
23 of estimate at this time, but it's \$9.787 million.

24 I've also got a few personnel announcements. We  
25 have been interviewing several key positions within the agency.

5

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

4 (Applause.)

5 MR. MILLER: That concludes my report, Chairman.

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

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

12 E. Office of Marine Patrol

13 1. Report on Citations

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

16 I'd like to congratulate Dave on his retirement,  
17 too. Enjoyed working with him over these several years.  
18 Good luck to you, Dave.

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

21 On the front page on Number 1 under violations,  
22 that case was made with the help of Alabama Marine Resource  
23 officers who were patrolling Alabama waters looking for illegal  
24 gill netting and happened to notice a boat in Mississippi  
25 waters out from Heron Bay with one subject tonging oysters,

7

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

7 (Applause.)

8 MR. MILLER: Also notice in the crowd that  
9 Jennifer Wittmann is back from maternity leave. We're glad to  
10 Jennifer back. Glad to have you back.

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

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

25 But anyway, Dave, I want to thank you personally

6

1 notified our dispatch. We dispatched officers over there, and  
2 with their help we did make the arrest on that and kept those  
3 oysters from getting out to the public. So I'd like to thank  
4 Major Scott Bannon with the Alabama Marine Resources and his  
5 officers for their assistance.

6 On Page 2, boating accident with injuries, we  
7 had one. I'd like to mention a little bit on this. This was  
8 an accident, a boat accident that happened at the Ocean  
9 Springs-Biloxi bridge. The bridge tender called it in to our  
10 dispatch of a capsized vessel and a subject hanging onto the  
11 boat. Officer Faron O'Grady responded and arrived on the scene  
12 within five minutes which is a great response time. And with  
13 that time, he was able to get -- in getting there, he was able  
14 to get the man out of the water and into his boat. The man did  
15 have a minor laceration to his hand, transported him into Ocean  
16 Springs harbor, and AMR was waiting for him there and treated  
17 the man.

18 Our JEA patrols in March, we had 39 patrols,  
19 total man hours 653, made 458 contacts, enforcement action  
20 reports are 11, state citations issued were 16.

21 MR. TAYLOR: Rusty, since I guess taking this  
22 position, you know, been on TV and the paper with this and  
23 people tend to seek me out when they've gotten a ticket, you  
24 know, over the last couple of years, and I bring this up all  
25 the time, you know, we've had some things that weren't very

8

1 good for the department, but every time most of the people have  
 2 stopped me, and this happened last week, a person got a ticket  
 3 for a paddleboard I think, I'm going to ask you about that, and  
 4 my first question was, was the officer professional and nice.  
 5 And in the eight years I've served, I've only had one that  
 6 said, no, they weren't, and that was -- well, I don't... Well,  
 7 anyway, it was a female and I don't know who it was, but they  
 8 said she was very nice and very professional, still gave them a  
 9 ticket, but please tell your people, you know, to keep that,  
 10 they have a good reputation on the water.

11 Thank you.

12 MR. PITTMAN: Thank you, Mr. Chairman.

13 MR. BOSARGE: Rusty, I have one question because  
 14 it's that time of year again. Are we starting to see any  
 15 turtle strandings?

16 MR. PITTMAN: We've had -- I think we've had a  
 17 couple reports of turtles hooked turtles, I believe, if I'm not  
 18 mistaken. Just a couple.

19 MR. BOSARGE: Thank you.

20 MR. TAYLOR: Rusty, on that, and I don't know,  
 21 it appears a lot of turtles are being hooked on piers and at  
 22 marinas and all. It's my understanding, if you pick a turtle  
 23 up like that, it breaks his neck -- I'm not a biologist or  
 24 anything. Is that -- Joe or someone?

25 MR. JEWELL: Can we get Traci Floyd?

9

1 MR. JEWELL: First up on the agenda for marine  
 2 fisheries is final notice for Title 22 Part 13 onshore  
 3 aquaculture.

4 Notice of intent was posted and passed by the  
 5 marine commission on February 4 of this year.

6 We did a public notice on the web page on  
 7 February 7.

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

10 This is a summary of the major changes.

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

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

19 Chapter 6, requirements specific to molluscan  
 20 shellfish aquaculture.

21 103. Onshore aquaculture.

22 103.01. Onshore culture of molluscan shellfish  
 23 included in any aquaculture operation of molluscan shellfish on  
 24 the mainland and all offshore or barrier islands that involve  
 25 either the production or grow out of spat or seed stock and not

11

1 MR. TAYLOR: I guess what I'm asking, would it  
 2 be wise for us to do like we did to maybe put some signs, just  
 3 cut the -- you know, out?

4 MR. PITTMAN: We have some instructions for our  
 5 officers that IMMS gave us on how to handle them. So I think  
 6 Traci could probably speak to that.

7 MS. FLOYD: Hey. We do have some signs up, but  
 8 we're in the works of putting up some more, and we certainly  
 9 appreciate your support with that.

10 MR. TAYLOR: Okay. Thanks.

11 MR. BOSARGE: That's all.

12 MR. TAYLOR: Thank you, Rusty.

13 Joe Jewell, office of marine fisheries.

14 F. Office of Marine Fisheries

15 MR. JEWELL: Good morning, commissioners. Can  
 16 y'all hear me? Good morning, commissioners, Executive Director  
 17 Miller, Sandy.

18 I'd like to also thank and congratulate Ms.  
 19 Floyd. She brings over 20 years of experience to the position  
 20 of deputy director, and I'm sure she'll do a wonderful job.

21 I'd also like to congratulate Dave Ruple on his  
 22 extended stay at the Grand Bay NERR. He did a wonderful job.  
 23 He's been here two different times and did a wonderful job both  
 24 times here at the DMR.

25 1. Title 22 Part 13: Onshore Aquaculture

10

1 intended for direct consumption.

2 103.02. All onshore molluscan shellfish  
 3 aquaculture facilities are required to certify that all stock  
 4 culture and originating from sources outside of the State of  
 5 Mississippi are free of any disease or parasites harmful to  
 6 marine organisms. Such certification shall be submitted to the  
 7 MDMR prior to the operation of the aquaculture facility.

8 103.03. Prior to the release into the waters of  
 9 the State of Mississippi any discharge from an onshore  
 10 molluscan shellfish aquaculture facility is required to be  
 11 treated to eliminate any parasites or disease harmful to the  
 12 marine organisms. Documentation of this process shall be  
 13 submitted to the MDMR.

14 103.04. Prior to the release into the waters of  
 15 the State of Mississippi any effluent from an onshore molluscan  
 16 shellfish aquaculture facility is required to be treated to  
 17 reduce the pre-approved limits, all chemicals, drugs, or any  
 18 substances which may be present in the effluent. Documentation  
 19 of this process shall be submitted to the MDMR.

20 103.05. Only the culture of species native to  
 21 the State of Mississippi including polyploid native species  
 22 shall be permitted.

23 103.06. In addition to the aforementioned  
 24 requirements for molluscan shellfish culture, an application  
 25 shall also abide by all relevant MDMR regulations governing

12

1 shellfish.  
 2 What now would be required is a motion for final  
 3 adoption for proposed rule Title 22 Part 13.  
 4 MR. TAYLOR: Do I have a motion?  
 5 MR. BOSARGE: I'll make the motion that we  
 6 accept final adoption of proposed rule Title 22 Part 13.  
 7 MR. TAYLOR: Do I have a second?  
 8 MR. ZIMMERMAN: Second.  
 9 MR. TAYLOR: All those in favor. Passes  
 10 unanimous. Thank you, Joe.

11 MR. JEWELL: Thank you, commissioners.  
 12 Next up on the agenda is a cooperative stock  
 13 agreement panel presentation by Mr. Matt Hill and Mr. Read  
 14 Hendon.

15 2. Cooperative Stock Assessment Panel

16 MR. HILL: Good morning, commissioners, Director  
 17 Miller, Ms. Chesnut. I think I've talked enough in the last  
 18 few commission meetings, so I'm going to turn this over to Read  
 19 Hendon and Robert Leaf. They did the lion's share of the work  
 20 on putting some of this together.

21 Robert is conducting our red drum assessment  
 22 that is currently going on, but I'm going to allow Read to come  
 23 up here and give the presentation on this partnership between  
 24 ourselves and GCRL to conduct stock assessments.

25 MS. HENDON: Good morning. Appreciate having

1 to make sure we have what we need to conduct a quantitative  
 2 assessment. If there are data gaps, we need to identify those  
 3 and then collect either supplemental samples or in extreme  
 4 cases maybe develop new sampling programs to address those data  
 5 inadequacies.

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

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

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

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

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

1 the opportunity to discuss the stock assessment panel with you  
 2 this morning.

3 Since you received the summary of the panel and  
 4 its objectives at last month's commission meeting, I'll be  
 5 brief with this presentation here so we can move on to any  
 6 questions you may have.

7 I would first like to thank DMR, particularly  
 8 Jamie and Kelly, for seeing the value in this and providing  
 9 support for the panel's activities.

10 The Mississippi stock assessment panel was  
 11 established through an MOU between DMR and the Gulf Coast  
 12 Research Laboratory in January of last year.

13 Funding, however, was not put in place to  
 14 support the panel's activities until recently.

15 The panel consists of two DMR and two GCRL  
 16 scientists, and we report to Kelly as the chief scientific  
 17 officer and Joe as director of marine fisheries.

18 General purpose of the panel is obviously to  
 19 conduct stock assessments of the state's marine fisheries and  
 20 provide those results to you for consideration in making sound  
 21 management decisions.

22 Specific objectives include one, working with  
 23 the commission to identify the stocks that we need or want to  
 24 assess. Once we identify those stocks, we need to evaluate the  
 25 scientific data and the fishery based data that are available

1 something we'd like to get your input on.

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

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

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

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

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

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

23 MR. LEAF: That's the intention.

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

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

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

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

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

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

25 MR. BOSARGE: And I'm glad to see, I'm glad to

17

1 prior to the issue coming up.

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

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

13 MR. HILL: Correct.

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

23 Thanks.

24 MR. HILL: Yes, sir. And that's part of the  
25 process is to evaluate before the assessment starts would be to

19

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

5 Great. I'm glad to hear it.

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

12 MR. BOSARGE: Thank you.

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

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

24 MR. BOSARGE: It would be -- it's never a  
25 perfect world, but it would be nice to have those assessments

18

1 evaluate the data that we have at hand on that particular  
2 species and try to figure out the holes that we need to fill  
3 and try to fill those before we actually run the assessment.

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

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

10 MR. HILL: On the sheepshead?

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

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

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

22 Thank you.

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

25 MR. HILL: We got one more presentation.

20

1 MR. BOSARGE: I'm going to hit you after that  
 2 then.  
 3 MR. JEWELL: Our final item on the agenda is  
 4 state records. And Mr. Porche is out for today, and so Mr. Was  
 5 Devers is going to take that item up for y'all.

6 3. State Records

7 MR. DEVERS: Good morning, commissioners,  
 8 Director Miller, Ms. Chesnut.

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

12 For your consideration today is the record  
 13 that's pending. We've all seen it in the newspaper and all.  
 14 It's the new conventional tackle for grater amberjack, *Seriola*  
 15 *dumerili*. The old record is 124 pounds 4 ounces, and the new  
 16 record is 126 pounds even. It was caught by Mr. Don Wheeler.  
 17 And if I'm not mistaken, I believe he was fishing aboard a  
 18 charter boat out of one of the harbors here. And Mr. Wheeler  
 19 is actually from Laurel. So very impressive fish.

20 And there's Mr. Wheeler and his catch.

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

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

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

25 MR. BOSARGE: So second.

1 Here's a diagram of the project.  
 2 In 2005, the commission approved a permit for Mr  
 3 Bobby Tucker that expired in 2008.  
 4 In December of '05, the applicant submitted a  
 5 modification request to remove a pier and cover some of the  
 6 slips.

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

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

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

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

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

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

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

24 MR. TAYLOR: Second?

25 MR. BOSARGE: So second.

1 MR. TAYLOR: All those in favor.  
 2 I'd hate to have been on the other end of that  
 3 rod with 125 pound reef donkey as they're called.  
 4 Okay. Next up, office of coastal zone  
 5 management. Jan Boyd.  
 6 G. Office of Coastal Zone Management  
 7 MR. CHRISTODOULOU: Jan is out this weekend.  
 8 Willa today is at a wetlands and water quality workshop getting  
 9 to let municipal employees and county employees aware of some  
 10 of the regulations and permitting processes that they have to  
 11 go through for some of their projects.

12 1. Bureau of Wetlands Permitting

13 a. The First, A National Banking Association

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

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

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

1 MR. TAYLOR: All those in favor. It's  
 2 unanimous. Thank you.  
 3 H. Office of Finance and Administration  
 4 MR. TAYLOR: Next up is office of finance and  
 5 administration, Bill Feidt.  
 6 1. FY14 Monthly Report  
 7 MR. FEIDT: Good morning, everyone. I want to  
 8 give you our financial position as of the end of March.  
 9 Some of the key metrics from last month, we  
 10 ended March with state revenue of \$10.6 million. Total agency  
 11 revenue we're at \$25.9 million. The two key metrics I've  
 12 really been watching along with Director Miller, the state net  
 13 income, we're at \$2.3 million, and total operating funds, we  
 14 have a net position of \$1.6 million to finish the year out  
 15 with.

16 Any questions on this?

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

22 And then my standard note is this is consistent  
 23 with transparency.ms.gov, and I encourage anyone that has any  
 24 questions about the agency's financial comings and goings to  
 25 take a look at that website. It's very rich with information.

1 Any questions?  
 2 MR. BOSARGE: So you're saying we're going to be  
 3 able to pay all our bills, Bill?  
 4 MR. FEIOT: I've said several times I'm  
 5 cautiously optimistic. I am now into the optimistic standpoint  
 6 that we'll finish the year in a good financial state.  
 7 MR. BOSARGE: Good job.  
 8 MR. FEIOT: Each month we've been getting a  
 9 little bit better, and I feel good about the end of the year.  
 10 Thank you.  
 11 MR. TAYLOR: Thank you, Bill.  
 12 Next up is public affairs, Ms. Melissa Scallan.

13 I. Directorate

14 1. Public Affairs

15 MS. SCALLAN: Good morning, commissioners,  
 16 Director Miller, Sandy.  
 17 Since the last COM meeting on March 18, the DMR  
 18 has been mentioned 45 times in newspapers, TV stations, and  
 19 radio stations across the region. I can tell you the amberjack  
 20 record got a lot of play. I got calls from Houston and other  
 21 areas of people writing about that, so that was popular.  
 22 Our employees have participated in several  
 23 events. We have the Gulf Coast Boat & Yacht Show that over  
 24 four days had about 20,000 people that attended that.  
 25 We had Celebrate the Gulf which was a success

1 1. Final Adoption of Changes to Commissioners'  
 2 Administrative Handbook  
 3 MR. RUNNELS: Good morning, commissioners. This  
 4 is a follow-up to what you did last month on amending the  
 5 handbook. We filed that with the Secretary of State's Office.  
 6 Here is the proposed amendment. The only change  
 7 is down there on the next to the last or the very last sentence  
 8 where we're changing it from seven days to ten days on getting  
 9 agenda items out to the commission.  
 10 I don't know that it's really necessary to have  
 11 you make a final change to it since you already have in your  
 12 rules that they're effective within 30 days, but the process  
 13 that the Secretary of State's Office is familiar with is that  
 14 you come back, make a final adoption, and then we file it one  
 15 more time. So I would ask that you entertain a motion to  
 16 approve this change to your commission handbook.  
 17 MR. TAYLOR: Do I have a motion?  
 18 MR. COLLOTT: So moved, Mr. Chairman.  
 19 MR. TAYLOR: Second?  
 20 MR. ZIMMERMAN: Second.  
 21 MR. TAYLOR: All those in favor. Passes. Thank  
 22 you, Joe.  
 23 MR. RUNNELS: And, by the way, the Secretary of  
 24 State's Office is now assigning it a new number. It will be  
 25 Title 22 Part 22.

1 despite the bad weather. We had several thousand people that  
 2 attended that.  
 3 Some upcoming events we have is Renew Our  
 4 Rivers, a project coordinated by Mississippi Power that our  
 5 employees will be participating in. There's also this year an  
 6 event called Pier Walk which is held each year at the Ken Combs  
 7 Pier. Director Miller will be speaking at that event. And  
 8 both of these are held in conjunction with Earth Day.  
 9 I'm glad Rusty mentioned about the officers that  
 10 responded. We did get some good press out of that event and  
 11 there have been several other already, people, fishermen that  
 12 they've helped with boats and that kind of thing. So I'm glad  
 13 they are so able to help us and our fishermen.  
 14 Last week, we had two radio spots about the  
 15 agency that began airing on MPB radio. One is about boater  
 16 safety, and one is a reminder to renew your recreational  
 17 saltwater fishing license. Those run in the morning between  
 18 5:00 and 9:00, and we'll rotate them each month, so to have  
 19 some different ones.  
 20 So we'll probably do one about our 20th  
 21 anniversary and things like that. So those will be changing.  
 22 Any questions? Thank you.  
 23 MR. TAYLOR: Thank you, Melissa.  
 24 Other business. Joseph Runnels.

25 J. Other Business

1 MR. TAYLOR: Thank you, Joseph.  
 2 Next up is Mr. Richard Gable address the  
 3 commission regarding degradable net material.  
 4 2. Richard Gable  
 5 MR. GABLE: Hello. My name is Richard Gable.  
 6 MR. TAYLOR: Speak a little closer to the  
 7 microphone, Mr. Gable.  
 8 MR. GABLE: Last month's meeting about the net  
 9 about putting the walling on it answered one of my questions  
 10 and what I had asked y'all about.  
 11 The degradable net part, the cotton, it did not.  
 12 In 2012 when I come here, that was the first  
 13 time I asked for that, the nylon back, because the cotton will  
 14 not hold up. You might get three months out of a net that you  
 15 tie close to \$1,000 up in to be able to fish that will last  
 16 three months.  
 17 And I'm asking y'all, will y'all please vote on  
 18 either to let me use nylon webbing for my net or not?  
 19 MR. BOSARGE: And, Mr. Gable, I've talked to  
 20 several other fishermen, and me probably more than anybody else  
 21 kind of got off track with where we started. Where we started  
 22 was to either approve or disapprove nylon as a material for  
 23 gill net construction.  
 24 And we went from there to approving the walling  
 25 as an approved material.



1 So if I could get Matt back up there one more  
 2 time and look at the options from the last meeting.  
 3 Matt, I think you've got that in front of you.  
 4 You probably can't put it on overhead.  
 5 MR. HILL: I did. I got it on the overhead if  
 6 y'all want to look at some of this.  
 7 MR. BOSARGE: Yes, please.  
 8 MS. CHESNUT: Mr. Chairman, I just want to  
 9 clarify for the record that we're treating Mr. Gable's letter  
 10 as a petition for reconsideration. And the commission has the  
 11 authority to take the action that they deem appropriate. They  
 12 actually have four choices. They can grant or deny Mr. Gable's  
 13 request without further argument. They can request a response  
 14 from DMR, which it seems that's the direction we are headed.  
 15 They can set the matter for evidentiary hearing. Or they can  
 16 make any further order they deem appropriate under the  
 17 circumstances.  
 18 MR. GOLLOTT: Sandy, do we need a motion to  
 19 reconsider it?  
 20 MS. CHESNUT: No. He's already filed his  
 21 petition for reconsideration. You'll make a motion if you take  
 22 any action.  
 23 MR. JEWELL: And the response that the DMR is to  
 24 Commissioner Bosarge request that we present the options that  
 25 we had given at the previous commission meeting. Correct?

1 these eligible gill and trammel net fishermen to construct  
 2 their nets with multi-filament nylon twine. It did allow new  
 3 entrance into the fishery and trammel net fishery.  
 4 However, these fishermen would only be allowed  
 5 to construct their nets with cotton, linen, or materials  
 6 meeting the approved degradable materials definition.  
 7 It does not sunset the gill or trammel net gear.  
 8 However, it does sunset the use of nylon to construct these  
 9 nets. Once these certain number of fishermen pass, there will  
 10 no longer be any fishermen allowed to use the nylon to  
 11 construct these nets. However, they can continue to use the  
 12 cotton linen.  
 13 Alternative 3. We went -- we changed the  
 14 approved material definition a little bit and just put  
 15 everything in there, cotton, linen, untreated, multi-filament,  
 16 and left the degradable definition in there. All of these  
 17 things are the same as Option 2. The annual tagging. We also  
 18 struck out calling in and calling out to marine patrol in this  
 19 one.  
 20 MR. TAYLOR: Matt, let me stop you there. Where  
 21 is the push back on that coming from, calling in?  
 22 MR. HILL: We had a couple of comments come in  
 23 with some fishermen, and we just weren't quite sure exactly how  
 24 that would work with the area exactly.  
 25 MR. TAYLOR: I think it's very important. Gill

1 MR. BOSARGE: Correct.  
 2 MR. HILL: I'll try to run through it a little  
 3 quicker.  
 4 MR. BOSARGE: Specifically Option 4.  
 5 MR. HILL: Yes. Well, we started out with the  
 6 reconsideration of the degradable net material.  
 7 Current regulations are located in Title 22 Part  
 8 5.  
 9 Alternative 1 was just status quo. I just took  
 10 that out. I mean, we can still go there. I think we all know  
 11 what status quo is by now, but Alternative 1 is status quo.  
 12 Alternative 2 began basically with how it is,  
 13 it's in the definitions right now, the approved degradable  
 14 material. We struck out a lot of things, and we get down to  
 15 the net shall be tagged annually, which that was something that  
 16 came up with the other. One thing that we did take out from  
 17 here, we had a little push back on calling in and calling out,  
 18 so that's 100.14. We struck that out. We changed 100.15 a  
 19 little bit saying any license holder that's convicted of three  
 20 citations and convicted was the key word, it wasn't just a  
 21 received, it was convicted of citations with any three years  
 22 shall have their license revoked. And .16 was allowing the  
 23 current tag gill net holders to use nylon walling on their gill  
 24 and trammel nets.  
 25 And basically the summary to this was it allowed

1 nets are a ghost fishery, and in the past we have had problems  
 2 with -- not with Mr. Gable, with some people especially in  
 3 Jackson County setting nets and all. And if you're a  
 4 commercial snapper fisherman or commercial -- you have a  
 5 transponder on your boat. And I think it's just -- everybody's  
 6 got a cell phone. It's real easy.  
 7 So anyway, go ahead.  
 8 MR. HILL: Well, that's something that can be  
 9 added in with the discussion here. That's just something we  
 10 did strike it out.  
 11 MR. BOSARGE: I believe though in the rules,  
 12 Matt, it also says that you have to stay within certain  
 13 distance of the net and you have to maintain contact with the  
 14 net. There is no more set netting, so to speak.  
 15 MR. HILL: That is correct. You have to  
 16 maintain a certain distance from the net.  
 17 We changed this to say any license holder  
 18 convicted of three citations with any three years shall have  
 19 their license revoked.  
 20 Some of the additional regulations that we did  
 21 put in here were they had to possess a gill or trammel net  
 22 which has been approved and tagged by the MMR between  
 23 September 1, 2005, and March 18, 2014. And they also had to  
 24 continuously hold a valid commercial net boat license from  
 25 January 2012 to present.

1 The summary. Allows eligible gill and trammel  
 2 net fishermen to construct their nets with multi-filament nylon  
 3 twine. It establishes the endorsement. This endorsement would  
 4 only be obtainable by the fishermen that currently possess a  
 5 gill or trammel net that was approved and tagged between  
 6 September 1, 2005, and March 18, 2014, so it would just  
 7 grandfather this small group of fishermen in. It does not  
 8 allow new entrants into the fishery. It states the gill and  
 9 trammel net endorsement shall be non-transferrable. And this  
 10 does sunset the gill and trammel net gear after the retirement  
 11 of those fishermen eligible for the endorsement.

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

18 MR. TAYLOR: Do you have a slide on 4?  
 19 MR. GOLLOTT: Matt, let me ask you a question.  
 20 Doesn't that open us up to some federal lawsuits if we sunset  
 21 these nets altogether? Don't we need to at least leave that  
 22 biodegradable net in there to stay out of some lawsuits like  
 23 they're having in Florida?

24 MR. HILL: We may have an issue unless -- with  
 25 such a small group of fishermen right now, if we sunset the

1 Any license holder convicted of three citations  
 2 with any three years shall have their license revoked.  
 3 To possess a gill or trammel net which has been  
 4 approved or tagged between September 1, 2005, and March 18,  
 5 2014, these are the ones that if you sunset it, sunset the  
 6 thing, these are the only ones that would be allowed to use a  
 7 gill net period. If we do not, these would be the ones that  
 8 would be allowed to use it, the nylon.

9 Continuously held -- this is something new --  
 10 continuously held a valid commercial net boat license from  
 11 January 2012 to present. You had to have that to even qualify  
 12 to use the gill net period.

13 So in this alternative it allows -- it's the  
 14 same as what we had the last time with it establishes the  
 15 endorsement. It allows the gill or trammel net fishermen to  
 16 construct their nets, the ones that qualify. However, it would  
 17 sunset the gill net and trammel net gear after retirement of  
 18 the fishermen that are eligible for the endorsement.

19 We can go either -- that's what I'm trying to --  
 20 we can go -- Alternative 2 and 3 in the first presentation,  
 21 it's the decision is are we going to sunset or we're not going  
 22 to sunset the gear. Alternative 4 can be either 2 or 3 that I  
 23 presented in the first presentation. There is nothing  
 24 different between the Alternative 4. I changed everything that  
 25 we asked for. We took out the calling in to marine patrol.

1 gear completely with a small group of fishermen that we have  
 2 now, unless we can show some scientific or biological reasoning  
 3 for sunsetting this gear completely, we may have an issue if  
 4 someone challenges it.

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

10 MR. BOSARGE: Can you show us Alternative 4?  
 11 MR. HILL: This is 3, but this would be 4.

12 This we went in there, we defined the cotton  
 13 linen material, we defined the untreated uncoated  
 14 multi-filament, we defined the approved degradable material.

15 Everything went through the same. We allowed  
 16 the webbing and panel for the gill nets to be constructed of  
 17 material in accordance with the approved materials.

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

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

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

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

8 MR. HILL: What do you think, Sandy?

9 MS. CHESNUT: That can happen.

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

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

22 MR. TAYLOR: Hey, Mr. Runnels, I can't support  
 23 any of them but 4 because it doesn't sunset it. We're not  
 24 sunsetting the gear for people that don't have a license. I  
 25 mean, they can't come into the fishery. And if I'm correct,

1 every fishery has restrictions on it in the United States where  
2 people could come in. And so we're not affecting the people  
3 that hold the license. We're affecting people that don't hold  
4 the license and telling them you can't get it. It's my  
5 understanding you can sue for anything, but whether you win or  
6 not, it's another thing.

7 So I just -- am I correct or incorrect or  
8 halfway correct?

9 MR. RUNNELS: Yes. I think your analysis is  
10 correct, so you're basically saying we're not getting rid of  
11 the gear, but you can't get in the fishery.

12 I'm not convinced that you wouldn't get  
13 litigation over that.

14 MR. TAYLOR: Are you scared of litigation?

15 MR. RUNNELS: Not at all. Job security.

16 MR. TAYLOR: We need to do what we think is  
17 right. And for me, the only thing right is Number 4. I'm just  
18 saying that's my personal opinion. And I don't have a vote.

19 MR. RUNNELS: I would like to address if I could  
20 your other comment about the convictions and the continuances.  
21 Why don't you make it commission of three offenses within three  
22 years? That way it won't matter when the convictions occur.  
23 And the other thing is that you handle the cases  
24 administratively, there are no convictions, because it's an  
25 administrative decision, not a conviction in Justice Court.

37

1 said, you could get three tickets at one time, rather than make  
2 it three separate occasions, no matter how many tickets.

3 But anyhow, if I can get Matt back up there,  
4 maybe we'll try to craft a motion here.

5 MR. HILL: Let me change something real quick.

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

12 MR. BOSARGE: I wouldn't say did away with.  
13 We're modifying more.

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

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

24 MR. ZIMMERMAN: So in all reality, what you're  
25 saying, Joe, we would have to pull that last motion that was

39

1 So make it commission of three offenses within  
2 three years.

3 MR. GOLLOTT: Okay, Joe. Somebody catches  
4 somebody out there and they write them three tickets -- you  
5 know what I'm saying? -- at one time. What about two  
6 convictions and one offense?

7 MR. RUNNELS: Well, just remember, even if you  
8 wrote them three tickets for one stop, they're not going to  
9 lose their license unless they come before this commission and  
10 this commission revokes it. So the commission would have the  
11 option at that point to say, yes, you received three citations  
12 and yes, you had three violations, but we don't think that that  
13 warrants necessarily the permanent revocation of your license.

14 MR. GOLLOTT: Didn't Mr. Miller go before a  
15 judge and he did the same thing? He didn't come before the  
16 commission, and the judge denied him a license.

17 MR. RUNNELS: Mr. Miller was convicted, and he  
18 appealed to County Court, and the judge looked at the statute,  
19 and the statute required that his license be revoked.

20 MR. GOLLOTT: How is that --

21 MR. RUNNELS: That's in state statute.

22 MR. GOLLOTT: Citations or convictions?

23 MR. RUNNELS: In that case, it was convictions.

24 MR. BOSARGE: How about if we do it in three  
25 separate occasions? In other words, instead of like Richard

38

1 agreed on last month.

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

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

9 MR. GOLLOTT: Mr. Chairman, let me say this.  
10 Legal just slipped me this. Three offenses on three different  
11 separate occasions would be appropriate.

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

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

20 So let's start again. How about that?

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

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

40

1 say, it shall be unlawful for any person, firm or corporation  
 2 other than the license holder to possess, deploy, use, or  
 3 attend a gill or trammel net in or on the marine waters under  
 4 the jurisdiction of the MDMR. When a gill net is used or  
 5 deployed in marine waters, the license holder shall remain  
 6 within 100 feet of the deployed net. Failure to remain within  
 7 the required distance shall constitute failure to attend the  
 8 gill or trammel net.

9 100.08. Webbing and panels for gill and trammel  
 10 nets shall be constructed of cotton or linen material approved  
 11 by the MDMR or any material which meets the approved degradable  
 12 material standards in Chapter 3 Section 103 of Title 22 Part 5.

13 100.09. All gill and trammel nets shall be  
 14 inspected and tagged annually by the MDMR. Each tag shall  
 15 contain a unique identifying number.

16 10. From and after March 14, 2014, the MDMR  
 17 shall not issue an annual tag for a gill or trammel net or tag  
 18 a replacement net without the license holder producing and  
 19 surrendering the immediately preceding issued annual tag.

20 11. It shall be unlawful for any person, firm,  
 21 or corporation to possess, deploy, use, or attend a gill or  
 22 trammel net in or on the marine waters that does not have  
 23 attached a valid and current annual tag issued by the MDMR.

24 12. Each gill and trammel net shall be tagged  
 25 at opposite ends by the MDMR.

1 commission.

2 MR. COLLOTT: Could we take out the three years  
 3 and the commission could do it in a year if a person was  
 4 blatantly doing it, you know.

5 MR. ZIMMERMAN: I feel it should be three  
 6 offenses period.

7 (Several people speaking at one time.)

8 MS. CHESNUT: After by the MDMR, put and upon  
 9 revocation shall not be eligible for this.

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

12 MR. JEWELL: Commissioner Taylor, Mr. Gable  
 13 would like to address the commission.

14 MR. GABLE: What I was going to say and suggest  
 15 and my personal opinion as a commercial fisherman I'm a strong  
 16 believer in strike three you're out. If the fisherman is  
 17 continuing to do something against the law or the gill net  
 18 rules, then if he does it three times, he ain't got no business  
 19 being there. And I think if it was done that way, back in the  
 20 '90s we wouldn't have had the trouble that we have now. Now  
 21 that's my personal opinion.

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

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

25 100.15. Any license holder with three separate

1 13. It shall be unlawful for any person, firm,  
 2 or corporation to possess more than one MDMR tagged gill or  
 3 trammel net on the marine waters under the jurisdiction of the  
 4 MDMR.

5 We struck out 14 which was to call it in to the  
 6 marine patrol.

7 15. Any license holder that is convicted of  
 8 three citations within any three year period of time for  
 9 violating any of the provisions of this chapter shall have  
 10 their license revoked by the MDMR and shall not be eligible to  
 11 possess, use, or deploy gill or trammel nets on marine waters  
 12 under the jurisdiction of the MDMR.

13 MR. BOSARGE: Can you fix that now, Matt?

14 MR. HILL: We can. What y'all want to say?

15 MR. BOSARGE: Three citations --

16 MR. COLLOTT: Three offenses occurring on three  
 17 separate occasions. Put may down, Matt. May.

18 MR. HILL: Are we leaving convicted?

19 MR. COLLOTT: No.

20 MR. JEWELL: Can you repeat that, please?

21 MR. COLLOTT: Three offenses occurring on three  
 22 separate occasions.

23 MR. JEWELL: Sandy, is that just any three  
 24 occasions, no time period within that, or three years?

25 MS. CHESNUT: I mean, that's up to the

1 offenses occurring on three separate occasions for violating  
 2 any of the provisions of this chapter may have their license  
 3 revoked by the MDMR and upon revocation shall not be eligible  
 4 to possess, use, or deploy gill or trammel nets on marine  
 5 waters under the jurisdiction of the MDMR.

6 100.16. Subject to compliance with the  
 7 foregoing regulations in this chapter, currently licensed  
 8 fishermen in possession of a gill or trammel net that was  
 9 inspected and tagged by the MDMR between September 1, 2005, and  
 10 March 18, 2014, shall be allowed to use and deploy gill or  
 11 trammel nets constructed with uncoated multi-filament nylon  
 12 twine webbing and panels.

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

18 MR. BOSARGE: Non-transferrable.

19 MR. HILL: This special authorization is  
 20 non-transferrable.

21 MR. BOSARGE: And I guess to kind of clarify  
 22 things in a manner of speaking because I guess that almost  
 23 sunsets it by itself.

24 MR. HILL: The nylon, correct.

25 Alternative 4 summary. Allows eligible gill net

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

8 It does allow new entrants into the gill net and  
9 trammel net fishery. However, these fishermen would only be  
10 allowed to construct their nets with cotton, linen, or  
11 materials meeting the approved degradable materials definition.

12 This alternative does not sunset the gill or  
13 trammel net gear. However, it does sunset the use of nylon to  
14 construct these nets. It would only grandfather the currently  
15 tagged fishermen that we continuously talk about to allow them  
16 to use nylon. But it would not shut the fishery down.

17 MR. TAYLOR: Does Alternative 4 have the wording  
18 on the tickets, citations, the same as we changed?

19 MR. HILL: We just changed it, yes, sir. That's  
20 one of the -- right here -- that's the one we just --

21 It's up to y'all, now.

22 MR. BOSARGE: I'll make the motion that we  
23 accept Alternative 4. And just to go just a little bit  
24 further, you know, when you look at where the gill net fishery  
25 is today and you look at we had this discussion a couple of

45

1 meetings back where now that we have trip tickets, you can see  
2 that very, very, very few fish caught by gill net fishermen --  
3 I guess my point is very little impact on the fishery.

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

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

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

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

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

22 MR. TAYLOR: Do I have a motion on -- we have a  
23 motion on the floor. Do we have a second?

24 MR. GOLLOTT: Mr Chairman, I'll second that  
25 motion.

46

1 MR. TAYLOR: Any further discussion? All those  
2 in favor. Opposed?

3 MR. ZIMMERMAN: Aye.

4 MR. TAYLOR: Motion passes two to one. Thank  
5 you.

6 Joe, would you go through the time line of how  
7 this takes place so there's no confusion from us, Mr. Gable, or  
8 anybody in the audience?

9 MR. JEWELL: So what will happen next, what will  
10 happen today is we will prepare the documents for the notice of  
11 intent for the filing for the Secretary of State. And we post  
12 it on the administrative bulletin. And then what will happen  
13 25 days from that point, it will be eligible for the final  
14 notice. If that occurs before the next commission meeting,  
15 we'll come forward to the commission with a final notice for  
16 adoption. At that point, if a final notice for adoption is  
17 adopted by the commission, the final notice will be posted on  
18 the administrative bulletin at the Secretary of State's  
19 website. Thirty days from that posting the potential first  
20 eligible effective date for that -- for the final rule's  
21 effective date. So it could be that date, or it could be a  
22 date picked after that date. It depends on when it is,  
23 particularly what we like to do is start them on the first of  
24 the month just for clarity.

25 So that's sort of the big timeline of when it

47

1 will happen.

2 One of the things that we want to clarify is now  
3 that we've made that universe of eight, ten applicants that now  
4 can use nylon or potentially have the use of nylon in the  
5 netting for gill and trammel nets, I think Sandy, I want a  
6 little clarification because we have a notice of intent on the  
7 administrative bulletin right now for the backing for trammel  
8 nets. So I guess administratively how does the commission want  
9 to address that? Do we want to proceed with that, or  
10 administratively continue filing that notice?

11 MR. ZIMMERMAN: I think with the move that we're  
12 making I'd like to pull that personally.

13 MS. CHESNUT: That's up to the commission,  
14 whether they want to go forward with that or they can pull it.  
15 But if they pull it, there's going to have to be a motion.

16 MR. JEWELL: Exactly. We need a motion --

17 MR. BOSARGE: I agree.

18 MR. JEWELL: There are two separate motions, and  
19 they can occur simultaneously. But you really got kind of two  
20 occurring at the same time that are saying the same thing. So  
21 administratively if you'd like to pull the notice of intent  
22 that's on the administrative bulletin right now, Sandy is  
23 correct, you'd need a motion for the commission to pull that.

24 MR. TAYLOR: Does the motion that we just passed  
25 solve the same problem there?

48

1 MR. BOSARGE: Correct.  
 2 MR. TAYLOR: So there's no need for two motions  
 3 is what you're saying.  
 4 MR. JEWELL: Right.  
 5 MR. TAYLOR: I'll entertain a motion that  
 6 someone --  
 7 MR. BOSARGE: I make a motion that we pull the  
 8 past notice of intent for the walling, nylon walling.  
 9 MR. TAYLOR: Do I have a second?  
 10 MR. ZIMMERMAN: Second.  
 11 MR. TAYLOR: All those in favor. Passes.  
 12 Thank you, Joe.  
 13 MR. HILL: I would ask that one thing that we  
 14 changed earlier that we can add in here somewhere, and we can  
 15 look through it, to put the restriction on the size of the  
 16 trammel net walling back at the 14 inch stretch. We need to  
 17 have that in here because we have no restrictions on that  
 18 walling.  
 19 MR. TAYLOR: Do I entertain a motion to add  
 20 that?  
 21 MR. BOSARGE: You want no restrictions on that  
 22 walling?  
 23 MR. HILL: No. I want it. That's not in --  
 24 this Alternative 4 just allows them to use the nylon, but the  
 25 14 inch stretch mesh is not included in here, and we need to

45

1 add that.  
 2 MR. BOSARGE: Do you want to set it at no more  
 3 than a 14 inch stretch or at 14 inch?  
 4 MR. HILL: No less than a 14 inch stretch.  
 5 MR. BOSARGE: All right. I'll modify my motion  
 6 then to include that the walling on all trammel nets be no more  
 7 than 14 inch stretch.  
 8 MR. HILL: No less.  
 9 MR. BOSARGE: No less.  
 10 MR. HILL: No less than 14 inch stretch.  
 11 MR. GOLLOTT: And I'll second it.  
 12 MR. TAYLOR: Make it in the form of just another  
 13 motion.  
 14 MR. BOSARGE: Strike that last motion. I'll  
 15 make it in a separate motion where --  
 16 MR. TAYLOR: You stated it. And you second it,  
 17 Richard?  
 18 MR. GOLLOTT: Second.  
 19 MR. TAYLOR: All those in favor.  
 20 MR. JEWELL: Thank you.  
 21 MR. HILL: Thank you.  
 22 MR. TAYLOR: We have no speakers today, which is  
 23 unusual. The first time in eight years I've not seen that.  
 24 So Shelby is not here --  
 25 MR. BOSARGE: I have one question I wanted to

50

1 really didn't realize Jamie was going to talk about it earlier.  
 2 There's been so much happening with the red snapper fishery and  
 3 the management of it, and you spoke briefly about a meeting you  
 4 were going to put together with stakeholders.  
 5 And I guess where I'm leading to is, there's a  
 6 big need for sector separation in the management of the fishery  
 7 and between the recreational and the charter boats. The  
 8 charter boats, years ago, I myself had a reef fish permit, and  
 9 we would fish snapper during the off season and so I qualified  
 10 for an ITQ, individual transferrable quota at the time. I  
 11 think it's now IFQ.  
 12 But my point is, it eventually put me out of the  
 13 fishery which is what needed to be done because the traditional  
 14 fishermen were then able to take their share of quota and at  
 15 the time, you know we all thought, oh, goodness, this is going  
 16 to be the worst thing to ever happen. But as it turned out, it  
 17 was a good thing because it took the traditional fishermen and  
 18 allowed them to fish instead of dirty fishing when the season  
 19 opened they could go fish and catch their fish when market  
 20 conditions were better.  
 21 And I see that our charter fishermen now this  
 22 year with 11 days. If we had sector separation where they were  
 23 separated out of the recreational fishermen, and there's a plan  
 24 going on now to where they would be -- they know how many fish  
 25 they had to catch, they could book their charters ahead of

51

1 time, knowing they were able to go fishing, be a better  
 2 business decision for them.  
 3 But I believe as far as from what I've  
 4 understood from the charter fishermen we've had here, they're  
 5 against sector separation. And I know where they're coming  
 6 from because I was on that side of that issue once before with  
 7 the reef fishermen.  
 8 But we really need to have a bigger discussion  
 9 with that or a more indepth discussion to where our folks that  
 10 represent Mississippi on the council can hopefully guide this  
 11 thing in a direction that's better for the charter fishermen.  
 12 MR. TAYLOR: Commissioner Bosarge, let me  
 13 address some of that.  
 14 I have two charter boats. And yes, you're  
 15 right. And I see Mr. Becker out in the audience.  
 16 Some charter boats are for it; some aren't. The  
 17 council did address it this past meeting. And part of the  
 18 problem is not just recreational fishing, it is part of the  
 19 problem, but it's also states not in compliance, you know,  
 20 which you well know, they have a total poundage, when a state  
 21 goes noncompliant, you know, Louisiana is allowing three or  
 22 four fish on the weekends to the harvesters --  
 23 MR. BOSARGE: I think right now Louisiana is 365  
 24 days a year. They can't get much more noncompliant than that.  
 25 I'm proud of Mississippi in that we have stayed

52

1 compliant with them. In other words, the management plan of  
2 red snapper is a Gulfwide management plan, and when one state  
3 goes noncompliant, the management plan won't work any more.

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

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

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

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

25 MR. BECKER: Tom Becker, president of the

53

1 how to best make it work for you.

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

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

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

13 MR. BECKER: Right. Well, we've been giving  
14 data, the head boats they are multi-passenger vessels here, we  
15 don't call them head boats. We don't have a head boat.  
16 Everybody that can walk up -- we don't do that here because  
17 we'd have problems with people coming out of casinos. I'm  
18 sorry, but that is a problem. And you won't like what they've  
19 done. So we don't even want to mention them.

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

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

55

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

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

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

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

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

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

54

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

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

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

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

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

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

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

25 MR. GOLLOTT: DMR. DMR would collect the trip

56

1 tickets just like they do with the shrimp and everything else.  
 2 MR. BOSARGE: What I've heard and the best  
 3 scenario I've heard so far as far as not for the charter boats,  
 4 but for the true recreational fisherman, is a permit that we  
 5 can actually get on your phone and apply for the permit, allows  
 6 you to go fishing for the day. At the end of the day, you have  
 7 to report your catch. And that's the only way you can get  
 8 another permit.

9 Sounds like something that's reasonable.

10 MR. BECKER: Right, that's reasonable. I've  
 11 heard that one, too.

12 MR. TAYLOR: Thank you, Tom.

13 MR. JEWELL: Commissioners, we're working on a  
 14 program, let me let Matt Hill come up here and talk to y'all a  
 15 minute about -- I know y'all are tired of hearing from me, but  
 16 I'm going to ask him to -- we're talking about a voluntary  
 17 program that we're going to start up here pretty quickly.

18 MR. HILL: I'll be brief. We are going to -- I  
 19 was going to give a talk on April 23 at GCRL at the  
 20 recreational fisheries workshop about something that we have  
 21 been working on, and it is strictly for red snapper. It's  
 22 about requiring this year will be voluntary have the offshore  
 23 -- an offshore landing permit. Hopefully in 2015, it would be  
 24 mandatory, you would have to have this permit to land red  
 25 snapper in the State of Mississippi. We would like for it to

57

1 of Chandeleur and fly from -- to the Alabama line and see how  
 2 many we have on the rigs and just come up with some type of  
 3 estimate for ourselves.

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

11 MR. BOSARGE: I'm glad to see you moving forward

12 MR. TAYLOR: Thank you, Matt. I think that's  
 13 welcomed.

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

18 MR. HILL: We're trying.

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

23 MR. TAYLOR: Do we have a second?

24 MR. MILLER: Before you close, I apologize, I  
 25 should have done this in my executive report, but I would

59

1 be very basic. We don't want each angler to have it. Some  
 2 other states are going in that direction. We just feel we need  
 3 the vessel to have it. We feel like we'd have a little better  
 4 cooperation with one person on the vessel being responsible for  
 5 it. They would get an authorization code. It's a daily code.  
 6 So if they did not -- if they were inactive for any reason,  
 7 they would have to get in there and clear that code out to be  
 8 able to go the next day or the next day or the next time that  
 9 they wanted to go. Very basic information that we would need  
 10 from, how many anglers they had on the vessel, the number of  
 11 snapper they harvested, the hours fished. And we would also  
 12 like to know where they're coming, where their access site is,  
 13 is it public or private. And if it's a public access, where is  
 14 that going to be so then we can do our validation, we can do  
 15 our dockside things to get our lengths and our weights to come  
 16 up with our average weights.

17 And the way that our fishing grounds are set up,  
 18 it's very suitable for us to do an aerial survey. So we put  
 19 in, and we will do that this year, as long as Director Miller  
 20 will sign it, that we're going to do an aerial survey. We're  
 21 shooting for a minimum of three days a week right now. We feel  
 22 like we can make these flights. And we can, it's not exact,  
 23 but I think it's better than what we have, we can make these  
 24 flights and just do vessel counts. We know they're going to be  
 25 on FH-1, -2, -13, a few on -6 and maybe go to the southern tip

58

1 request that we move our commission meeting in May to Hancock  
 2 County. we have committed publicly to have four meetings a  
 3 year, two in Jackson, two in Hancock. This is really our last  
 4 opportunity. Shrimp season and other things will be real  
 5 active, so I wanted to be in Biloxi for the summer. So if we  
 6 could meet in Hancock in May and then we'll wait until the fall  
 7 again to move the meeting around.

8 MR. GOLLOTT: I so move, Mr. Chairman, May,  
 9 Hancock County.

10 MR. ZIMMERMAN: Second.

11 MR. TAYLOR: All those in favor. Passes.

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

14 MR. TAYLOR: All those in favor. Thank you.

15 (Meeting adjourned 10:40 a.m.)  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

60