

COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES

July 15, 2014

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

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COMMISSION MEMBERS PRESENT:

RICHARD GOLLOTT, Chairman  
SHELBY DRUMMOND  
STEVE BOSARGE  
ERNIE ZIMMERMAN

ALSO PRESENT:

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

MR. GOLLOTT: Do we have a second?

MR. ZIMMERMAN: Second.

MR. GOLLOTT: All in favor. Opposed? Motion passes.

MR. GOLLOTT: Okay. Now, we'll open the nominations for vice-chair. Do I have a motion?

MR. ZIMMERMAN: I'd like to put a motion for Shelby Drummond as the vice-chairman of the CMR.

MR. BOSARGE: I'll second that motion.

MR. GOLLOTT: Okay. We have a motion and a second. Do we have any more nominations?

With that, we'll close nominations.

Do I have a motion to approve?

MR. ZIMMERMAN: So moved.

MR. BOSARGE: So second.

MR. GOLLOTT: Seconded. We have a motion to approve, seconded. All those in favor say aye. Opposed?

Motin carries unanimously. Thank you very much.

MR. ZIMMERMAN: Congratulations.

MR. GOLLOTT: Thank you, sir.

Legal, I think you said we don't have to have the oath of office.

MS. CHESNUT: That's correct.

B. Approval of Minutes

MR. GOLLOTT: We move on to approval of the

A. Call to Order

MR. GOLLOTT: I'd like to bring this meeting to order. And I'd like to welcome everyone to the regular July meeting of the Department of Marine Resources -- Commission on Marine Resources.

We'd like to have the pledge of allegiance now. (Pledge of allegiance.)

MR. GOLLOTT: Okay. The first thing we have to do this morning is elect officers. Every year in July we elect officers. We start the election process with the chairman.

Do I have a motion or a --

MR. DRUMMOND: I make a motion, Mr. Chairman, that we put as chairman a longstanding member of the commission Mr. Richard Gollott.

MR. ZIMMERMAN: Second.

MR. GOLLOTT: Okay. Do we have any more nominations? No more nominations. We close that, the chair.

Okay. Now we move on to the vice-chair.

MR. ZIMMERMAN: I'd like to move that we --

MS. CHESNUT: Just make a motion to close the nominations for chair, and then vote on the chair.

MR. GOLLOTT: Okay. I'll make a motion that we close nominations for the chair. Do we have a motion to approve?

MR. DRUMMOND: I make that motion, Mr. Chairman.

minutes. Do I have a motion or any changes?

MR. ZIMMERMAN: I'd like to just -- the change that Sandy just called, strike the oath of office Number 3 at the top and accept them.

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

MR. DRUMMOND: So moved, Mr. Chairman.

MR. GOLLOTT: Second it?

MR. BOSARGE: So second.

MR. GOLLOTT: All those in favor say aye.

Opposed? Motion carries.

C. Approval of Agenda

MR. GOLLOTT: Okay. Approval of the minutes.

MR. BOSARGE: I make a motion we approve the minutes as written.

MR. GOLLOTT: Do I have a second?

MR. ZIMMERMAN: Second.

MR. GOLLOTT: All those in favor say aye.

Opposed? Motion carries.

I'd like to recognize Senator Brice Wiggins is in our audience today. Thank you very much, sir.

MR. WIGGINS: Thank you, Mr. Chairman.

MR. GOLLOTT: Okay. We go on to executive report.

D. Executive Director's Report

MR. MILLER: Thank you, Chairman Gollott. Just

1 a few quick announcements.

2 One is a personnel matter. As you know, we held  
3 a press conference a few weeks ago, announced our new chief of  
4 marine patrol. Agency had several weeks of interviews, had  
5 several qualified candidates that went through the process.  
6 Ultimately, we selected Chief Keith Davis. I'd like to just  
7 ask him to stand up briefly. And then hope that everyone over  
8 the next weeks and years will get to know Chief Davis. He's a  
9 valuable member of the staff now. Look forward to working with  
10 him. He's excited about being here and working with the  
11 commission. So congratulations to Keith.

12 Next, I'd like to -- if you'll just give me a  
13 moment. I received a letter, and I'd like to read it. It's  
14 recognizing some of our marine patrol officers in an incident  
15 that occurred in May. But I think it speaks to the  
16 professional and dedicated folks that we have that work in  
17 marine patrol, and if you'll just give me one moment, I'd like  
18 to read it into the record.

19 It's from Dr. Frank Schmitt. It says, Dear Mr.  
20 Miller, I write to commend the officers who responded to a  
21 boating accident on 5-26-14 on the Wolf River behind Pass  
22 Christian when my son was pulling three of his sons on an  
23 inflated device behind our motor launch. Two of the boys  
24 suffered minor injuries, but the third sustained a severe  
25 closed head injury and subsequently died after a cardiac arrest

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1 in the ambulance on the way to Garden Park Hospital in  
2 Gulfport. It was a tragic accident, and the death of our  
3 grandson Joseph was devastating to our family. However, the  
4 officers who responded came immediately, were professional,  
5 efficient, and helpful. But also compassionate and  
6 considerate. Their demeanor was outstanding, and they  
7 collected the necessary information with great thoughtfulness  
8 and consideration. Each one introduced himself to me when I  
9 came to the hospital, gave me his card, contact telephone  
10 number, and was very helpful. They were outstanding,  
11 professional, and understanding in a very difficult emotional  
12 situation for our family. They were obviously well selected  
13 and well trained, and I commend you for leading such a great  
14 group. Our vessel was impounded after the accident, but  
15 Officer Freeman delivered it to me when the investigation was  
16 complete, even coming on his day off so that we could have it  
17 on the day needed for repairs. Because of our distress, I have  
18 misplaced or lost the cards and cannot remember all of the  
19 names of the several officers involved, but I hope you will  
20 recognize them in some way for the outstanding work that they  
21 did for our family during this difficult time. Yours  
22 sincerely, Frank Schmitt, M.D.

23 I just want to second that. We have some of the  
24 finest employees, including our marine patrol officers, and  
25 these boating accidents that they've had to respond to since

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1 I've been here have been some of the most emotional and  
2 difficult ones that I can imagine. And they do it  
3 professionally, and they do it with a lot of care and concern.  
4 So I thank y'all for what y'all do.

5 That concludes my report.

6 MR. GOLLOTT: Okay. We move on to marine  
7 patrol. Rusty Pittman.

8 E. Office of Marine Patrol

9 MR. PITTMAN: Good morning, Mr. Chairman,  
10 commissioners, Director Miller, Ms. Chesnut.

11 Have in front of you the report for the month of  
12 June. I'd like to go over it.

13 Under the shrimp violations, you notice we have  
14 about six or seven shrimp violations during closed season. We  
15 had some on opening day.

16 Going on through, we had one report of the live  
17 baiter. I got this information over the weekend from a  
18 concerned citizen. He was selling out of his vehicle and not  
19 at his camp. So we had an officer check on it the next day.  
20 We did make an arrest on that.

21 We had a few saltwater fishing license like we  
22 have every month.

23 A few undersized redfish, few undersized spotted  
24 seatrout.

25 Safety violations are still up. Can't figure

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1 out why people are not checking their vessels before they leave  
2 to make sure they have all their safety equipment aboard. But  
3 we did have several of them this past month.

4 Boating accidents without injuries, we had four.

5 Water accident, we had one drowning that  
6 happened off of the Pass Christian harbor for the month.

7 And then on our JEA totals, we had 31 patrols,  
8 452 man hours, made 424 contacts, we did 21 enforcement action  
9 reports, and ten state citations were issued.

10 Any questions?

11 MR. BOSARGE: Rusty, when you say ten state  
12 citations, what's the difference --

13 MR. PITTMAN: That would be in state waters.

14 MR. BOSARGE: I understand. And I can see it's  
15 been a busy month, but I was wondering when we talked last  
16 month, we talked about the fisherman selling fish directly to  
17 the restaurants. Did any of your guys have a chance to look at  
18 that?

19 MR. PITTMAN: We did have a couple make a couple  
20 of spot checks and found no violation.

21 MR. BOSARGE: Thank you.

22 MR. DRUMMOND: Rusty, you caught three people  
23 catching amberjack in closed season. How do you catch those  
24 people?

25 MR. PITTMAN: When they came in, they had the

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1 amberjack on board when they stopped the vessel offshore, and  
2 they had them on board.

3 MR. DRUMMOND: Offshore?

4 MR. PITTIMAN: Yes, sir.

5 MR. DRUMMOND: In state waters?

6 MR. PITTIMAN: We had two that were in state  
7 waters they stopped, and one was in federal waters they stopped  
8 as they were coming in.

9 MR. DRUMMOND: Thank you.

10 MR. GOLLOTT: Thank you, Rusty. Appreciate it.

11 We move on to Mr. Joe Jewell.

12 F. Office of Marine Fisheries

13 MR. JEWELL: Good morning, commissioners. I'd  
14 like to congratulate Mr. Gollott as chairman and congratulate  
15 Mr. Drummond as vice-chairman.

16 We have an active schedule this morning. We  
17 have six items. Before we get started, I'd like to update the  
18 commission on the commercial landings for spotted seatrout.

19 We have a quota of 50,000 pounds. We're just  
20 over 34,000 pounds right now.

21 For southern flounder, the quota is 34,000  
22 pounds. We're just over 5,000 pounds.

23 And for red drum, the quota is 50,000 pounds.

24 And as I reported previously, we closed in June.

25 So first up is Mr. Wesley Devers that will give

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1 and did surveys there. And then we also went out to the ramps  
2 and got biological data such as hard parts for aging, length,  
3 and weight data.

4 This here is just an example of one of the catch  
5 cards. It's basically the same thing electronically saying the  
6 information is collected, but it's just on the website.

7 And this is exactly what the cards look like that we handed out  
8 at the fuel docks and the bait shops. Basically just asking  
9 basic information. The most important thing was how many  
10 people are fishing, how many snapper were landed, and, you  
11 know, when they went.

12 The next slide is showing the flight profile  
13 that we used through the airplane, through the aerial surveys.  
14 As you can see, we left out of Gulfport. We followed the E out  
15 to the very bottom. We came back in on the E pattern. And the  
16 flight profile allowed us to survey all of our fish havens  
17 offshore. Roughly, it was about 15 miles out is how far the  
18 plane would go from shore.

19 Just a note. You know, FH-7 is a pretty good  
20 ways out, but we were able to visually see FH-7 from the plane  
21 from the altitude. So we were able to look at it, as well.

22 During the nine day season we had, the only day  
23 due to weather and flight personnel being available and the  
24 plane being available that we were able to get the boat and the  
25 plane out at the same time was that Friday, June 6. And if you

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1 you an update on the red snapper survey.

2 1. Red Snapper Survey Report

3 MR. DEVERS: Good morning, commissioners,  
4 Director Miller, Ms. Chesnut, Senator Wiggins.

5 I'd like to give you a quick update on the data  
6 collection program that we started at the end of May, then  
7 cover the federal snapper season. This is just preliminary  
8 stuff, you know, that we've been able to garner through our  
9 efforts here.

10 Why did we do this? The whole purpose of the  
11 program was to help us get more precise in season estimates of  
12 red snapper fishing pressure and landings here in Mississippi.

13 You know, one of the things with snapper  
14 management has always been how much is being landed and what's  
15 the average size because that affects the total allowable catch  
16 how soon the season is met or, rather, the quota is met, excuse  
17 me.

18 So what we did to get this information is we  
19 utilized civil air patrol and took the vessel out, did aerial  
20 flights. We used one of our vessels to go out and go to the  
21 different fishing areas through boat intercept county vessels.  
22 We also did a trip catch card which is electronically or we  
23 also handed out ones that fishermen could mail in to us. Our  
24 surveyors also went out to the public ramps that we thought  
25 would have -- most likely have snapper fishermen coming in at

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1 look at the graph or the picture here, all of the yellow dots  
2 are where vessels were spotted and counted. A couple of people  
3 from the bureau went out in the boat, and that's what the red  
4 dots represent. That's up to 85 miles south is where they  
5 went. So we covered a lot of territory, and we felt that we  
6 really got a good estimate of who was fishing on that day. And  
7 as you can see, most of the pressure was at FH-1, -2, and -13.  
8 But a lot of that's rigs south of the fish havens and whatnot.

9 A quick summary of the June season. You know,  
10 one of the things we found it seems to be every snapper season  
11 is weather. Out of the nine days, only six of them were truly  
12 fishable. I mean, we had average wind speed of nine knots for  
13 the entire nine days and gusts were 14 knots. Average wave  
14 height was over six feet for the entire nine day season. So  
15 that did limit some, but when the weather got right, the people  
16 went fishing. But we were able to get an estimate of total  
17 number of vessels, number of anglers per vessel which got  
18 through the catch card survey data. The red snapper harvested  
19 per angler per trip we got from the catch cards and that's  
20 through the mail-ins and the electronic form. And the way the  
21 red snapper were harvested, we were able to get that through  
22 the dockside interviews.

23 Because we -- the commission opened the state  
24 weekends for July, we got a quick update on that. We followed  
25 the same protocol as we did for June. We had flights going out

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1 on the weekends, boat surveys, and the catch cards.  
2 Unfortunately, we've had a lot less effort this time. We  
3 really expected people to really take advantage of it. Don't  
4 really know why that is. But, you know, so far it's -- people  
5 have fished less.

6 Did want to say that the smart phone app that  
7 was developed has been available for the July season. So  
8 hopefully we'll get some information from that, as well.

9 As a note, the most boats we have counted on --  
10 at one time has been 15. So that's really surprising.

11 And as of right now, we have not received any  
12 mail in cards, but we have had a few electronic cards.

13 And just to give you a little further update  
14 here, the flight flow profile changed for the weekend only  
15 season for the simple fact that we are just covering the nine  
16 nautical miles that the governor signed into law last year. So  
17 as you can see, we're only going down to basically fish havens,  
18 and we've also gone over further east just to look at the gas  
19 wells and the rigs and stuff that over towards the Alabama  
20 state line just to try to get some more of that information.

21 But that's the end of my presentation. Are  
22 there any questions?

23 MR. BOSARGE: Yes. Maybe some questions and a  
24 comments. But I'm proud to see that we here in the State of  
25 Mississippi are doing our part to collect the data. We're

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1 tending to go down the path of state management. And  
2 management is more than just opening and closing the season.  
3 It's monitoring the stock, making sure what's being caught,  
4 what's being taken, what's there. So next, we don't know where  
5 we're going to go, but I would hope that at some point we would  
6 make our reporting mandatory. You know, if we're going to open  
7 a state season, I'd like to see it hopefully -- and I see Matt  
8 looking at me -- don't throw anything at me. But anyhow, if we  
9 could go towards that to where we have a mandatory reporting,  
10 and that way we get the numbers. We know what's being caught.

11 MR. DEVERS: Yes, sir. And that actually, Mr.  
12 Commissioner, is what we're hoping to do next year is to make  
13 the reporting mandatory just for those reasons. Because as you  
14 said, I mean, it's hard to make management decisions if you  
15 don't have data.

16 MR. BOSARGE: It's all about the data.

17 MR. DEVERS: Yes, sir.

18 MR. BOSARGE Thank you.

19 MR. DEVERS: Yes, sir. Is there any other  
20 questions I could answer?

21 MR. GOLLOTT: I thought the last time when we  
22 opened it or when we addressed the trip tickets, we made it  
23 mandatory next season, starting next season. If it's not, let  
24 me know, please.

25 MR. DEVERS: Well, Mr. Chairman, the trip

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1 tickets are strictly just for the commercial side, so this was  
2 the recreational. I believe what Commissioner Bosarge is  
3 taking about is like the electronic reporting cards. We're  
4 looking at making that mandatory so that when somebody goes on  
5 a snapper trip they have to report back to us.

6 MR. GOLLOTT: I think we made that mandatory.

7 MR. DEVERS: Did we?

8 MR. GOLLOTT: Yeah. I think it becomes  
9 mandatory next season.

10 MR. DEVERS: We'll look back, and yes, sir,  
11 we'll let you know, Mr Commissioner. Yes, sir.

12 MR. GOLLOTT: Thank you.

13 MR. DEVERS: Anyone else? Thank you.

14 MR. GOLLOTT: Thank you, sir.

15 MR. JEWELL: I want to correct a statement I  
16 made. On southern flounder, the quota is actually 74,000  
17 pounds, and we're at 5,000 pounds.

18 Next up is the red drum stock assessment update  
19 by Mr. Matt Hill.

20 2 Red Drum Stock Update

21 MR. HILL: Good morning, commissioners, Director  
22 Miller, Ms. Chesnut.

23 Just want to give a quick update on our  
24 commercial recreational red drum status.

25 First off, we're going to start with the

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1 commercial. Our current regulations, we have 18 inch minimum  
2 length. The fisherman may only retain one red drum over 30  
3 inches. We currently do have a 50,000 pound annual quota which  
4 begins January 1 of each year. This is something that was  
5 changed for this year. We were at 35,000 pound quota. And  
6 currently, all the fishermen must possess a current applicable  
7 harvester's license to commercially harvest this species.

8 Our quota. The red drum quota was established  
9 October 1, 1990, and it was set at 35,000 pounds. We have  
10 recently changed that. Currently our quota is 50,000 pounds,  
11 and that was implemented January 1, 2014.

12 The fishery has met the quota in 12 years since  
13 implementation. 1991, '93 through '97, '99 through 2001, and  
14 three out of the last four years excluding 2012.

15 Some of our options that we can look at. We've  
16 been talking about maybe changing a few things up similar to  
17 what we did on speckled trout.

18 We can leave it. It will be status quo.

19 We can increase the commercial red drum quota.

20 We could decide to place the red drum under the  
21 species endorsement like we did or the means test such as we  
22 did the spotted sea trout.

23 We can do a combination. We can raise the quota  
24 and we can also place it under the species endorsement.

25 Or we could maybe think about splitting the

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1 season similar to what we did for the spotted sea trout where  
2 we had two four-month seasons now.

3 And just for reminder on endorsement, it would  
4 look something like this. All I would recommend doing is if we  
5 went down this path in the future would just be to add or red  
6 drum after spotted sea trout, and we would leave the  
7 qualifications the same, \$5,000 in a 12 month period or ten  
8 percent of income.

9 We currently have 95 of our fishermen that have  
10 qualified for the endorsement right now, so it definitely did  
11 cut the numbers down significantly.

12 And we'll run through the recreational really  
13 quick. We're talking about recreational catch. One of the  
14 things that we like to see, and this also applies for the  
15 commercial, but it comes up a lot when we want to do status and  
16 recreational as an escapement rate.

17 Your escapement rate is defined as a proportion  
18 of fish that survive to a given age in the presence of fishing  
19 mortality relative to a population not subject to fishing  
20 mortality. Basically it's a fish population versus a non-fish  
21 population.

22 There's been a lot of discussion on what age you  
23 should use to -- for the escapement rate. We have chosen age  
24 four as our target age for escapement calculation. Some other  
25 states have chosen age five. It's just something our data

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1 Gulf States did an extensive management plan on  
2 red drum, and escapement rates is what they used. The FMP or  
3 the Fisheries Management Plan escapement rate target  
4 recommendation for red drum is 30 percent. Mississippi,  
5 Alabama, and Louisiana follow the FMP recommendation of 30  
6 percent for stock status and management decisions. Texas and  
7 Florida also follow this recommendation, however, both states  
8 strive for a 40 percent escapement rate when determining stock  
9 status and setting regulations.

10 Currently, our status, like I said, the FMP  
11 recommends an escapement rate of at least 30 percent. Our  
12 average calculated rate at the current minimum size limit of 18  
13 inches from the years 2004 to 2012 is approximately 32 percent.  
14 The average escapement rate for this same time period with the  
15 same minimum size limit of 18 inches, and we are in discussions  
16 about not including the 2010 year, that's the oil spill year.  
17 There's some sampling discrepancies there. If we exclude this  
18 year, it would make it higher, closer to 34 and a half percent.

19 If we chose to drop the minimum size limit in  
20 the future, one thing we were able to do with this, we were  
21 able to back calculate to where if it was -- we were at a 16  
22 inch minimum size limit instead of an 18 inch size limit, and  
23 keep in mind 30 percent is the recommended escapement rate  
24 minimum, the average calculated escapement rate at 16 inches  
25 for the same time period is approximately 28 percent which is

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1 supported us going with the age four fish.

2 MR. BOSARGE: Matt, at age four, have these fish  
3 spawned once, twice, or do you have that information?

4 MR. HILL: That's something -- they have  
5 spawned. I can't tell you how many -- that's something we  
6 would have to do a little more -- get in the literature a  
7 little bit more.

8 And it seems like the problem with questions  
9 like that is it seems every state has a different opinion, so  
10 the literature just doesn't support. And that's some of the --  
11 I have some of the challenges that we are facing a little later  
12 in the presentation, but that's one of them.

13 MR. ZIMMERMAN: And just for layman's  
14 understanding, what is an age four redfish?

15 MR. HILL: For?

16 MR. ZIMMERMAN: What is an age four? Is that a  
17 -- predominantly a 17 inch fish, a 12 inch fish?

18 MR. HILL: No. We're talking at age four you're  
19 talking up to 23 to 30 inch range. Some of them may be -- the  
20 growth rate, all the growth rates are going to be different. I  
21 mean, it's just like human growth rates are different, fish  
22 growth rates are different.

23 The range is going to be somewhere 23, 24 inches  
24 to in the low 30s, 32, somewhere right in there is what you're  
25 talking about.

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1 below, but it's not below by much. And the average escapement  
2 rate during this time period is 16 inches excluding the 2010  
3 year for various reasons is 30 and a half percent. So that  
4 would meet the minimum requirements sated in the FMP.

5 Here is what it looks like. You can see the  
6 bottom point there is 2010. There's no real reason that we  
7 could find that that should have happened. There was less  
8 fishing pressure in that year. Definitely with the spill we  
9 had some area closures, and that's why we're saying we  
10 definitely have a discrepancy in some sampling that year. So  
11 we're in discussions with Dr. Leaf at the research lab talking  
12 about the best way to handle that. And right now, his  
13 recommendation may be to just exclude that particular year.

14 And our conclusion. Our current regulations are  
15 effective in maintaining the recommended 30 percent escapement  
16 rate set forth in the FMP.

17 However, the calculated escapement rate with a  
18 minimum size limit set at 16 inches would have also been  
19 effective in maintaining the recommended 30 percent escapement  
20 rate set forth in the FMP for the sane time period.

21 However, the staff is requesting to further  
22 evaluate and consult additional predictive models to better  
23 manage this fishery stock.

24 And this is the model that we're relaying  
25 heavily on currently. It's the per recruit model. We were

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1 hoping to have these results available for this meeting. We're  
2 very close. We're just not quite there. So the results are  
3 not available at this time.

4 The objective of the per recruit modeling is to  
5 determine the tradeoffs of fishing at different size limits and  
6 harvest limits and the effect these changes have on overall egg  
7 production.

8 So what this model should tell us when we're  
9 completely done with it and we're confident in it is what would  
10 the effect be if we dropped down to 16 inches and what would  
11 the effect be if we decided to raise the commercial quota by  
12 some amount. We may even be able to tease out how much we  
13 could raise it. That's yet to be seen.

14 It's also going to tell us whether the slot, the  
15 current slot limit of 18 to 34 inches, is having little effect,  
16 no effect, great effect. That's something that we have never  
17 really looked at. That's just -- it's been 18 to 30, and I  
18 think that's -- we don't know. It may be better to go to 26,  
19 28. That's something that this model will tell us once -- or  
20 hopefully tell us once we get done.

21 One reason it's taken us a little longer than  
22 expected is some of the challenges that we're facing with this  
23 model. The age at length relationship is problematic. We are  
24 missing information on critical age classes. This is a  
25 Gulfwide problem, and the main reason it's a Gulfwide problem

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1 is because of the longstanding federal closure. The fish that  
2 we are -- that we need to be targeting and that we need our  
3 anglers to target to fill in these gaps are located primarily  
4 in federal waters.

5 The length specific age production estimates are  
6 lacking for the northern Gulf of Mexico. This includes  
7 Mississippi. And this is our fecundity estimates.

8 And the last is the mortality rates derived from  
9 catch curve analysis are uncertain, especially for ages one,  
10 two, three. And that's something that's a problem in the  
11 model, and that's something we're trying to work through with  
12 the model.

13 And like I said, we're working very closely with  
14 Dr. Robert Leaf at the Gulf Coast Research Lab. And I know  
15 he's been working pretty hard on it, and we're just requesting  
16 to get -- have a little more time to further -- to evaluate  
17 this model and get it correct.

18 MR. GOLLOTT: Matt, can you give us an estimate  
19 on when you'll have all this together?

20 MR. HILL: I told him that I would like to have  
21 this to present at the next commission meeting.

22 I think -- we have just a preliminary, we have  
23 the preliminary results from the model at hand. It's just he's  
24 not comfortable, nor am I comfortable, releasing those yet  
25 until we're fully confident and feel that we don't need to make

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1 any more adjustments.

2 So I would -- our goal would be to have it  
3 prepared and ready for the next commission meeting.

4 MR. GOLLOTT: Thank you very much. Any more  
5 questions?

6 MR. DRUMMOND: Yes. Matt, you are having some  
7 conversations about increasing the commercial red drum harvest?

8 MR. HILL: I'm not having conversations. I was  
9 just saying these are some of the options that we have if we're  
10 going to do something we've talked about. We've had to shut it  
11 down the last three out of four years.

12 MR. DRUMMOND: That is because the recreational  
13 fishermen don't catch their quota?

14 MR. HILL: There is no quota for the  
15 recreational fishermen. This is just for the commercial quota.

16 MR. DRUMMOND: Fifty thousand pounds for  
17 commercial quota; right?

18 MR. HILL: Yes, sir.

19 MR. DRUMMOND: That's all they can catch; right?

20 MR. HILL: That's all they can catch.

21 MR. DRUMMOND: That means the recreational  
22 fishermen are now 50,000 pounds catch, too.

23 MR. HILL: Well, the last number showed they had  
24 close to 900,000 to a million pounds as their harvest.

25 MR. DRUMMOND: So they're exceeding their quota,

23

1 whatever they have after the commercial stocks are harvested;  
2 right?

3 MR. HILL: I'm not going to say that. Those are  
4 your words.

5 But, yes, the recreational harvest definitely  
6 outweighs the commercial harvest. We have no way of --  
7 currently we have no way of restricting the recreational  
8 harvest except with our size limits and bag limits.

9 MR. DRUMMOND: I have to disagree with you  
10 there.

11 MR. HILL: Okay.

12 MR. BOSARGE: Matt, has the -- and just because  
13 the commercial harvest is pretty well capped, is the  
14 recreational harvest -- I haven't seen the graph on it. But I  
15 know about where it's at. But is it continuing to increase, or  
16 is it --

17 MR. HILL: It's continuing -- it's increasing  
18 because the effort -- it's an effort driven fishery. The fish  
19 are there. I mean, I think we've had these discussions before.  
20 I mean, the stock in our opinion is extremely healthy right  
21 now, and as long as the effort -- it's an effort driven  
22 fishery. And our effort is continuously increasing. I think  
23 we're up around 90,000 licenses this year, and we're steadily  
24 going on. It's on the rise.

25 MR. BOSARGE: Glad to see that we're working on

24

1 getting the numbers, getting the models, see where we're at,  
2 what we need to do to get this in check.

3 MR. HILL: We're trying.

4 MR. BOSARGE: Thank you.

5 MR. GOLLOTT: Matt, do you think a reporting  
6 system like we have on the red snapper would help us get some  
7 solid numbers?

8 MR. HILL: I think we're confident in our  
9 independent and dependent sampling data that we're getting in.  
10 It's just the fish that we're missing, we just have a hole in  
11 our data, and like I said, those fish are mainly -- reside in  
12 the offshore federal waters, and currently there is no fishery  
13 out there.

14 So until we can cap some type of limited fishery  
15 or we can come up with something to be able to sample these  
16 fish or make assumptions about their ages and their fecundity  
17 and their age and growth patterns, it's going to be tough to  
18 have something completely accurate.

19 But we are doing the best we can with what we  
20 got. But we're getting good reporting from -- we feel like  
21 we're getting good reporting on our normal survey from our  
22 programs right now. It's just we're missing the fish that we  
23 need to fill in these holes. And they are just not available  
24 for anybody to catch at the moment.

25 MR. GOLLOTT: Thank you, Matt. That was very  
25

1 shrimping.

2 And contrary to popular belief, that was not the  
3 latest opening date we've had. As you can see, it's only a  
4 week later than last year. And we opened in 2009 on the 25th  
5 and the year before that on the 17th.

6 So we're a little above average, but it wasn't  
7 that late.

8 Here's a chart of our licenses sold. It's kind  
9 of blurry, but we sold about 400 resident commercial licenses,  
10 240 resident recreational, 277 nonresident commercial, of that  
11 114 were Louisiana residents. So the dollar signs are a little  
12 higher on that one. And then four nonresident recreational.  
13 And that gives us this year so far through yesterday 917 total  
14 shrimp licenses sold. And last year we sold 818.

15 As you know, we do an aerial survey on opening  
16 day to count the number of shrimp boats. This year, we counted  
17 368 which is the most since 2005 right before Hurricane  
18 Katrina. As you can see, from 2010 we're steadily going up,  
19 and hopefully that trend continues.

20 This picture here is just south of Biloxi. It  
21 shows one of the heaviest concentrations we had on opening day  
22 of about 120 boats working primarily from the Gulfport channel  
23 to the east Biloxi channel -- or the west Biloxi channel,  
24 excuse me.

25 And just a brief rundown of the staff's sample  
27

1 good.

2 MR. DRUMMOND: One more question.

3 MR. HILL: Yes, sir.

4 MR. DRUMMOND: Have you looked at the NMFS data,  
5 N-M-F-S data, the tagging data offshore that was conducted a  
6 few years back?

7 MR. HILL: I have not. I do have that data. I  
8 haven't gone through it thoroughly, though. But I do have it.

9 MR. DRUMMOND: There was considerable tagging  
10 data obtained, but I don't know how many returns there were.

11 MR. HILL: Yes, sir.

12 MR. DRUMMOND: There might be some significant  
13 data there for you.

14 MR. HILL: Yes, sir. Thank you. We'll take a  
15 closer look at that.

16 MR. GOLLOTT: Thank you, sir.

17 MR. HILL: Yes, sir.

18 MR. GOLLOTT: Now for the important fishery.

19 3. Shrimp Season Report

20 MR. BURRIS: Good morning, commissioners, Mr.  
21 Chairman, Director Miller, Ms. Chesnut.

22 I'm going to give you a real brief summary on  
23 our shrimp season to date.

24 If you remember, on Wednesday, June 18, we  
25 opened both north and south of the Intracoastal Waterway to

26

1 on the 16th, two days prior to the opening, we had an average  
2 count across the Sound of 55 shrimp per pound, brown shrimp per  
3 pound. Like I said, we counted 368 boats. And we had nothing  
4 but good reports from all the fishermen we talked to. They  
5 were catching great numbers of 31/40 to 41/50 count brown  
6 shrimp.

7 And preliminary landings, I didn't put it up  
8 here because it's preliminary and we just got them yesterday,  
9 they've landed so far about 2.1 million pounds of shrimp head  
10 on. Last year, we had about 1.1 million at this point. So  
11 we're doing pretty good, up from last year.

12 With that, if you have any questions.

13 MR. BOSARGE: The season looks really good  
14 compared with the previous years from the guys I talked to and  
15 the guys I see. And, you know, because there's so many  
16 environmental conditions that affect our season more than  
17 probably anything that we do, but all the rain this year, you  
18 know, it really seems to have been a blessing because the guys  
19 are catching good catch and continuing to catch good catch  
20 where this time last year most of them for the most part in the  
21 Sound, the big catches were over with. But they're still doing  
22 good. So proud to see it.

23 MR. GOLLOTT: Thank you, sir.

24 MR. BURRIS: Thank y'all.

25 4. Reoprt on Title 22 Part 2: Shrimp Rule

28

1 MR. JEWELL: Good morning, commissioners. The  
2 next item on the agenda, the commission has expressed some  
3 concerns with nets that have been pulled in closed waters for  
4 cleaning purposes during the shrimping season.

5 I've prepared a short presentation that  
6 identifies the section of code in our current regulation that  
7 speaks to that issue.

8 In Title 22 --

9 MR. DRUMMOND: Can you speak up, Joe?

10 MR. JEWELL: I'm sorry, Shelby. Let me adjust  
11 my microphone so you can hear me.

12 MR. DRUMMOND: I don't hear that well. You have  
13 to speak up for me to hear you.

14 MR. JEWELL: I have a soft voice, so I'll try  
15 and speak up for you, commissioner.

16 In Title 22 Part 2, it speaks very directly to  
17 this issue. In Section 106, it directly addresses this issue.  
18 It shall be unlawful for any person, firm, or corporation to  
19 wash, drag, or pull a trawl or try net on the top of the water  
20 or under the water with a bag tied or untied in any area of the  
21 territorial waters in the State of Mississippi which are closed  
22 for shrimping.

23 And it goes on a little bit to address more  
24 specifically that issue.

25 So in order for us to address that issue, what

29

1 moved.

2 MR. BOSARGE: And, Joe, just to kind of clear up  
3 things basically for the folks in the audience, the problem  
4 with the washing the nets on top of the water and especially  
5 for the guys from Louisiana, different states that don't  
6 realize that this is a law, and it's happening quite a few  
7 times where the weather would be bad offshore and before the  
8 season opens these guys are working outside the islands, and  
9 they wash their nets inside the Pass, and first thing you know  
10 they get a ticket. And they just don't understand that this is  
11 a law.

12 And it happens. And then the next thing that  
13 happens is the guy gets ready to go out, and he lowers his  
14 outriggers down, his try trawl which is hanging on those  
15 outriggers, it's fastened off, but maybe not good enough, and  
16 he's running out and he doesn't realize it, and his trawl goes  
17 overboard and he's trailing beside the boat, and he gets a  
18 ticket.

19 So I understand enforcement -- and I'm glad that  
20 you're going to look and get with enforcement and try to figure  
21 out, let's figure out how we can still give them the tools to  
22 do their job but hopefully not punish somebody for something  
23 that they really weren't doing wrong.

24 But good job, keep working on it.

25 MR. JEWELL: We appreciate it.

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1 we have done internally and speaking and coordinating with  
2 marine patrol because this really is a regulatory law  
3 enforcement issue, and so in order for us to proceed, what  
4 we've done is just stricken that section of code completely  
5 out.

6 But I have worked with marine patrol with  
7 several of their officers to address an issue that would be  
8 sort of a compromise between the office of marine fisheries and  
9 the office of marine patrol. And I've worked with our -- the  
10 commission attorney. And what we're asking the commission to  
11 do is for us to put this issue on the August agenda, let me  
12 come forward with a more detailed presentation for y'all so  
13 that we'll have a little more time to address the nuances of  
14 the issue.

15 We are now looking at some language that would  
16 allow us to compromise more with marine patrol to find the  
17 language that would allow the issue to come forward in a  
18 regulatory process.

19 MR. GOLLOTT: Thank you, Joe.

20 I'd like to have a motion that we table this  
21 until the next meeting.

22 MR. ZIMMERMAN: So moved.

23 MR. GOLLOTT: Second it?

24 MR. BOSARGE: So second.

25 MR. GOLLOTT: All those in favor. Opposed? So

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1 Commissioner Drummond, do you have any  
2 questions?

3 MR. DRUMMOND: Not at this time.

4 MR. JEWELL: We appreciate it.

5 Thank you.

6 MR. GOLLOTT: Thank you.

7 MR. JEWELL: Our next item is the state fish  
8 records. Ms. Emily Satterfield will be giving those.

9 5. State Records

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

12 We have two new conventional tackle records to  
13 talk about this morning, submissions for records. Both are  
14 species for which there is not an existing record.

15 The first one is the oyster toadfish, scientific  
16 name Opsanus tau. The new record was two pounds 4.2 ounces  
17 caught by Billy Bridget. This is a picture of the fish by  
18 itself, a closeup, and then here is a picture of Mr. Bridget  
19 with his fish.

20 The next is a speckled hind, Epinephelus  
21 drummondhayi, one pound 9.3 ounces, caught by angler Ryan  
22 Brushaber.

23 MR. DRUMMOND: Do you have any idea where that  
24 specific name came from?

25 MS. SATTERFIELD: Where the speckled hind came

32



1 from? No, sir, I don't. It's speckled, but I'm not sure where  
2 the hind part came from.

3 And this is a picture of Mr. Brushaber with his  
4 fish.

5 MR. GOLLOTT: Do we have a motion on these two  
6 records?

7 MR. ZIMMERMAN: Mr. Chairman, I'd like to make a  
8 motion we accept both of these new records.

9 MR. GOLLOTT: Do we have a second?

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

11 MR. GOLLOTT: All those in favor. Opposed?

12 Motion passes.

13 MR. JEWELL: Our final presentation is Mr. Scott  
14 Gordon on basket dredges.

15 MR. GOLLOTT: Scott, you got five minutes.

16 6. Basket Dredge Presentation

17 MR. GORDON: Good morning. I would like to hear  
18 Commissioner Drummond's explanation on the speckled hind's  
19 name, because I thought that there was some possible interest  
20 there.

21 MR. DRUMMOND: No.

22 MR. GORDON: I've been asked to do a little  
23 presentation for discussion purposes on the basket oyster  
24 dredge.

25 Basket dredge is also known as a soft dumping

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1 dredge or Alabama oyster dredge, and for those of you that  
2 aren't familiar with it, here are some photos that will let you  
3 see. It's a hard basket, and whenever it comes up on the boat,  
4 it will self dump those oysters.

5 And in comparison, this is a typical bag dredge  
6 where you have the chain and the woven rope bag on there. And  
7 it's not self dumping. You have to have somebody grab the  
8 dredge rings and actually empty out the bag.

9 Basket dredges. The reason that they're used,  
10 number one is self dumping, less muscle is required. Requires  
11 fewer deckhands. Ease of use. They are required in the State  
12 of Alabama for dredging. There's probably less maintenance  
13 required on these.

14 Some of the concerns -- and a lot of this is  
15 anecdotal information that I have gotten from a lot of  
16 fishermen. Some of those have used the basket dredges  
17 previously and not used the bag dredges. But some of the  
18 concerns expressed were they may be more difficult to fish  
19 properly. They may damage or bury oysters. They may dig too  
20 deep into the reef causing damage. And they may make oysters  
21 in the area muddy by stirring up excessive mud and sediment.

22 The Alabama oyster dredge regulations, the  
23 dredge size is restricted to 16 feet three inches apart, self  
24 dumping basket, no chain bags allowed. The weight of the  
25 dredge shall not exceed 115 pounds, including self dumping

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1 basket. All dredges must be inspected and tagged by the marine  
2 resources division at the marine resource division's Dauphin  
3 Island office.

4 Louisiana's oyster dredge regulations. There's  
5 nothing specific in here about basket or self dumping dredge.  
6 But oysters may be taken from public grounds by dredges,  
7 scrapers, and tongs. Dredgers and scrapers shall be no longer  
8 than six feet in width measured along the tooth bar. The  
9 dredge teeth shall be no longer than five inches, and there  
10 shall be no more than seven dredges in use on any one vessel.  
11 Dredges shall not be used in such manners as to remove  
12 excessive non-living reef material with seed oyster loads or to  
13 cause physical disruption to the natural reef.

14 If you can imagine, that's a difficult rule to  
15 enforce.

16 The use of dredges in Calcasieu and Sabine Lake  
17 is limited to a single hand dredge or a single scraper with  
18 mechanical assist that has a tooth or flat bar no more than 36  
19 inches in length.

20 And then for Mississippi, basically we have a  
21 weight of 140 pounds, and the tooth bar cannot have more than  
22 16 teeth. And the teeth on the tooth bar cannot exceed five  
23 inches unless otherwise permitted.

24 So the basket dredges that the folks are using  
25 now will fall within this definition.

35

1 Some of the possible directions that we have  
2 considered and the commission may wish to consider some of  
3 these, as well, is the education, education of the fishermen as  
4 to proper fishing techniques, restrictions such as outlawing  
5 these or putting additional requirements into the regulations,  
6 the outreach.

7 I have met with the coalition of Vietnamese  
8 American fisher folks and families, and they have some  
9 concerns. For the Vietnamese fishermen, they feel pretty  
10 strongly about being able to use basket dredges since they are  
11 self dumping and a lot of the Vietnamese don't have as much  
12 upper body strength to dump that. So those are some of their  
13 concerns.

14 With our stewardship program, trying to get some  
15 of the more experienced fishermen to help educate some of the  
16 other fishermen that are using this type of gear or how to even  
17 use the bag dredges maybe more effectively. The experimental  
18 or modified gear, in speaking with some of the Vietnamese  
19 fishermen, they kind of felt like they had some ideas that they  
20 would like to try out to make this gear easier to use and still  
21 be reef friendly. And so we are looking into that.

22 And also some research. I said anecdotally that  
23 these fishermen have expressed those concerns that these basket  
24 dredges may cause damage to the reef. I believe them, but we  
25 have no real hard evidence for that. So we are looking into

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1 working on underwater video techniques that can better document  
2 how the dredge works and the effects on the reef and other  
3 things.

4           So that's where we stand right now. I know that  
5 we do need to do some additional work on this.

6           MR. BOSARGE: And just -- I don't know if you  
7 can answer the question or not. But as far as in Mississippi  
8 and most of the fishermen out there, because I see Alabama is  
9 three inches between the teeth and we're five, what are most of  
10 those fishermen using of spacing between the teeth? What's the  
11 average, or can you answer that question?

12           MR. GORDON: The spacing --

13           MR. BOSARGE: Between the teeth.

14           MR. GORDON: -- between the teeth. Well, we  
15 have in Mississippi there's a five inch -- let's see. Here's  
16 140 pounds, tooth bar cannot have more than 16 teeth, and they  
17 cannot exceed five inches in length on the individual teeth.

18           There's not a spacing in between the teeth;  
19 is there, Rusty?

20           MR. PITTMAN: No, sir.

21           MR. BOSARGE: No spacing? Okay. I think that  
22 was Louisiana or was it ours that had five inches in there?

23           MR. GORDON: Yeah, five inches in length. Also,  
24 Louisiana's is five inches in length, and Alabama has the  
25 spacing 16 teeth three inches apart. They do not have a length

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1 that these basket dredges are burying and tearing the reef up.  
2 And that's one thing we really need to know. We don't want to  
3 go against innovation just because one group don't want the  
4 other group using it or something. We'd like to know what it  
5 is.

6           Scott, is there any way we can discover this  
7 before the next oyster season?

8           MR. GORDON: I would love to say yes, but I  
9 don't believe this problem is so easily solved.

10           I agree with you that if there is going to be  
11 any damage to the reef, I don't want the reef to be damaged.  
12 But we have to have some hard and fast evidence on that, and  
13 I'm not certain that we would be able to gather that. You  
14 know, we can talk with some of the folks and maybe have them  
15 try to use a less cable or chain because that seems to be one  
16 of the biggest concerns that they're putting out too much cable  
17 or chain and that's burying the reefs up.

18           MR. DRUMMOND: You're talking about visual,  
19 looking at it with underwater cameras?

20           MR. GORDON: Well, with that, and possibly also  
21 doing some dredge efficiency studies. But we have these -- in  
22 fact, John Mitchell here had purchased some of these little  
23 cameras whenever he was working with shellfish, and so now  
24 Charlie Robertson is now working with that with our small  
25 sampling dredge trying to get the angles and the techniques

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1 measurement, though.

2           MR. DRUMMOND: Scott, when your group samples  
3 oysters, how do you sample? With a tong or a dredge?

4           MR. GORDON: We use a small sample dredge, hand  
5 dredge mainly.

6           MR. DRUMMOND: Has it got teeth?

7           MR. GORDON: Yes, sir.

8           MR. DRUMMOND: Have you ever heard of a tumbler  
9 dredge?

10           MR. GORDON: Excuse me?

11           MR. DRUMMOND: A tumbler dredge.

12           MR. GORDON: I'm not familiar with that, no,  
13 sir.

14           MR. DRUMMOND: When you throw it overboard, it  
15 will fish -- it's a rectangular --

16           MR. GORDON: Yes, have seen those. I was not  
17 familiar with the name or I couldn't recall, it's been so many  
18 years.

19           MR. DRUMMOND: (Inaudible) sampling, too, for  
20 years, and they destroyed the reef.

21           MR. GOLLOTT: You know, I think the big question  
22 is the old time dredgers used to be able to set these dredges  
23 to take the oysters off of the top of the reef and not hurt the  
24 reef.

25           But I think the big thing is that they claim

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1 down that we want to compare that with a basket dredge, the bag  
2 versus the basket.

3           MR. DRUMMOND: I would think you'd have some  
4 problems in Mississippi Sound using visual.

5           MR. GORDON: Water clarity. But we've gotten  
6 some pretty good pictures, some pretty good video.

7           MR. DRUMMOND: I was just thinking that you had  
8 to face some water clarity, too.

9           MR. GORDON: Yes, sir. But we've gotten some  
10 surprisingly good pictures. They're very interesting.

11           MR. GOLLOTT: Scott, the complaint I've heard is  
12 that the rope dredges will not tip. They'll only fill up so  
13 much and then they spill over and don't bury as bad as the  
14 baskets. Is there any possibility that we could limit the size  
15 of the basket or something to make it light?

16           MR. GORDON: Well, if you just even think about  
17 what you said, you know, what they're saying, the basket  
18 portion is limited in its size. It's not going to change from  
19 what that is.

20           The bag dredge, yeah, it can stretch to the  
21 extent of the rope bag, but that chain is not going to stretch.

22           MR. BOSARGE: It appears to me though, the  
23 basket dredge as the weight piles in the dredge in that basket,  
24 then it adds to the (inaudible) effect of the dredge. Whereas,  
25 the bag dredge, it falls over the back of it. So I could see

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1 where that basket dredge as it gets fuller, the harder it's  
2 going to be.

3 MR. GORDON: Yeah, I would see that.

4 MR. BOSARGE: Where do you think we need to go  
5 with this, Scott?

6 MR. GORDON: Ideal world, I'm going to be  
7 satisfied, other folks aren't going to be satisfied. If there  
8 are some concerns about them, I would just say not to do them.  
9 But there are reasons that I had to outline there why people  
10 use them.

11 And possibly with some of this experimental gear  
12 design could be easier on the reef and make it easier for some  
13 of the fishermen to use.

14 Years ago, only tongs could be used in  
15 Mississippi. And whenever the dredges finally came in, they  
16 had to seal up their diesel engine so they could not be using  
17 diesel engines. It all had to be under sail power. So we  
18 gradually evolved from that.

19 And I think it's a continual evolutionary  
20 process, even with the gear and the techniques used, and  
21 sometimes necessity is the mother of invention. So, you know,  
22 with some of these folks, they are really interested in wanting  
23 to solve the problem. They don't want to harm the reef,  
24 either.

25 So if we can get these folks involved and try to

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1 solve the problem..

2 MR. BOSARGE: I kind of agree with Commissioner  
3 Gollott in that if we are going to look at the basket dredge,  
4 then we need to look at possibly setting the size on it to  
5 where it does not harm the reef, it does not fill so full as to  
6 continue to dig deeper.

7 So, yeah, there's some challenges there, and I  
8 know it's going to have to be a lot of work for you guys to get  
9 out there and see just what it does.

10 MR. PITTMAN: Commissioners, we do check every  
11 oyster season on the weight of the dredges. We do spot checks  
12 on them. And the last couple of years, we have not issued any  
13 citations for oversized dredging and over-weighted dredging.

14 We have issued some for too many teeth, but not  
15 the weight.

16 MR. GOLLOTT: You know, what you could do as a  
17 suggestion is you could fill those dredges to capacity and see  
18 what they weigh, see if the basket dredges is getting heavy.

19 We really need to air on it. How many people  
20 are using these basket dredges, percentagewise? Most of our  
21 people using regular rope dredges or baskets?

22 MR. GORDON: If I had to estimate that, I  
23 believe it's somewhere in the 20 to 30 percent range. We did  
24 an informal survey I think a couple of years ago on that, and a  
25 lot of the Alabama fishermen use it.

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1 Some of the complaints that we've gotten on this  
2 are from folks that have used basket dredges in the past, and  
3 then they felt so strongly about it they went back to the bag  
4 dredges, even though it required them to put another person on  
5 the boat.

6 So I know Commissioner Zimmerman has spoken with  
7 folks, as well, but they feel very strongly about it.

8 MR. GOLLOTT: What about education? Did we ever  
9 get a program to where we can sit these people down and show  
10 them how to set a dredge? That's the key is setting a dredge.

11 MR. GORDON: We do have the new educational  
12 program. The certificate that they get is for a two year  
13 period. Most of the oyster fishermen or most of the licensed  
14 fishermen that we have I believe have already been through that  
15 class.

16 So I guess in the next revision of that course,  
17 I think we can work some of that into it, as well.

18 But we were pretty rushed this last season to  
19 get that course in place.

20 MR. GOLLOTT: Scott, we're going to put it back  
21 on you. How about giving us a recommendation before the next  
22 season which way we should go and, you know, see if you can get  
23 these people educated on how to regulate a dredge?

24 MR. GORDON: Yes, sir.

25 MR. GOLLOTT: Come back with a recommendation.

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1 MR. ZIMMERMAN: The other -- make sure that we  
2 look -- I notice that the Alabama weight on this basket dredge  
3 is 115 and ours is 140, so there's 25 pounds of weight right  
4 there.

5 MR. GORDON: Yes, sir.

6 MR. ZIMMERMAN: And the Alabama has dredges that  
7 are much lighter.

8 MR. BOSARGE: And looking at Alabama, I'm not  
9 sure -- there's only a couple of places where they are even  
10 allowed to dredge to the best of my knowledge. I think up by  
11 Middle Bay Light, isn't that -- and just a little bit on the  
12 south end about the only place they're allowed to dredge.  
13 Everything else is pretty well tonged.

14 MR. GORDON: Yeah. They don't have very large  
15 areas designated for dredging. And some of the bottoms that  
16 they are going to be oystering on are going to be different  
17 than the bottoms that we have over here.

18 MR. BOSARGE: And that's what I see. Like  
19 Louisiana, I can understand where that's soft bottom, they've  
20 got to have probably longer teeth to get down to the oysters,  
21 where most of our reefs are pretty hard bottom.

22 MR. GORDON: And I have been told that there are  
23 leaseholders in Louisiana that do use these basket dredges.  
24 And, you know, if you're a leaseholder, those are your oysters.  
25 You don't want to cause any damage to them. So they can be

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1 fished properly. But the problem is that they are pretty  
2 difficult to regulate the right fishing techniques.

3 MR. GOLLOTT: Thank you, Scott. I believe you  
4 exceeded your five minutes.

5 MR. GORDON: Not because of my choice I assure  
6 you. Thank you.

7 MR. GOLLOTT: Next Jan Boyd, coastal zone  
8 management.

9 G. Office of Coastal Zone Management

10 MR. BOYD: Good morning, Mr. Chairman,  
11 commissioners, Director Miller, Ms. Chesnut.

12 The office of coastal zone management has one  
13 action item for your consideration this morning, and James  
14 Davis will be our presenter.

15 1. Bureau of Wetlands Permitting

16 MR. DAVIS: Good morning, Commission.

17 This morning we have a request for permit by the  
18 Department of Environmental Quality located at Pops Ferry  
19 Causeway on Back Bay of Biloxi in Harrison County, Mississippi.  
20 It's in the general use district, and the agent is Adaptive  
21 Management Services, LLC.

22 Here on this aerial you can see this is Pops  
23 Ferry bridge here, and this is going to be the causeway just  
24 next to it, with the majority of the project being on the  
25 southern end. And then you will see in a minute there's going

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1 precedent for an access pier over vegetated wetlands is set at  
2 five feet in width. As proposed, the project would set a  
3 precedent for an access pier over vegetated wetlands at six  
4 feet in width.

5 They have justified this in saying that the pier  
6 is being constructed as is to avoid constructing turnarounds  
7 for handicapped citizens. And if this project is approved, we  
8 have asked that the precedent be set for municipal public use  
9 facilities only and to keep the current precedent for access  
10 piers over vegetated wetlands at five feet in width for private  
11 residential, commercial, and other non-municipal projects.

12 Pile supported structure should have a minimal  
13 impact on biological integrity.

14 The addition of riprap in an already armored  
15 area should not have any additional adverse impacts.

16 And areas of emergent vegetation on pocket  
17 beaches are going to be avoided.

18 The full extent of this project includes public  
19 facilities which will have bait shop concessions, nature trails,  
20 picnic areas, road improvement, parking areas, and an  
21 interpretive center.

22 Best management practices will be utilized  
23 during all phases of construction.

24 The proposed location of this facility has been  
25 historically utilized as a public access facility.

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1 to be a pier going out to this lake there.

2 Project description. We have 500 linear feet of  
3 concrete walkway, 813 linear feet of boardwalk, 1366 linear  
4 feet of riprap, two piers each 20 by 30, two piers each 40 by  
5 40, one pier 25 by 25, and one access pier over marsh 390 feet  
6 in length, six foot in width, and it will be a minimum of six  
7 feet above high tide or the mud line, whichever is greater.

8 Just a diagram of our project. We have our  
9 concrete and our walkway going to be here. It's going to be  
10 landward of the riprap. We're going to have riprap coming all  
11 the way down this shoreline with the exception of a couple of  
12 areas of marsh and a pocket beach. And we have the access pier  
13 over marsh here, and then a marsh overlook pier on the outside,  
14 and then some amenities, walking trails, a pavilion,  
15 interpretive center, kayak rental stand, and a parking lot.

16 Just some photos of the area. Most of this area  
17 is -- does already contain riprap. You can see some of the  
18 pocket beach there.

19 Applicable decision factors. The public will  
20 have increased water access and associated recreational  
21 facilities, and the project will increase employment  
22 opportunities in the area.

23 The proposed project is allowable within the  
24 general use district.

25 Precedent setting effects. Currently, the

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1 And the chosen project was deemed to have  
2 minimal impact to the area.

3 Construction of piers and amenities will provide  
4 increased public access to the state's marine resources for  
5 recreational purposes. And this does require a waterfront  
6 location.

7 The current view shed of the area contains  
8 riprap, fishing pier, boat ramp, parking areas, unmaintained  
9 upland and wetland areas, and a bridge. The addition of  
10 riprap, piers, parking areas, nature trails, and other  
11 amenities should not decrease scenic qualities.

12 The Coastal Program does state that improvements  
13 to public recreational opportunities shall be taken into  
14 consideration as a national interest.

15 This project did run in the Sun Herald on these  
16 dates. We received no public comments.

17 DEQ has no comments. Archives & History, no  
18 comments. Secretary of State has said a tidelands lease will  
19 be required. Wildlife, Fisheries & Parks has commented that  
20 the project area is habitat for the Alabama red belly turtle  
21 and the Diamondback terrapin. Negative impacts could be caused  
22 by the proposed riprap on pocket sand beaches on the project  
23 site which would eliminate nesting sites and access to upland  
24 foraging areas. And as was said earlier, the applicant has  
25 agreed to -- what's my word? -- avoid these areas.

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1 Special management areas. The Poppo Ferry  
2 bridge recreational area is designated as a special management  
3 area for improved public access to coastal waters requiring  
4 access improvement based on parking areas, park or recreational  
5 areas, fishing piers, and other improvements as specified in  
6 Chapter 6 Section 3 Table VI-1 of the Mississippi Coastal  
7 Program.

8 Based upon departmental review and evaluation,  
9 we recommend the commission approve the project and the  
10 applicant's request, and keep in mind the precedent setting  
11 effects.

12 MR. GOLLOTT: Any comments, questions?

13 MR. DRUMMOND: Matt, you're sure that the  
14 Mississippi Department of Environmental Quality won't do any  
15 wrong in getting this project?

16 MR. DAVIS: I can't answer for that, sir. I  
17 would hope not.

18 MR. DRUMMOND: Why do they have to pay a lease  
19 agreement with the Secretary of State? They're both  
20 governmental entities; aren't they?

21 MR. DAVIS: It's going to be a rent exempt  
22 lease. They will not have to pay anything towards leasing this  
23 area.

24 MR. DRUMMOND: Okay.

25 MR. GOLLOTT: Do I have a motion?

1 Any questions on this?

2 One last slide. We have a whole lot going on  
3 right now with the rollover of the new year. The accounting  
4 system converted. This was statewide. All agencies went from  
5 an old mainframe system to a new SAP based system which is  
6 called Magic. We're doing all those transition activities  
7 right now.

8 Also, we had tidelands applications for Fiscal  
9 Year 2016 were due July 1. We had approximately 120  
10 applications received. We're undergoing compliance review  
11 right now. And then we'll start merit review in September and  
12 October. And as we get further through the process, Sonia  
13 Slater will be in to give you an update on that.

14 We also have our fiscal year budget due to the  
15 state legislative budget office by August 1. So it's going to  
16 be a busy couple of weeks working on that.

17 And then last item is we're participating in a  
18 statewide audit that the state auditor's office is doing of the  
19 comprehensive annual financial report. This is a statewide  
20 financial report. They're auditing two pieces of our portion  
21 of that. And that will be in August and September.

22 Any questions?

23 MR. GOLLOTT: Thank you very much, Bill.

24 MR. FEIDT: Thank you.

25 MR. GOLLOTT: Melissa?

1 MR. DRUMMOND: I make a motion, Mr. Chairman,  
2 that we accept the recommendation of the staff.

3 MR. BOSARGE: So second.

4 MR. GOLLOTT: We have a second. All those in  
5 favor say aye. Opposed? Motion passed unanimously.

6 Thank you very much.

7 MR. DAVIS: Thank you.

8 MR. GOLLOTT: Office of finance and  
9 administration. Bill.

10 H. Office of Finance and Administration

11 1. FY14 Monthly Report

12 MR. FEIDT: Good morning, everyone. I want to  
13 talk about the agency financial results through the end of  
14 June.

15 State revenue, we're at \$12.6 million.  
16 Agency-wide, we're at \$31 and a half million. We had net  
17 income positive one and a half million dollars and our  
18 operating funds were \$1.2 million.

19 Overall, the fiscal year ended at the end of  
20 June, and we ended up in a good financial state.

21 From a budget standpoint, again as I mentioned,  
22 the fiscal year ended at the end of June, so we'll be starting  
23 a new year. We're under budget. Operating funds, we had 20  
24 percent of the budget remaining. And we had on the tidelands  
25 side 30 percent remaining.

1 I. Directorate

2 1. Public Affairs

3 MS. SCALLAN: Good morning, commissioners,  
4 Director Miller, Sandy.

5 Since the June 17 commission meeting, the agency  
6 has been mentioned 53 times in local, regional, and national  
7 media. Items of particular interest included the opening of  
8 shrimp season, the hiring of Keith Davis as chief of marine  
9 patrol, and the operation drywater campaign that was held the  
10 las weekend in June. That campaign was to educate people on  
11 boating under the influence and other items involved in safe  
12 boating.

13 On June 18 with the opening of shrimp season, we  
14 took several media representatives out so they could take  
15 pictures and film the boats and talk to the shrimpers and  
16 interview some of our employees about shrimp season.

17 A couple of weeks ago on July 3 through 6, we  
18 participated in the Mississippi Deep Sea Fishing Rodeo, and we  
19 gave out rules and regulation booklets, fish stickers, fish  
20 posters, and they had a lot of interest in what was going on at  
21 the agency at that event.

22 Another item we're particularly proud of is the  
23 Charlie Norwood House in Ocean Springs. Recently received two  
24 awards from the Mississippi Heritage Trust, one for exemplary  
25 restoration of a Mississippi landmark, and the other for

1 preservation education. Jennifer Wagner with our agency  
2 attended the luncheon and accepted those awards on the agency's  
3 behalf.

4 Next week on July 22, representatives from the  
5 agency will participate in the ribbon cutting ceremony for the  
6 Pass Christian Harbor. I'd like to invite you to that. It's  
7 going to be at ten o'clock. The governor will be there and  
8 other representatives, Director Miller and myself and others  
9 from the agency will be on hand.

10 Any questions?

11 MR. GOLLOTT: No questions. Thank you.

12 We have other business, reconsideration of the  
13 license suspension of the Tackle Box.

14 J. Other Business

15 MS. CHESNUT: I would just like to make it clear  
16 for the record that this petition is being considered only  
17 because it was brought under 49-15-64.3 and 49-15-63-1F. It's  
18 a procedural technicality that I wanted to put into the record.

19 MR. GOLLOTT: Thank you.

20 MR. SULLIVAN: Good morning. Thank you for your  
21 time and thank you for hearing us on our reconsideration  
22 motion.

23 MR. GOLLOTT: State your name for the record.

24 MR. SULLIVAN: My name is David Sullivan. I  
25 am an attorney in Gulfport. I represent Justin Roland and the

1 indefinitely.

2 Well, we believe that due process under the  
3 United States Constitution requires that Mr. Roland the owner  
4 of the Tackle Box be given notice and have an opportunity to be  
5 made aware of these violations as they occur and that the  
6 enhancability portions of the statute should be followed in  
7 order.

8 And what happened here is independent  
9 contractors and employees of his various bait shops committed  
10 violations, received tickets, were prosecuted by the Justice  
11 Court for these tickets, and no one has given any evidence to  
12 the commission or to us that shows that he knew about these  
13 things at the time they occurred or that he knew about them  
14 prior to them going to hearing in the Justice Court.

15 Only one of the violations cited by the  
16 department was actually given to Mr. Roland himself, and he  
17 pled no contest to one count in Justice Court.

18 One violation under this would only allow a two  
19 week suspension of his license.

20 The commission has suspended it for a month and  
21 put him on probation for five years.

22 Now, there's no evidence, nothing in the record  
23 that shows he was ever given notice of any of these violations  
24 given to these independent contractors or any violations given  
25 to these other employees. And no extra judicial action has

1 Tackle Box.

2 We were here in front of the commission on May  
3 20. And after some deliberation and talks, the commission  
4 handed down an order which was given to us on July 1.

5 In reviewing this order, we realized that there  
6 were some issues that we would like to raise with you guys that  
7 we did not raise at our original hearing that we would like to  
8 -- and ask for your reconsideration.

9 First of all, the statute cited in the order in  
10 Administrative Cause Number 012414-1 as Ms. Chesnut pointed out  
11 is Mississippi Code Section 49-15-64.3. And under that  
12 statute, it sets out a series of enhancable offenses and a  
13 series of guidelines under which the MCMR and the MDMR can act  
14 to enforce these regulations.

15 Now, these are what we call extra judicial  
16 measure, meaning that these are actions taken outside of the  
17 Justice Court that enforces tickets given by marine patrol.

18 The statute provides for these enhancable  
19 offenses, for example, a first offense in addition to anything  
20 the Court does, whether the Court finds -- if the Court finds a  
21 person guilty, the commission can come in and under a first  
22 offense revoke a license for two weeks. Under a second  
23 offense, revoke a license for six months. Third and subsequent  
24 offenses, they can revoke a license for a year. And if there  
25 are five violations in five years, they can revoke a license

1 ever been taken by the department against Mr. Roland.

2 In fact, this is a case of first impression. We  
3 are not aware of this type of action ever being taken by any  
4 bait shop by the Department of Marine Resources or the  
5 Commission on Marine Resources. There is no Supreme Court case  
6 law that interprets these statutes or that sets forth any kind  
7 of guidelines or gives us any precedent to go on.

8 So we're kind of wading out into dark water here  
9 ourselves; and we feel like that this action and this order  
10 handed down by the commission is unduly burdensome and a little  
11 over broad in that it makes it impossible for Mr. Roland to  
12 provide live bait in Gulfport Harbor and in Long Beach Harbor  
13 during the most critical months of his business.

14 And we would ask the commission to respectfully  
15 reconsider your ruling of May 20. And while we understand that  
16 some penalty should or could be imposed, we would ask that it  
17 be merely probation and you not put him out of business or not  
18 suspend his business for any period of the time and allow him  
19 to continue to provide fishermen in Gulfport and Long Beach  
20 with live bait.

21 We feel that the period of suspension of five  
22 years, there's no precedent, there's nothing in the statute  
23 that says that you can do a five year probation, but again, I  
24 understand that you guys are doing the best you can, and we're  
25 just trying to stay in business.

1 So with that, I would respectfully ask that you  
2 reconsider your ruling from May 20.

3 MR. GOLLOTT: Mr. Commissioners, what I'd like  
4 to do is propose that we table this so we can get with legal on  
5 this thing until the next meeting.

6 Can I get a motion on that?

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

8 MR. ZIMMERMAN: Second.

9 MS. CHESNUT: Commissioners, the order that was  
10 issued stated that the suspension was supposed to take place  
11 August 1 which would be prior to the next commission meeting.  
12 So you would need to modify that order, hold it in abeyance, as  
13 well.

14 MR. GOLLOTT: Can we do that, or we need that in  
15 the motion?

16 MS. CHESNUT: Just make that part of your  
17 motion.

18 MR. GOLLOTT: Would you modify your motion,  
19 Shelby?

20 MR. DRUMMOND: Yes, I will.

21 MR. GOLLOTT: How about the second? Okay?

22 MR. ZIMMERMAN: Yes.

23 MR. GOLLOTT: We have a motion and a second.  
24 All those in favor say aye. Opposed? Passes.

25 MR. SULLIVAN: Thank you for your consideration.

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1 It's hard to take a rod and reel to go catch  
2 \$5,000 of fish especially by yourself because there ain't many  
3 going to do that.

4 You take shrimp boats, oyster boats, they get  
5 their license, their kids don't have to have no license go with  
6 them, you know. But I got to have somebody to go with me.

7 You're talking about the season. The redfish,  
8 it's closed. Don't drop the limit, the size limit. Up it if  
9 you have to, you know. I mean, speckled trout, sport fishing,  
10 they still working. I mean, they catch all, they catch them 13  
11 inches long, 15 a person, four people on the boat, that's 60  
12 trout. They can't eat them all, so they give them away. Me, I  
13 just try to catch enough to sell, you know, to help pay for  
14 wage of help, you know.

15 But my wife don't like me going by myself, but  
16 I'm going by myself. I sure ain't going to stay at home.

17 I mean, if you're going to close the season on  
18 the commercial fishermen, close it on the sport fishermen, too.  
19 Don't pick on us. They catch 13. We going to catch 14. Make  
20 ours 16. I ain't got no problem with that, just let us work,  
21 you know.

22 Redfish, 16 inch redfish ain't going to weigh  
23 two and a half pounds. Eighteen inch redfish weighs three,  
24 three and a half pounds, you know.

25 But the sport fishermen, they still catch

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#### 1 K. Public Comments

2 MR. GOLLOTT: Okay. Do we have any public  
3 comments, anyone wanting to speak publicly? They can come to  
4 the podium and give their name.

5 MR. PARKER: I don't think I'm going to need  
6 this. They can hear me.

7 My name is Robert Parker. I've commercial  
8 fished all my life, you know. And I got a stamp to catch  
9 speckled trout. I got three boats. I buy commercial license  
10 for all three boats. I got a stamp. I got two boys to help me  
11 that I buy their commercial license for them every year.

12 And then I find out the other day they can't  
13 even go fishing with me. I got to go by myself.

14 I'm 59 years old. I got 22 foot boat, 18 foot  
15 boat, 16 foot boat, it's hard to put in the water, out of the  
16 water by yourself.

17 I mean, something happens, I'm by myself. I  
18 have a heart attack or something, I'm by myself, ain't nobody  
19 there to help me. But I got to go fishing by myself because my  
20 help, I been buying their license for the last ten years, can't  
21 go with me.

22 They help me make my quota. Mr. Gollott told me  
23 that if you don't catch \$5,000 worth of fish you ought to not  
24 be considered a commercial fisherman. I agree 100 percent, but  
25 you got to leave the season open to do it, you know.

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1 redfish, but we can't. We can't go get them. We can't sell  
2 them.

3 But I ain't got a whole lot to say. I know I  
4 spend \$700 a year on my license, been doing it for years, and I  
5 got to go by myself.

6 When I found out my help couldn't go with me, I  
7 asked them to give my money back. I just bought a license he  
8 ain't never used. He said no, you can't do that now, he done  
9 got his call, you know. So what is it going to help me do, you  
10 know? I can't catch redfish, I can't bring them trout fishing,  
11 I can bring a pole, and I do pole, too. I got a flounder boat.  
12 They can do that with me right now. But it's not right.

13 I mean, you know, if the oyster boat, shrimp  
14 boat, they ain't got to (inaudible), we shouldn't have to,  
15 either. And I do need somebody to go with me because my health  
16 ain't as good as it used to be.

17 But, you know, we need some help on that end.  
18 Y'all need to think about it. I mean, you don't need to go by  
19 yourself.

20 MR. BOSARGE: And you're not the first person  
21 that's told me this before, same thing, that right now the way  
22 the law stands for the commercial hook and line license, you  
23 have to have a license and your crew member has to have a  
24 license, and both have to meet the requirements.

25 I do, I see that as a problem. And he's not the

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1 first one I've heard this from.

2 So I tell you what, if we could, we'll get Matt  
3 to maybe look into this and see what we can do about crew  
4 members. I'm hearing what you're saying.

5 MR. PARKER: I don't have a problem buying my  
6 help license, you know, but they don't have a stamp, you know.  
7 So I don't know nobody got a stamp but me, you know. I mean, I  
8 ain't got nobody to go with me. I mean, you know, we just need  
9 a little help on that part. You don't need to go by yourself  
10 anyway. You hit a log, get a hook in your eye or whatever,  
11 there's nobody to help you, you know, you're by yourself.

12 And I'm going to fish. I mean, I'm going  
13 fishing, whatever I got to do. But when the season's closed, I  
14 don't fish. But sport fishermen, they can fish year round. If  
15 I can't sell them, I don't fish. If they ain't got a market  
16 for them, I don't mess with them. I ought to be in the crab  
17 business, I reckon. Going to go buy me -- I think I'm going to  
18 crab, I'm going to get me some crab pots. I'm going to do a  
19 little of that, too.

20 But, you know, crabbers ain't got to have nobody  
21 on their boat. Their people don't have to have no license to  
22 go with them.

23 MR. BOSARGE: And I don't know how it kind of  
24 worked out this way, but that's the way it worked ut. But  
25 we're going to look at it and see what we can do about

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1 eliminating the fact that your crew member has to have the same  
2 qualifications.

3 MR. PARKER: Right on. I mean, you know, that's  
4 fair. I mean, just help us out. I don't mind buying -- you  
5 ought not have to buy a license. But I don't mind that part as  
6 long as I got somebody to go with me, you know, to help out.  
7 It's hard for one person to catch \$5,000 worth of fish on a rod  
8 and reel, you know, it is. I mean, you know.

9 But when you close the season, why do you close  
10 on just the commercial people? Why don't you close on all of  
11 them? The sport fishers catch way more fish than we catch, way  
12 more.

13 MR. BOSARGE: I feel your pain.

14 MR. PARKER: Yes. Well, I mean it's true. I've  
15 done it all my life. I've sold fish to Bozo's to Keith's  
16 grandpa when I was nine years old. I sold my fish all my life.  
17 But I do need some help. I mean, we appreciate y'all looking  
18 into this.

19 I'm going tomorrow, but I'm going -- you know, I  
20 got to go by myself, can't bring nobody with me. Wife ain't  
21 going to like it, but I'm going, you can believe that.

22 That's really all I got to say.

23 MR. GOLLOTT: Let me make a statement. First of  
24 all, you don't have to catch 5,000 pounds of fish.

25 MR. PARKER: Ten percent of your quota.

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1 MR. GOLLOTT: No. It's \$5,000 commercial  
2 fishing period. I mean, you can have crabs, you can have --

3 MR. PARKER: I understand that. I understand  
4 that. But your help has got a job, you know. They can't work  
5 every day like you can.

6 MR. GOLLOTT: Okay. I understand. Like Steve  
7 said, we'll look at it.

8 MR. PARKER: Look at it. Help us out because  
9 nobody don't need to go by theirselves no way. Y'all know that.  
10 Especially if you're 59 years old. I mean, that ain't old, I  
11 understand, but, you know, I ain't tough as I used to be.

12 MR. GOLLOTT: Thank you, Robert.

13 MR. PARKER: Appreciate it.

14 MR. GOLLOTT: That looks like it's the  
15 conclusion of this meeting. Do we have a motion to adjourn?

16 MR. DRUMMOND: I make a motion we adjourn, Mr.  
17 Chairman.

18 MR. GOLLOTT: Do we have a second?

19 MR. BOSARGE: So second.

20 MR. GOLLOTT: All those in favor. Meeting is  
21 adjourned.

22 (Meeting adjourned 10:30 a.m.)

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