

Commission on Marine Resources

COMMISSION ON MARINE RESOURCES
COMMISSION MEETING

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

Commission Members:

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

Also Present:

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

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1 COMMISSIONER TAYLOR: I would like to call to
2 order the June meeting of the CMR, and I would like to
3 start the meeting with the Very Reverend Dennis Carver,
4 the Rector of Nativity BVM Cathedral, to lead us in
5 prayer. Please stand.
6 VERY REVEREND DENNIS CARVER: Let us bow our
7 heads and ask for the Lord's blessings.
8 COMMISSIONER TAYLOR: I'm going to lead us in
9 the pledge.
10 (Whereupon, the Pledge of Allegiance was
11 recited.)
12 COMMISSIONER TAYLOR: We need to approve the
13 minutes.
14 Do I have motion to approve the minutes?
15 COMMISSIONER DRUMMOND: So moved, Mr. Chairman.
16 COMMISSIONER GOLLOTT: Second.
17 COMMISSIONER TAYLOR: All those in favor?
18 (All in favor.)
19 COMMISSIONER TAYLOR: Next up is approval of the
20 agenda.
21 COMMISSIONER GOLLOTT: I would like to make a
22 motion that we amend the agenda. Under other business,
23 consider going into closed session.
24 COMMISSIONER ZIMMERMAN: Second.
25 COMMISSIONER TAYLOR: All those in favor?

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1 (All in favor.)
2 COMMISSIONER TAYLOR: Under "Other Business",
3 I'm going to remove, "CMR to address staff regarding
4 oyster basket dredges".
5 COMMISSIONER GOLLOTT: Can we include in that
6 taking it and it will be included next month?
7 COMMISSIONER TAYLOR: Yes, just table it until
8 next month.
9 Do I have a motion?
10 COMMISSIONER GOLLOTT: I make a motion.
11 COMMISSIONER ZIMMERMAN: Second.
12 COMMISSIONER TAYLOR: All those in favor?
13 (All in favor.)
14 COMMISSIONER TAYLOR: Now is the Executive
15 Director's report, Jamie Miller.
16 JAMIE MILLER: Thank you, Chairman Taylor.
17 As many of you know, this is Chairman Taylor's
18 last meeting on the Commission. His terms expires at the
19 end of June, and Jimmy Taylor has served on the Commission
20 for eight years.
21 I would like to read a proclamation into the
22 record and recognize him for his service.
23 "Whereas, the Mississippi Commission on Marine
24 Resources is a duly constituted governmental entity
25 created to serve the great State of Mississippi, and

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"Whereas, said service includes the conservation and wise management of the marine resources of Mississippi, and

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

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

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

"Whereas, he has been a proponent of public access piers and launches for recreational fisherman, and

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

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

Jimmy, we appreciate everything you have done,

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

"Presented to Jimmy Taylor in appreciation of your service to the Commission on Marine Resources July 18th, 06, to June 30th, 2014".

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

COMMISSIONER TAYLOR: Thank you.

(Applause.)

COMMISSIONER TAYLOR: I have a few comments, first, but, if someone knows how to put an iPhone on silent, I got a new phone and I don't know how to work it.

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

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

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

It is one of the few boards -- and I have served

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

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

The employees, both the enforcement and the employees that work here in the department, y'all do a yeoman's job, and I've said this time and time again. You are under paid, but y'all do so much for us and give us so much information and you do it not for the money, but because you love what you do.

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

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

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

I am going to encourage y'all, the public, to continue to do that because the Commission does listen to

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you, all of them do. They might disagree, but they listen.

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

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

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

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

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

"Sincerely, Mayor Will Hill."

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

Our CFO handed me this. Just as a positive

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1 reminder of what the shrimp industry means to the state,
2 yesterday, before close of business, we sold thirty-six
3 Louisiana residents shrimp licenses for a total of twenty-
4 nine thousand dollars. So the state took in twenty-nine
5 thousand dollars from non-resident Louisiana shrimpers.
6 It was a big day, in that regard, and we look forward to
7 the opening of the season in the morning. Thank you.

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

13 Next up is Interim Chief Rusty Pittman.

14 RUSTY PITTMAN: Good morning Mr. Chairman,
15 Commissioners, Director Miller, Ms. Chestnut.

16 Mr. Chairman, it has been a pleasure working
17 with you these last eight years. Just know that you do
18 have my phone number. Anytime you have a question on
19 anything, feel free to call me.

20 COMMISSIONER TAYLOR: Thank you.

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

25 If you have any questions, just stop me and we

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1 will go over it.

2 We did have two gill net violations last month.
3 COMMISSIONER TAYLOR: I want to comment on that.

4 It's my understanding they were arrested two
5 days before they came and spoke to the Commission, and
6 they spoke about legalizing gill nets and all. Sometimes
7 you have intuition.

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

12 We also had some commercial fishing violations.
13 Two of them produced commercial licenses and went ahead
14 and produced the fish they had that were thirteen-and-a-
15 half inches. They have to be fourteen inches for
16 commercial. That's Speckled trout, Spotted seatrout.

17 We also had two fishing north of the CSX
18 railroad bridge, commercial fishermen who produced
19 commercial fishing licenses, when they were asked to
20 produce their licenses.

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

25 There have been a lot of warnings issued. If

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1 somebody's license expired within two weeks and they get
2 checked, the officers will allow them to go get an updated
3 license, but most of these hadn't had a license in two
4 years.

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

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

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

22 We had one boating accident with a fatality.
23 That was on the Wolf River where the young boy got killed
24 in a tubing accident. It's a narrow river. His father
25 was pulling him around a bend at a speed that should not

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1 have happened, should have been a slower speed, which
2 flipped that tube out and he hit a tree.

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

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

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

15 We did respond to a drowning at Ship Island.
16 One of our officers, with a reserve officer on board, Mike
17 Martin, a physician, responded out there.

18 Mike got on the Coast Guard vessel, as they were
19 bringing the young boy in, and performed CPR all the way,
20 until they made it into shore and turned the young boy
21 over to AMR. When they got the young boy to the hospital,
22 they did find a pulse and a heartbeat.

23 He was transferred to South Alabama, and, the
24 next morning, they made the decision to go ahead and take
25 him off of life support, but Mike Martin did an

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1 outstanding job, one of our reserve officers, on giving
2 CPR all the way in.

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

7 COMMISSIONER BOSARGE: The fishermen you caught
8 fishing north of the CSX, was that recreational fishermen
9 with a hook-and-line license?

10 RUSTY PITTMAN: No, sir. They did produce a
11 commercial license, when the officers asked.

12 COMMISSIONER BOSARGE: Commercial hook-and-line
13 license?

14 RUSTY PITTMAN: Yes.

15 COMMISSIONER BOSARGE: The other thing, Rusty,
16 I've had a lot of my constituents question me about the
17 sale of fish directly to restaurants, mainly a lot of the
18 recreational fish being sold directly to restaurants.

19 Do you do any checking on that?

20 RUSTY PITTMAN: We can do that, especially if
21 you see a sign that has Spotted seatrout, special on
22 Spotted seatrout. We have had a problem with that, in the
23 past. It's an ongoing problem. It is hard to make an
24 arrest, in that type situation, but officers can go in
25 that restaurant, like we have in seafood shops, and ask to

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1 see their bill of lading where they are buying these fish.

2 COMMISSIONER BOSARGE: It is bypassing the trip
3 ticket system.

4 RUSTY PITTMAN: Right.

5 COMMISSIONER BOSARGE: I walked in a restaurant
6 and saw one where it said "Ling Daily", and I think Ling
7 is a game fish.

8 Correct?

9 RUSTY PITTMAN: Right.

10 COMMISSIONER TAYLOR: You can buy it out of
11 Louisiana, though.

12 RUSTY PITTMAN: You can, if it's another state,
13 as long as they have that bill of lading, that paperwork.

14 COMMISSIONER BOSARGE: I would like to see a
15 little more checking, if you could. Not that I want to
16 give tickets. Just make sure everybody is upstanding and
17 doing what they are supposed to be doing.

18 RUSTY PITTMAN: Yes, sir.

19 COMMISSIONER BOSARGE: Thank you.

20 RUSTY PITTMAN: You're welcome.

21 COMMISSIONER DRUMMOND: Rusty, I have a
22 question.

23 RUSTY PITTMAN: Yes, sir.

24 COMMISSIONER DRUMMOND: We had a free fishing
25 day a couple of weeks ago. It was during the Snapper

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1 season.

2 Did you have to have a license to fish for a
3 Snapper, during that period?

4 RUSTY PITTMAN: No, sir.

5 If you fished the Louisiana waters, you did.

6 When you came in with Snapper, you would have to have a
7 non-resident of Louisiana license and a landing permit,
8 but, in the state marine waters and in fresh waters, too,
9 it was a free fishing weekend for anybody.

10 COMMISSIONER DRUMMOND: I had several calls that
11 day, regarding whether they needed a license, or not.

12 RUSTY PITTMAN: Saturday and Sunday, and we are
13 going to have another one on the 4th of July, July the 4th.

14 COMMISSIONER DRUMMOND: Thank you, sir.

15 RUSTY PITTMAN: You're welcome.

16 COMMISSIONER TAYLOR: Thank you, Rusty. It's
17 been a pleasure working with you.

18 RUSTY PITTMAN: Thank you, Mr. Chairman.

19 COMMISSIONER TAYLOR: Up next is Joe Jewell,
20 Office of Marine Fisheries.

21 JOE JEWELL: Good morning, Commissioners.

22 Can y'all hear me?

23 COMMISSIONER TAYLOR: Yes.

24 JOE JEWELL: I'm going to try and fight this
25 microphone.

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1 First of all, I would like to say
2 congratulations, Commissioner Taylor. It has been a
3 pleasure working with you all these years. I'm going to
4 be sad to see you go.

5 I want to bring the Commission up to date on a
6 couple of items, before we get into the agenda.

7 COMMISSIONER DRUMMOND: Could you speak up, Joe?

8 JOE JEWELL: I'll try.

9 As y'all are aware, we are about to open the
10 2014-2015 shrimp season. That will occur tomorrow
11 morning, Wednesday, June the 18th, at 6:00 a.m. We are
12 cautiously optimistic. We are always hopeful, when the
13 shrimp season opens, and we will keep y'all posted on how
14 that occurs.

15 We intend to have a lot of boats out monitoring,
16 and we are going to have an aerial overflight, and we will
17 keep y'all updated on the count.

18 Do y'all have any questions?

19 COMMISSIONER BOSARGE: From the scuttlebutt I
20 hear, most of the guys are excited in that they think it
21 is going to be a little better than what they were
22 expecting.

23 JOE JEWELL: Well, it's always an exciting time
24 of the year, when we open the season. We were a little
25 disappointed early on because we had lower water

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1 temperatures and we had a lot of rainfall and a lot of
2 freshwater input into the system, but we have rebounded a
3 little bit. So we are cautiously optimistic, at this
4 point.

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

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

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

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

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

21 COMMISSIONER GOLLOTT: Joe, can I ask you
22 something?

23 JOE JEWELL: Sure.

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

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1 another small Red Drum season.

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

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

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

12 COMMISSIONER GOLLOTT: Thank you.

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

16 MIKE BRAINARD: Good morning Commissioners,
17 Director Miller, Ms. Chestnut.

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

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

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

25 There are a couple of considerations that have

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1 to be looked at, when creating an inshore reef. One of
2 those is submerged aquatic vegetation.

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

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

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

21 As you can see, Buoy Reef, which is over to the
22 west tip of Cat Island, that was created as an alternate
23 site to Cat Island Reef which is down on the lower east
24 part of the island. Buoy Reef was created as an alternate
25 site to the Cat Island Reef to relieve some pressure,

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1 also, off of Pass Marianne Reef (indicating slide).

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

8 If you have any other questions, or any
9 questions?

10 COMMISSIONER GOLLOTT: I've been told that you
11 are doing a reef on the southern east tip of Cat Island.
12 Where is that located on there?

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

15 Is that what you are talking about?

16 COMMISSIONER GOLLOTT: Yes.

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

19 Do you see it there (indicating slide)?

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

22 MIKE BRAINARD: It's in the white.

23 COMMISSIONER GOLLOTT: It's in the white?

24 MIKE BRAINARD: Yes.

25 COMMISSIONER GOLLOTT: Thank you.

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

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

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

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

12 COMMISSIONER BOSARGE: Thank you.

13 MIKE BRAINARD: Anyone else?
14 (No response.)

15 COMMISSIONER TAYLOR: Thank you.

16 MIKE BRAINARD: Thank you.

17 JOE JEWELL: Next we have our State Records
18 presentation.

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

22 The first one is for Red Porgy, Pagrus pagrus.
23 The old record was three pounds eleven point six-eight
24 ounces. It will be a new record of four pounds two
25 ounces, caught by Cecily O'Brien. The Red Porgy and Ms.

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1 O'Brien (indicating slides).

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

7 Any questions?
8 (No response.)

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

11 COMMISSIONER TAYLOR: Do I have a second?

12 COMMISSIONER GOLLOTT: Second.

13 COMMISSIONER TAYLOR: All those in favor?
14 (All in favor.)

15 COMMISSIONER TAYLOR: It passes unanimously.
16 Thank you, Erick.

17 ERICK PORCHE: Thank you.

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

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

22 COMMISSIONER TAYLOR: Thank you.

23 Office of Finance and Administration, Bill
24 Feidt.

25 BILL FEIDT: Hi. Bill Feidt. I was going to

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1 say something nice, Jimmy, but you butchered my name. I
2 was thinking about going to excruciating detail on these
3 numbers, in honor of your last day.

4 At the end of May, we are in pretty good shape.
5 State revenue of twelve point one million.

6 Total agency wide we are just under thirty million dollars
7 in revenue.

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

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

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

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

22 We are in the middle of an accounting system
23 conversion. All State agencies are taking part in this.
24 We are going through training and planning to try to
25 minimize the disruption. There probably will be a little

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1 bit of disruption, but the entire State will be going
2 through it.

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

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

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

12 Any questions?

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

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

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

20 BILL FEIDT: Yes, sir.

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

23 BILL FEIDT: They do, with rounding. I might
24 have misrounded one.

25 COMMISSIONER DRUMMOND: Are you sure?

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1 BILL FEIDT: Which one did I miss?
 2 COMMISSIONER DRUMMOND: I don't know that you
 3 missed one. I'm glad we've got enough money to last the
 4 rest of the year.
 5 BILL FEIDT: Shall we talk about travel, or are
 6 we good there?
 7 COMMISSIONER DRUMMOND: Okay.
 8 BILL FEIDT: In all due seriousness, if you have
 9 any questions, I will be more than glad to go into it in
 10 more detail, but we are in good shape. We are well-
 11 positioned to start next year. We have been working hard
 12 to get everything in order, and I think we are almost
 13 there.
 14 COMMISSIONER GOLLOTT: Bill, Shelby just told me
 15 he's about to fall asleep over here.
 16 BILL FEIDT: I tried to keep it short.
 17 COMMISSIONER TAYLOR: Thank you, Bill.
 18 BILL FEIDT: Jimmy, in all due seriousness,
 19 thank you. It has been a pleasure working with.
 20 COMMISSIONER TAYLOR: Thank you.
 21 Next up is Melissa Scallan with Public Affairs.
 22 MELISSA SCALLAN: Good morning Commissioners,
 23 Director Miller, Sandy.
 24 Commissioner Taylor, I want to thank you for
 25 your service. It has been great working with you the past

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1 year, and you have my number, if you need anything.
 2 COMMISSIONER TAYLOR: Thank you.
 3 MELISSA SCALLAN: Our present to you, really, is
 4 the shortness of this meeting today.
 5 Since the last meeting on May 20th, we have been
 6 mentioned seventy times in local, regional, and national
 7 media. Red Snapper got a lot of attention. Our Seafood
 8 Cook-Off got a lot of attention.
 9 The Seafood Cook-Off was held May 30th at the
 10 Slavonian Lodge in Biloxi. We had about three hundred
 11 people who attended. We had seven chefs from various
 12 parts of the State who prepared dishes for the five
 13 judges.
 14 First place went to Gary Hawkins of 1908
 15 Provisions in Jackson. He is going to represent us in the
 16 Great American Seafood Cook-Off in New Orleans in August.
 17 As you know, our chef from Mississippi won last year. So
 18 we are hoping for a repeat.
 19 Second place went to Chef Danie Rodriguez of
 20 Capones Restaurant in D'Iberville.
 21 Jeremy Noffke of The Purple Parrot Café in
 22 Hattiesburg won third place.
 23 This year we had Hattiesburg Chef Robert St.
 24 John who emceed our event and we included, for the first
 25 time this year, a fund raiser. Robert St. John runs a

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1 charity called Extra Table and he donates food, healthy
 2 food, to food kitchens across the State, and five of the
 3 ten that he serves are here on the Coast.
 4 We had a painter that painted a painting that we
 5 auctioned off at the event, and we raised two thousand
 6 five hundred dollars for Extra Table, and Robert St. John
 7 said that will take them through the summer of feeding
 8 people.
 9 We also attended the Atlanta Food and wine
 10 Festival. We had several Mississippi chefs attend, and
 11 they served more than nine hundred portions of Mississippi
 12 seafood. It went over very well.
 13 We also will be participating in Operation Dry
 14 Water, in two weeks. It's a national BUI Awareness and
 15 Enforcement Campaign. We are going to be getting the word
 16 out about that. That's June 27th through the 29th.
 17 Also, we mentioned earlier that shrimp season
 18 opens tomorrow. We are going to be taking some media out
 19 on a boat so they can film and take pictures.
 20 I think you can see this in your packet. The
 21 Shrimp and Crab Bureau did Shrimping the Sound newsletter
 22 which all of the shrimpers got at the first of this month.
 23 It has a lot of good information in it that they put
 24 together (indicating document).
 25 Any questions?

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1 (No response.)
 2 COMMISSIONER TAYLOR: Thank you, Melissa.
 3 MELISSA SCALLAN: Thanks, Jimmy.
 4 COMMISSIONER TAYLOR: Now we come to other
 5 business. We will go to number two, request follow-up
 6 from staff on Means Test.
 7 Commissioner Zimmerman.
 8 COMMISSIONER ZIMMERMAN: Yes, Mr. Chairman.
 9 We had a fellow representing about eighteen to
 10 twenty people out of Hancock County speak at our last
 11 meeting, and the intent of the law is not the way the law
 12 was written, from my understanding, with earned income, or
 13 actual income.
 14 I would like to open the conversation with the
 15 Commissioners to see if we want to move forward with doing
 16 anything on that.
 17 Joe, do you have something to present?
 18 JOE JEWELL: Commissioners, we have a
 19 presentation, a very short presentation that Mr. Hill will
 20 present to y'all, if y'all are so inclined.
 21 COMMISSIONER GOLLOTT: I think we would like to
 22 see it, Joe.
 23 COMMISSIONER ZIMMERMAN: Yes.
 24 JOE JEWELL: Matt.
 25 MATT HILL: Good morning Commissioners, Director

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1 Miller, Sandy.

2 I don't know him as Commissioner Taylor, but Mr.
3 Jimmy. Congratulations. I've enjoyed working with you.
4 I know we've been through a lot together.

5 I'm going to do a short presentation on how we
6 have handled this. I know there has been a little
7 confusion, but the Department made a few decisions on how
8 to take care of this income issue.

9 This all began with the Spotted seatrout Means
10 Test. I'm not going to read the whole thing, but, as you
11 can see down in there, it says, "The fisher must present
12 proof that ten percent of their net income came from
13 commercial fishing activities in a previous tax year."

14 The definition of net income is found in Title
15 35 of the Mississippi State Tax Commission, Chapter 01
16 Definitions, Section 102:

17 "Net income means gross income less business
18 expenses. The business deductions are in general, though
19 not exclusively, expenditures, other than capital
20 expenditures, in connection with the production of
21 income."

22 Basically, this is income minus cost of goods
23 sold, expenses and taxes, or what is referred to as the
24 bottom line.

25 There are two types of net income. The first is

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1 earned income, earned net income. Earned net income
2 includes wages, salaries, tips, commissions, and other
3 taxable employee pay. It also includes disability
4 payments through a private employer's disability plan
5 received prior to minimum retirement age of sixty-two.
6 This is what the Department has chosen to use as the
7 qualifications for the tax requirement.

8 The other type of net income is unearned net
9 income. This is income received by virtue of owning
10 property, inheritance, pensions, and payments received
11 from public welfare, or Social Security disability. We
12 have not included this type of income in the means test
13 qualifications.

14 Those are the definitions.

15 Would we like to discuss it?

16 COMMISSIONER BOSARGE: Where are we going with
17 all of this, Matt?

18 MATT HILL: We feel like the earned income
19 requirement is actually the least restrictive method to do
20 this. That's why we chose to go that way.

21 We have had very few complaints, but one of the
22 complaints was that people who are on disability, certain
23 percentages of disability, on Social Security disability
24 especially, that are not claiming commercial activities on
25 their taxes, would not qualify for it.

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1 It is my understanding that if they did put just
2 some portion, if they did report these, that they would
3 qualify for it. So this is why we chose the actual earned
4 net income route.

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

10 We have a resource that has a quota, a fifty
11 thousand pound quota that is set aside for commercial
12 fishermen.

13 MATT HILL: Correct.

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

17 MATT HILL: Okay.

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

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

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

25 COMMISSIONER BOSARGE: I don't either, but do

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1 you see my point?

2 MATT HILL: I understand.

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

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

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

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

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

23 MATT HILL: Yes, sir.

24 COMMISSIONER BOSARGE: In Florida, it is
25 actually twenty-five percent of your income.

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1 MATT HILL: That is correct.
 2 COMMISSIONER BOSARGE: It can't be any twelve
 3 months. It has to be in your tax year, whenever you file
 4 your taxes.
 5 MATT HILL: Your annual tax year, correct.
 6 COMMISSIONER BOSARGE: They are way more
 7 restrictive than we are here.
 8 I just would like to know that we are doing what
 9 we need to do to protect the few commercial fishermen that
 10 are having to abide by the rules.
 11 The same thing with the gentleman you said that
 12 came to you who is not turning in what he is catching. He
 13 is just bypassing the trip ticket system.
 14 MATT HILL: That is correct.
 15 COMMISSIONER BOSARGE: Is his vessel registered
 16 as a commercial vessel?
 17 Rusty, do you know?
 18 If we are going to be commercial fishermen,
 19 let's be commercial fishermen.
 20 Are we fishing in commercial vessels?
 21 RUSTY PITTMAN: If we come up on a vessel and
 22 ask to see a fishing license -- say they had that
 23 commercial sticker on the side of their boat and let's
 24 just say it's in Back Bay, the first thing they say is
 25 "we're not commercial today", and they show us a

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1 recreational license that allows them to keep the
 2 recreational catch.
 3 Like I did mention in my report, last month we
 4 did make an arrest on two individuals north of the CSX
 5 that produced a commercial license.
 6 It's also the same, if they are fishing
 7 offshore. If we come upon them and check them and they
 8 have recreational limits, if they produce a recreational
 9 fishing license, they can recreational fish.
 10 Whatever the Commission wants to do, in regards
 11 to that, we are here to back y'all up and support you and
 12 enforce the laws, but it has been that way as long as I
 13 can remember.
 14 COMMISSIONER GOLLOTT: Can I say something here?
 15 COMMISSIONER TAYLOR: Go ahead.
 16 COMMISSIONER GOLLOTT: This was actually my
 17 motion, this bill, and we did discuss whether earned, or
 18 unearned, income would be included. At that time, I
 19 didn't want to exclude some people that are retired.
 20 This is a giant leap, compared to what we had a
 21 year ago. I think we ought to leave it in place and let's
 22 see how it works a little while and see how it comes out.
 23 I've had a lot of people jumping on me about it.
 24 I've had some legislators jump on me and they want to
 25 double the commercial quotas and all that stuff.

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1 Let's play this out and see how it comes out.
 2 We can iron out some wrinkles in it a little bit later.
 3 COMMISSIONER TAYLOR: Matt, how many fishermen
 4 have passed the means test?
 5 MATT HILL: That is one thing I did want to
 6 point out, before I got away from the podium. The means
 7 test is doing what it was designed to do.
 8 Before the means test was in place, it was over
 9 four hundred fishermen that qualified to harvest,
 10 commercially harvest Spotted seatrout. Currently, there
 11 are ninety-five that have qualified for this. So we have
 12 cut it down by three-quarters.
 13 COMMISSIONER TAYLOR: I think what you have is
 14 you don't have a lot of firemen and people like that, that
 15 are doing it that were doing it before, and the same with
 16 the Snapper.
 17 MATT HILL: We have denied several people, but
 18 we have tried to work with these fishermen the best we
 19 can, and most of them do understand. A lot of them that
 20 have some of the bigger problems like to argue with us a
 21 little bit more, or some that it was designed to keep out.
 22 In my opinion, it is doing what it is supposed
 23 to be doing, but I think we do need a little bit of time
 24 to see how it is going to play out.
 25 COMMISSIONER GOLLOTT: I think we could visit

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1 this thing in a year and we would have a lot more
 2 information on exactly what is what on it.
 3 MATT HILL: Yes.
 4 COMMISSIONER GOLLOTT: Thank you.
 5 COMMISSIONER TAYLOR: Steve, are you okay with
 6 that?
 7 COMMISSIONER BOSARGE: Yes, but I would like a
 8 little clarification on one thing.
 9 When you talked about, say, a person who is
 10 disabled, goes out, catches ten dollars worth of Speckled
 11 trout, does his paperwork and turns it in, then, that
 12 makes him his ten percent qualifier?
 13 Do you see my point?
 14 MATT HILL: What we have to understand is, on
 15 the tax portion of this, the ten percent, that's not
 16 something that we administer here at the DMR.
 17 That's something that a tax professional has to
 18 do. They have to fill out the form. They have to sign
 19 their name. They have to put their unique identification
 20 number. They were trying to get some clarity on the
 21 earned and the unearned income.
 22 What has happened is we have not had any people,
 23 with certain percentages of disability, qualify because
 24 they cannot report their seafood sales income on their
 25 taxes because it would affect their disability.

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1 COMMISSIONER TAYLOR: They will lose it.
 2 MATT HILL: They would lose their disability.
 3 I understand what you are saying, but my answer
 4 is, if they can't report it, that's not something we can
 5 help them with. I can't help them with what they report
 6 on their taxes.
 7 COMMISSIONER BOSARGE: I feel for them, but I
 8 also represent folks that are steadily being cut back,
 9 back, and back.
 10 MATT HILL: We feel for them, also. I mean,
 11 it's a tough thing, and we have had that gentleman sit in
 12 my office quite a bit and we have this same discussion,
 13 but I can't rewrite the tax laws. They are what they are.
 14 COMMISSIONER BOSARGE: You answered my question.
 15 COMMISSIONER TAYLOR: Thank you, Matt.
 16 MATT HILL: Thank you.
 17 COMMISSIONER GOLLOTT: Mr. Chairman, I would
 18 like to make a motion that we go into closed session to
 19 determine the need to go into executive session to discuss
 20 personnel matters and pending litigation.
 21 COMMISSIONER ZIMMERMAN: Second.
 22 COMMISSIONER TAYLOR: All those in favor?
 23 (All in favor.)
 24 COMMISSIONER TAYLOR: It passes unanimously. We
 25 will now go into closed session.

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1 (Whereupon, a recess was taken.)
 2 COMMISSIONER TAYLOR: I need a motion to come
 3 out of closed session.
 4 COMMISSIONER GOLLOTT: Mr. Chairman, I make the
 5 motion that we come out of closed session.
 6 COMMISSIONER TAYLOR: Do I have a second?
 7 COMMISSIONER ZIMMERMAN: Second.
 8 COMMISSIONER TAYLOR: All those in favor?
 9 (All in favor.)
 10 COMMISSIONER TAYLOR: Sandy, I think, has to
 11 report on what happened.
 12 SANDY CHESTNUT: Yes.
 13 At 9:50 a motion was made by Commissioner
 14 Gollott to go into closed session to determine the need to
 15 go into executive session to discuss personnel matters and
 16 pending litigation. This motion was seconded by
 17 Commission Zimmerman, and it passed unanimously.
 18 At 9:56, a motion was made by Commissioner
 19 Gollott and seconded by Commissioner Bosarge to go into
 20 executive session to consider personnel matters and
 21 pending litigation. This motion also passed unanimously.
 22 At that time, the Executive Director and legal
 23 counsel addressed the Commission, regarding pending
 24 litigation.
 25 At 10:35, legal counsel was asked to leave the

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1 room to discuss personnel matters.
 2 At 10:51, a motion was made by Commissioner
 3 Gollott and seconded by Commissioner Zimmerman to close
 4 the executive session and return to open session, and that
 5 motion also passed unanimously.
 6 COMMISSIONER TAYLOR: Once again, before Shelby
 7 makes his motion, I just want to say how honored I have
 8 been to work with all of y'all in the Department of Marine
 9 Resources and I'm going to miss y'all. Thank you.
 10 Shelby.
 11 COMMISSIONER DRUMMOND: Jimmy, it has been a
 12 pleasure. I have enjoyed working with you.
 13 COMMISSIONER TAYLOR: Thank you.
 14 COMMISSIONER DRUMMOND: I make a motion we
 15 adjourn.
 16 COMMISSIONER TAYLOR: Do I have a second?
 17 COMMISSIONER GOLLOTT: I second it.
 18 COMMISSIONER TAYLOR: All those in favor?
 19 (All in favor.)
 20 COMMISSIONER TAYLOR: It passes unanimously.
 21 (Whereupon, at 10:56 o'clock, a.m., the June 17,
 22 2014, meeting of the Commission on Marine Resources was
 23 concluded.)
 24
 25

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1 C E R T I F I C A T E
 2
 3 I, Lucille Morgan, Certified Shorthand Reporter, do
 4 hereby certify that the above and foregoing is a true and
 5 correct transcript of the June 17, 2014, meeting of the
 6 Commission on Marine Resources, as taken by me at the time
 7 and place heretofore stated in the aforementioned matter
 8 in shorthand, with electronic verification, and later
 9 reduced to typewritten form to the best of my skill and
 10 ability; and, further, that I am not a relative, employee,
 11 or agent, of any of the parties thereto, nor financially
 12 interested in the cause.
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