

COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES  
August 19, 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 19TH DAY OF AUGUST 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

1 sooner.

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

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

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

7 MR. BOSARGE: Second.

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

10 D. Executive Director's Report

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

13 MR. MILLER: Thank you, Chairman.

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

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

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

24 (Chief Davis sworn by Judge Ladner.)

25 CHIEF DAVIS: At this time, I would ask that the

1 A. Call to Order

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

5 I want to remind everybody, if you want to  
6 speak at public comments, please fill out a card in the back.

7 Okay. With that being said, let's have the  
8 pledge of allegiance first.

9 B. Approval of Minutes

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

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

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

16 MR. ZIMMERMAN: Second.

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

20 C. Approval of Agenda

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

23 MR. ZIMMERMAN: Mr. Chairman, I'd like to move  
24 that E-3 swearing in the marine patrol officers to C-1, that we  
25 move it up in the agenda to get these guys sworn in a little

1 marine patrol division step forward to be sworn in at this  
2 time.

3 (Oath administered by Chief Davis.)

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

7 MR. MILLER: Thank you, Chief Davis.

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

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

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

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

25 We also have made it available electronically on

1 our website in a PDF document.

2           There are two books. One is the agency budget.  
3 The other is the tidelands budget. We encourage anyone  
4 interested to take a copy of it.

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

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

18           So at this time -- I'm sorry.

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

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

23           Apologize for that.

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

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

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

8           Okay. Having heard no response...

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

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

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

23           They were all notified of today's meeting.

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

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1 administrative penalties.

2           MS. CHESNUT: We have six penalties to go over.  
3 It's not as bad as it looks. They were all involved in the  
4 same violation, so we'll do them all together.

5           We have Hung Ho, 022413-1, associated with the  
6 enforcement report 0653; Tam Van, 022413-2, EAR 0657; Yong Lin,  
7 022413-3, EAR 0656; Lima Lynn, 022413-4, EAR 0655; Ha Minh  
8 Dans, 022413-5, EAR 0654; Chris Av Tran, 022413-6, EAR 0658.  
9 They were all charged with possession of undersized red  
10 snapper.

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

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

19           The executive director has reviewed this  
20 violation, and based on the documentation contained in the file  
21 he finds the allegations contained in the EAR report have merit  
22 and he is recommending that the commission impose  
23 administrative penalty against each individual in the amount of  
24 \$250 each.

25           The commission may accept, reject, and/or modify

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

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

5           MR. GOLLOTT: Do I have a motion on this?

6           MR. BOSARGE: I have a couple of questions if we  
7 could.

8           I guess I'll direct it toward Rusty.

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

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

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

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

20           MR. ARMES: Yes, sir.

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

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

25           MR. BOSARGE: Thank you.

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1 I make a motion we accept the executive  
2 director's recommendation of a \$250 fine.  
3 MR. ZIMMERMAN: Second.  
4 MR. GOLLOTT: We have a motion and a second.  
5 All those in favor --  
6 MR. DRUMMOND: I have just one question. Three  
7 of them have paid a fine of \$250. I understand this fine is to  
8 be decided by the commission. And evidently this was decided  
9 before the commission meets. So I don't know whether this is  
10 legal or not. But --  
11 MR. MILLER: Let me just -- since you asked if  
12 it was legal or not.  
13 MR. DRUMMOND: What?  
14 MR. MILLER: Since you made the comment whether  
15 it was legal or not, let me just clarify. I sent out a  
16 recommendation but there apparently was a misunderstanding from  
17 the gentleman who received it. I made an administrative  
18 penalties recommendation that they have a chance to come sit  
19 with me or write a written response. But nothing is final  
20 until y'all act.  
21 So if y'all -- and Sandy can correct me -- but  
22 if y'all are today to determine that y'all wanted to increase  
23 or decrease the fine, that would be the final say, and then  
24 they would either owe the agency more money or we would be  
25 refunding some of the money they've already submitted.

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1 awful high again.  
2 We had some miscellaneous violations, total of  
3 two. We had a total of 169 violations for the month of July.  
4 You can see we did the warnings on this report.  
5 Had 44 warnings issued.  
6 We had a total number of stops of 1,889.  
7 Boating accidents without injures, we had six.  
8 Water accident one drowning which was on the  
9 Tchoutacabouffa River which our marine patrol dive team  
10 assisted on and was responsible for recovering the victim.  
11 On our JEA patrols, we had a total number of 41.  
12 Total man hours 633. Contacts made 396. Enforcement action  
13 reports, one. State citations, six.  
14 If no questions, we'll move on to an action  
15 item.  
16 2. Title 22 Part 2 Shrimp Rules  
17 MR. PITTMAN: Action item having to do with  
18 Title 22 Part 2, washing, dragging, or pulling a trawl or try  
19 net on top of the water which is closed for shrimping.  
20 Option 1, as you can see, and I'm not going to  
21 read this because I know y'all read it last month and the month  
22 before, but it's to keep what we have in effect right now.  
23 Option 2 would be to remove the whole Chapter 5  
24 Section 106.  
25 Option 3, and I'll read this. It shall be

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1 MS. CHESNUT: But because they sent the payment  
2 in, we haven't cashed those checks yet. So we're holding those  
3 in abeyance until the commission makes their final decision.  
4 So nothing has been accepted by the agency.  
5 MR. DRUMMOND: I just wanted to make sure that  
6 this was -- we were conducting this in the right manner.  
7 Anyway, that's fine with me.  
8 MR. GOLLOTT: We have a motion; we have a  
9 second. All those in favor say aye. Opposed? Motion carries.  
10 We have Chief Davis, marine patrol.  
11 E. Office of Marine Patrol  
12 CHIEF DAVIS: Mr. Chairman, I'm going to defer  
13 to Chief Pittman to do the report.  
14 1. Report on Citations  
15 MR. PITTMAN: Good morning, Mr. Chairman,  
16 commissioners, Director Miller, Ms. Chesnut.  
17 We have the report in front of you, report on  
18 the violations this past month. You can see we did a little  
19 change to it.  
20 For shrimp violations, we had a total of four.  
21 Crab violations, we had a total of two.  
22 Miscellaneous commercial violations, we had  
23 a total of three.  
24 Fishing violations, total of 63.  
25 Boat and water safety violations, 95, which is

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1 unlawful for any person, firm, or corporation to drag or pull a  
2 trawl or try net under the water with a bag tied or untied in  
3 any area of the territorial waters of the State of Mississippi  
4 which are closed to shrimping.  
5 Further, it shall be unlawful for any person,  
6 firm, or corporation to drag or pull a double or multiple rigs  
7 under the water with the bags tied or untied in any area of the  
8 territorial waters of the State of Mississippi which are closed  
9 to the use of double rigs or in waters which are closed to use  
10 of that size, type, or number of rig.  
11 Option 4 compromise is off the table. We're not  
12 going to go to Option 4.  
13 Our opinion is to leave the law as it is. Since  
14 2005, ten cases have been made on this law. Eight of them were  
15 prior to shrimp season opening. Two were during the season  
16 when it was open.  
17 The reason I'm looking at this, I'm going why  
18 would a commercial shrimper be shrimping in open waters, say in  
19 Louisiana or federal waters, leave his nets in the water, when  
20 he crosses into the State of Mississippi when the season is  
21 closed and he knows that the season is closed.  
22 So what we're recommending is just to keep the  
23 law as it is on the books now.  
24 MR. BOSARGE: Rusty, coming from a commercial  
25 fisherman and shrimper, the problem we have is even though the

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1 season is closed, most of the time the guys are just washing  
2 their nets.

3           Now, I understand that you could make a judgment  
4 call from your end that they were just washing the nets and let  
5 it go. But if you go by the law, you have to issue them a  
6 citation which basically is trawling in closed waters when in  
7 all reality they had no intention or no desire to be trawling  
8 in closed waters.

9           So --

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

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

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

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

19          MR. PITTMAN: That's correct.

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

23          MR. PITTMAN: As you know being a commercial  
24 fisherman, there is a line that goes to that bag which we've  
25 had happen before as we approach the vessel, they release that

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1 line which has released anything that was in the net. In other  
2 words, shrimping during closed season which we do have at this  
3 time -- at that time, we can cite them for washing the trawl.

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

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

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

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

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

25          But it just didn't make any sense if you're in

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1 open waters and you know you're fixing to go into a state  
2 that's close, why would you want to wash your trawls in those  
3 waters.

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

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

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

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

25          It would probably make your job a little bit

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1 harder, but you'll err on the side of encouraging these  
2 fishermen -- you know, it's one ticket written for a boat that  
3 put his outriggers over to stabilize the boat (inaudible). He  
4 may have gotten the ticket, and there wasn't even a rope in the  
5 tail.

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

8           Do I have a motion?

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

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

13          MR. BOSARGE: For intent.

14          MR. GOLLOTT: Do I have a second?

15          I'll second that motion.

16          Okay. All those in favor say aye. Opposed.  
17 Motion carries. Thank you.

18          Next we have Joe Jewell.

19 F. Office of Marine Fisheries

20          MS. FLOYD: Good morning, Mr. Chairman,  
21 commissioners, Director Miller, Ms. Chesnut, distinguished  
22 guests.

23          I'm Traci Floyd. I'm representing the fisheries  
24 office this morning in the absence of our office director, Mr.  
25 Joe Jewell. He was required to be at a Gulf States Marine

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1 Fisheries commission budgetary meeting in New Orleans.

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

9 1. Consideration for opening an additional recreational  
10 red snapper season

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

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

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

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

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

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

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

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1 MR. GOLLOTT: Do we have any discussion?

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

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

12 MR. ZIMMERMAN: Matt, you will work with them on  
13 that?

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

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

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

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1 this season. I think they just had a little more confidence  
2 toward the end.

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

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

13 And we do have some females on our fish havens  
14 right now, but the majority of them were the smaller males, 16,  
15 18 inch males.

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

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

20 MR. BOSARGE: (Inaudible) nine miles.

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

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

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1 people fish, you know --

2 MR. HILL: Correct.

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

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

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

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

24 MR. BOSARGE: From what I hear you said that  
25 harvesting 30, 40 miles offshore basically what you were seeing

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1 the Gulf Council meeting? Because, you know, most all sates  
2 are noncompliant.

3 MR. HILL: That is correct.

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

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

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

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

21 MR. GOLLOTT: Okay. Thank you, Matt.

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

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

23

1 is the few that actually were in the nine miles, the ones that  
2 were bringing the fish in were bringing in from further  
3 offshore.

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

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

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

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

25 MR. BOSARGE: And what are you worried about at

22

1 Council meeting.

2 MR. HILL: In September or...

3 MR. BOSARGE: Yes, sir.

4 MR. ZIMMERMAN: I'll second that.

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

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

7 2. Title 22 Part 7 - Modification of the Spotted  
8 Seatrout Endorsement

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

17 The commission voted to place a spotted seatrout  
18 means test a while back. And it's located in Section 110.  
19 Individuals harvesting spotted seatrout for sale must possess a  
20 spotted seatrout endorsement in addition to a current  
21 applicable harvester's license. To qualify for this  
22 endorsement, an application must be completed. The fisher must  
23 present proof that \$5,000 of seafood product was sold in any 12  
24 consecutive months. Proof would be copies of sales records and  
25 a copy of the applicable harvester's license for the

24

1 appropriate time period or the fisher must present proof that  
2 ten percent of their net income came from the commercial  
3 fishing activities in a previous tax year. Proof would be a  
4 form provided by the DMR, completed by a licensed tax preparer,  
5 notarized, and submitted to the department. This endorsement  
6 will be valid for three years, at which time a new application  
7 with qualifying documents must be submitted for a new  
8 endorsement. The income requirement and seafood sale provision  
9 of this section shall cease to be in effect April 30, 2020,  
10 unless further commission action is taken to extend the  
11 requirement.

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

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

18 It would read, for commercial hook and line  
19 fishermen, if only two fishermen are aboard a vessel  
20 commercially harvesting spotted seatrout, one of the fishermen  
21 is not required to possess the spotted seatrout endorsement.  
22 However, that fisherman is required to possess an applicable  
23 commercial harvester's license. If two or more commercial hook  
24 and line fishermen possessing the spotted seatrout endorsement  
25 are aboard a vessel commercially harvesting spotted seatrout,

25

1 seatrout endorsement. If two or more net fishermen possessing  
2 the spotted seatrout endorsement are aboard a vessel  
3 commercially harvesting spotted seatrout, all fishermen aboard  
4 the vessel are required to possess the spotted seatrout  
5 endorsement.

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

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

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

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

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

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

23 3. Red Drum Stock Assessment Follow-Up

24 MR. HILL: The next issue is the red drum stock  
25 update. It's the continuation from the last meeting, and we

27

1 all fishermen aboard the vessel are required to possess the  
2 spotted seatrout endorsement.

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

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

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

22 For net fishermen, the vessel must possess a  
23 valid fishing boat license. And if only two fishermen are  
24 aboard a vessel commercially harvesting spotted seatrout, one  
25 of the fisherman is not required to possess the spotted

26

1 said that we would have the results from one of models. So  
2 we're going to go over some of the things we did the last  
3 meeting plus the results of the models.

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

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

13 Fishery has met the quota in 11 years since  
14 implementation: 1991, '93 through '97, '99 through 2001, 2011,  
15 2013, and we have met it this year in 2014. I made a mistake  
16 and added that to it.

17 Recreational. Here's some of our other states'  
18 recreational limits, including ours. Florida is 18 to 27,  
19 basically have a two fish per person limit. They also have a  
20 vessel limit. Alabama, 16 to 26, three fish per person.  
21 Louisiana is 16 to 27, five fish per person. Texas is 20 to  
22 28, three fish per person. And, of course, we're at 18 to 30  
23 with three per person and one may be over 30 inches.

24 Stock assessment. The first part of the stock  
25 assessment is our escapement rate. Escapement rate is defined

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1 as the proportion of fish that survive to a given age in the  
2 presence of fishing mortality relative to a population not  
3 subject to fishing mortality. Basically, that's the fished  
4 population versus an unfished population.

5 Mississippi has chosen age four fish as our  
6 target age for our escapement rate calculation.

7 The FMP or the Fisheries Management Plan  
8 escapement rate target recommendation for red drum is 30  
9 percent. Mississippi, Alabama, and Louisiana follow the  
10 recommendation of 30 percent for stock status and management  
11 decision. Texas and Florida also follow these recommendations  
12 of 30 percent escapement as a minimum. However, both states  
13 strive for a 40 percent escapement rate when determining stock  
14 status and setting regulations.

15 Here are our updated escapement rate  
16 calculations. We were able to add -- recalculate these after  
17 we ran our per recruit model. And as you can see from 2000 on,  
18 we have not met our 30 percent escapement rate. From 2004 to  
19 2007 we did. Historically over time, if you take all these  
20 years, we did meet it, but it has been on the decline.

21 Our status. The FMP recommendation is  
22 escapement rate of at least 30 percent. Mississippi average  
23 calculated escapement rate at our 18 inch minimum size  
24 including the years 2004 to 2012 is 29.4. Our average  
25 escapement rate from these same years at the same size limit

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

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

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

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

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

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1 excluding our outlier year of 2010 which was the BP oil spill  
2 is over the 30 percent rate at 32.75.

3 During 2004 to 2007, mean escapement rates  
4 approach 40 percent. However, in recent years escapement rates  
5 have been consistently lower averaging approximately 22  
6 percent.

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

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

20 Expected lifetime reproductive potential of a  
21 single individual or a cohort of individuals is theoretically  
22 correlated to population growth potential.

23 The results from the model. A slight decrease  
24 in spawning stock biomass per recruit would occur if the size  
25 limit was decreased. The model indicated that at current

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1 could increase the commercial red drum quota and also place it  
2 under the species endorsement, combination of the previous two.

3 If we placed it under the endorsement, it would  
4 look like this. Just it would be the highlighted portion. We  
5 would place red drum after spotted seatrout. It's the same as  
6 what I read before.

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

13 Any questions?

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

18 MR. HILL: When the FMP came out, we agreed or  
19 the commission actually voted to take into consideration the 30  
20 percent, and this was a long time ago, to take into  
21 consideration the 30 percent escapement rate when -- and adopt  
22 it when making the regulations.

23 So we calculated that it would take an 18 inch  
24 minimum size limit to achieve this even though there is no  
25 harvest in federal waters. And it's a very difficult thing to

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1 do because we can't sample out there, either. There is no  
2 data. So it's not that we don't care, it's just that we  
3 adopted that 30 percent and the numbers show that currently in  
4 the last handful of years we are not meeting that escapement  
5 rate.

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

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

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

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1 rather either the catch per unit effort to be static or to be  
2 going up and that our -- and also to raise our escapement rate  
3 back to the levels they were from 2004 to 2008.

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

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

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

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

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

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

35

1 but the majority of them stay in the offshore spawning stock.

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

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

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

14 MR. HILL: Yeah.

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

20 MR. HILL: As a manager that's what you -- I  
21 don't get caught up necessarily on the precision of the numbers  
22 and what the -- I like to look at the trends, either the trends  
23 are going up, the trends are going down. And right now, the  
24 wrong -- they're trending in the direction that I don't like to  
25 see. I would rather the trends be the other way. I would

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1 I mean, it was over 400 that had --

2 There is a -- it's quite a few red drum but it's  
3 nowhere near that many. I believe the actual number is under a  
4 hundred that are actually commercially harvesting red drum.

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

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

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

14 MR. DRUMMOND: Was that strictly offshore?

15 MR. HILL: Yes sir.

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

18 MR. HILL: Yes, sir.

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

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

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

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1 to state. Once they leave, a lot of them return and they stay  
2 in these -- it's a long lived fish, sometimes 25 years.

3 And if we're protecting, which we are obviously  
4 protecting spawning stock because the fishery is shut down.

5 MR. DRUMMOND: I know back then nobody knew how  
6 how many redfish were out there.

7 All of a sudden, you get ten to fifteen thousand  
8 pounds.

9 MR. HILL: When a fishery is shut down like  
10 that, and there's very limited independent or dependent data  
11 available, it's extremely difficult to get an accurate stock  
12 assessment.

13 MR. GOLLOTT: We have a motion on the floor. Do  
14 we have a second?

15 MR. DRUMMOND: Is there a motion?

16 MR. GOLLOTT: Yes, sir, to leave the status  
17 quo.

18 MR. BOSARGE: Recreational or commercial status  
19 quo?

20 MR. ZIMMERMAN: To leave the red drum laws like  
21 they are.

22 MR. HILL: That would keep the 50,000 pound  
23 quota on January 1, and the minimum of 18 inches and 30 inches  
24 for both recreational and commercial.

25 MR. ZIMMERMAN: Yes.

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1 MR. DRUMMOND: And the size would be 18 inches?

2 MR. HILL: Yes, sir.

3 MR. GOLLOTT: Have a motion. Do we have a  
4 second?

5 MR. BOSARGE: I'll second his motion.

6 MR. GOLLOTT: All in favor say aye. Those  
7 opposed?

8 MR. DRUMMOND: No.

9 MR. GOLLOTT: Motion carries; one dissent,  
10 Commissioner Drummond.

11 MR. HILL: Thank you.

12 MS. FLOYD: Next up we'll have Mr. Mike  
13 Brainard. He'll be presenting a Mississippi Department of  
14 Environmental Quality request that we restrict access to shell  
15 plant areas.

16 4. DEQ request to restrict access to shell plant areas

17 MR. BRAINARD: Good morning, commissioners,  
18 Director Miller, Ms. Chesnut.

19 On August 7, we received a request from the  
20 Department of Environmental Quality to restrict harvest to the  
21 two shellfish cultch plants that we're going to be doing in  
22 September.

23 The two proposed locations are a total of 250  
24 acres. Staff recommends that these areas remain closed for a  
25 minimum of one year, up to two years. This will allow the

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1 young oysters time to grow to market size.

2 This area will be marked with PVC pipe and  
3 controlled on a regular basis, and areas will be monitored  
4 throughout the sampling -- throughout the one to two year time  
5 frame if the commission chooses to close it.

6 The site at the top is called Area 11. It is on  
7 Henderson Point. It's a 48 acre site. And then the site to  
8 the south which is the larger site is Area 6 which is on Pass  
9 Marianne Reef, and it is a 212 acre site.

10 Essentially just need the commission to give the  
11 executive director the authority to close this area after the  
12 cultch plants are completed for whatever period of time the  
13 commission -- a minimum of a year, but we typically close these  
14 areas for like 18 months after we do a cultch plant.

15 MR. GOLLOTT: I need a motion to give the  
16 executive director the authority to open and close those areas.

17 MR. DRUMMOND: So moved, Mr Chairman.

18 MR. ZIMMERMAN: Second.

19 MR. GOLLOTT: Have a motion and a second. All  
20 those in favor say aye. Opposed? Motion carries.

21 MR. BRAINARD: Thank you very much.

22 MS. FLOYD: Next up I'm pleased to introduce Mr.  
23 Jimmy Sanders who will give a Katrina Key update.

24 5. Katrina Key Update

25 MR. SANDERS: Chairman, commissioners, Director

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1 Miller, Ms. Chesnut.

2 I'll give a very brief update on the Katrina Key  
3 expansion.

4 Katrina Key is located approximately a half a  
5 mile south of Deer Island.

6 The material that was used to expand this  
7 project was the concrete pilings from the old Margaritaville  
8 site which is located just south of Harrah's Casino.

9 The project started on May 1, 2014. Like the  
10 previous slide, the material came from the old Margaritaville  
11 site.

12 The columns deployed on this project had a  
13 measurement of 30 inch square columns that were approximately  
14 ten feet tall. There was a total of 12 deployments with 786  
15 columns deployed. The Katrina Key expansion project extended  
16 the key 150 yards to the east.

17 And we're hoping that this will be completed by  
18 the end of this week and the beginning of next week.

19 And there's an aerial view of the extended part  
20 of Katrina Key.

21 Any questions?

22 MR. BOSARGE: Looks good, Jimmy.

23 MR. SANDERS: Thank you.

24 MR. GOLLOTT: Is that the island there?

25 MR. SANDERS: No, sir. That is the original leg

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1 of the key. We stepped out and went to the east. Yes, sir.  
 2 That way you can have a little current flow.  
 3 MR. GOLLOTT: Okay. Thank you very much.  
 4 MR. SANDERS: Thank you.  
 5 MS. FLOYD: Next up we have three state records  
 6 for your consideration presented by Ms. Emily Satterfield.  
 7 6. State Record  
 8 MS. SATTERFIELD: Good morning, commissioners,  
 9 Director Miller, Ms. Chesnut.  
 10 We have as stated three records for  
 11 consideration. All three are on conventional tackle.  
 12 The first being a spinner shark, Cacharhinus  
 13 brevipinna. The new record is 164 pounds 7 ounces by Angler  
 14 Jordan Matthews. This was from the Fourth of July tournament.  
 15 There's the shark itself, and the angler with the shark.  
 16 Next is a cownose ray, Rhinoptera bonasas. New  
 17 record is 28 pounds 9 ounces, also from the Fourth of July  
 18 tournament from Thor Goodfellow.  
 19 And lastly is the Gulf kingfish, Menticirrhus  
 20 littoralis. The new record is 2 pounds 0 ounces from Angler  
 21 Riley Saucier. And there it is.  
 22 Are there any questions?  
 23 MR. GOLLOTT: Do I have a motion to approve?  
 24 MR. DRUMMOND: I make a motion we accept these  
 25 new records as new state records.

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1 I'll be presenting Item G-1a. It's a  
 2 modification request by the Jackson County Board of  
 3 Supervisors, and it's located off the Mississippi Sound at the  
 4 Lake Mars boat ramp. It's in the general use district. And  
 5 Seymour Engineering is the agent for the project.  
 6 The thumb tack showing a broad overview of the  
 7 area, I-10, zoomed in area, boat ramp in question, jetties, and  
 8 the existing pier.  
 9 The applicant is proposing to extend the length  
 10 of a previously authorized jetty at the boat launch. And  
 11 previously, the eastern section of the jetty was extended 265  
 12 feet by 30 feet at a 45 degree angle to the existing section.  
 13 And the applicant is requesting that the eastern section again  
 14 be modified just to increase the length to 340 feet and the  
 15 width will be reduced a bit to 24 and a third foot. And the  
 16 angle will remain the same at a 45 degree angle to the existing  
 17 jetty.  
 18 Here's a diagram. The yellow are the jetties  
 19 that are currently existing on either side of the ramp. The  
 20 section in red or orange would be the extension requested.  
 21 Here is a shot of the eastern jetty looking back  
 22 toward the ramp.  
 23 And the need for this project you'll see in this  
 24 next slide that I've included. The ramp is basically unusable  
 25 to the amount of material that is washing in. The jetties

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1 MR. BOSARGE: So second.  
 2 MR. GOLLOTT: We have a motion and second. All  
 3 those in favor say aye. Opposed? Motion carries.  
 4 At this time, I'd like to ask everyone to  
 5 remember at the last meeting it came to a point Commissioner  
 6 Drummond I understand had a fish named after him, and I think  
 7 everybody missed that. So I just wanted to bring that to  
 8 everybody's attention.  
 9 MR. DRUMMOND: That's not true. I was BS'ing.  
 10 MR. GOLLOTT: Thank you very much.  
 11 MS. SATTERFIELD: Thank you.  
 12 MS. FLOYD: This concludes the fisheries  
 13 section. Thank you.  
 14 MR. GOLLOTT: Coastal resource management, Jan  
 15 Boyd.  
 16 G. Office of Coastal Resource Management  
 17 MR. BOYD: Good morning, Mr. Chairman,  
 18 commissioners, Director Miller, Ms. Chesnut. The office of  
 19 coastal resource management has two action items for your  
 20 consideration this morning. And Greg Christodoulou will  
 21 present the first one.  
 22 1. Bureau of Wetlands Permitting  
 23 a. Jackson County Board of Supervisors  
 24 MR. CHRISTODOULOU: Good morning, commissioners,  
 25 Director Miller, Ms. Chesnut.

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1 currently are basically acting as a sediment trap.  
 2 The project will serve a higher public purpose  
 3 by preventing excessive siltation to a public boat launch which  
 4 provides direct access to the Sound.  
 5 The project is allowable within the general use  
 6 district.  
 7 Similar projects have been approved, so no  
 8 precedent setting effects are anticipated.  
 9 There will be a temporary increase in turbidity  
 10 which can be minimized by best management practices being  
 11 implemented.  
 12 And the project will have an increase in  
 13 approximately 372 square feet of impacts to state owned  
 14 waterbottoms.  
 15 The length will increase, but the width will  
 16 narrow so the net basically will be 372 square feet increase.  
 17 The extent of the project. The project will  
 18 continue accretion to the east and erosion to the west. Along  
 19 our coast, material tends to flow from east to west. And a  
 20 beneficial use plan could keep the sediment from bypassing the  
 21 west side of this facility and prevent further erosion.  
 22 The applicant did conduct a sediment transport  
 23 study. And the primary movement again, as I just mentioned, is  
 24 east to west, so the dog leg that they are proposing should  
 25 reduce the onshore movement of sediment into the boat launch

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1 area and channel.

2 No offsite alternatives have been considered  
3 because this is an existing public launch.

4 And the site has existing jetties. The addition  
5 of another section should not reduce the scenic qualities of  
6 the area.

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

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

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

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

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

23 Questions?

24 MR. BOSARGE: So the adjacent property owner --  
25 I'm not following. How did he have mitigation to do?

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1 MR. CHRISTODOULOU: The adjacent property owner  
2 doesn't have mitigation. There was mitigation on the site for  
3 construction of the boat ramp, the parking area, and piers.  
4 There was the county that actually had mitigation that needed  
5 to be done with the original project.

6 MR. BOSARGE: Okay.

7 MR. CHRISTODOULOU: And the western property  
8 owner is concerned that the jetties and the ramp being there is  
9 blocking movement of material, so he's basically losing his  
10 beach and his property.

11 MR. BOSARGE: And has it --

12 MR. CHRISTODOULOU: There may be a slight area.  
13 We don't have any monitoring. I've been in touch with the  
14 agent for the applicant this past couple of weeks, and they do  
15 have surveyors that are out there, and they are putting a plan  
16 in place to monitor his property.

17 We're going to have a plan in place from the  
18 applicant.

19 MR. ZIMMERMAN: And I feel that that should be  
20 part of the permit to monitor his loss.

21 MR. CHRISTODOULOU: Yes, sir.

22 MR. ZIMMERMAN: They should be responsible for  
23 monitoring.

24 MR. CHRISTODOULOU: Yes, sir.

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

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

3 MR. ZIMMERMAN: Second.

4 MR. GOLLOTT: All those in favor say aye.  
5 Opposed. Motion carries.

6 MR. CHRISTODOULOU: Thank you.

7 b. Paul Montjoy

8 MR. PICKERING: Good morning, commissioners,  
9 Director Miller, Ms. Chesnut.

10 Next action item is a request for after the fact  
11 exclusion by Mr. Paul Montjoy. The location is on Bayou  
12 Portage at 23441 Arcadia Farm Road in Pass Christian, Harrison  
13 County. It is in the general use district. And the agent is A  
14 Step Above Marine Contractors.

15 You see here is an aerial, I-10, Highway 90, and  
16 Bayou Portage. And the yellow thumb tack is his property.

17 Here is a zoomed in aerial. This is his current  
18 structure that he has now. And as you can see, but keep in  
19 mind, this is a marsh island here, and two landowners across  
20 from him, they both have boathouses in this canal as of right  
21 now.

22 In 2007, he was permitted for an access pier 40  
23 by 4 feet, a pier 60 by 4 feet, two piers 28 feet 9 inches by 3  
24 feet, two irregularly shaped piers 6 feet 4 inches, ranging  
25 from three feet to 9 feet 6 inches.

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1 And as of right now, his access pier is 50 feet  
2 by 7 feet 8 inches. And currently our access piers can only be  
3 six feet wide.

4 And he has a pier 58 by 5 feet, a pier 34 feet 9  
5 inches by 4 feet 1 inch, a pier 38 feet 6 inches by 3 feet 9  
6 inch, another one 16 feet 11 inches by 3 feet, another one 4  
7 feet 3 inches by 1 foot 7 inch, an irregular shaped pier 4 feet  
8 7 inches by 4 feet 3 inches, another irregular shaped pier 4  
9 feet 7 inches by 4 feet 2 inches, and his covered pier is 25 by  
10 25.

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

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

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

23 This is what he currently has and what he is  
24 planning on bringing into compliance. The 7 foot 8 inch wide  
25 access pier in width is going to be brought back to five feet

1 down the marsh in front of his structure all the way down to  
2 the property line, and there was no mud flat anywhere in that  
3 vicinity. Actually, three feet out from the marsh grass it was  
4 four and a half feet to five feet deep, so there should be  
5 plenty of room for boats to pass through there.

6 Department of Environmental Quality is currently  
7 reviewing the project. Archives & History has no objections.  
8 Secretary of State says the project is within the Bayou Portage  
9 coastal preserve and all necessary measures should be taken to  
10 avoid adverse environmental impacts. Wildlife, Fisheries &  
11 Parks asks for best management practices to be utilized.

12 Staff recommends that CMR grant the applicant's  
13 after the fact request with the following conditions:

14 The portion of the covered pier which extends  
15 more than 25 percent across the width of the waterway be  
16 removed should the property owners directly across the bayou  
17 from 23441 Arcadia Farm Road -- and those are their two  
18 addresses -- obtain a permit for construction of structures  
19 located within the same waterway as Mr. Montjoy's structures.  
20 Currently both of these two neighbors both have those two  
21 boathouses that were shown in the aerial on another canal, so  
22 it is unlikely we would ever permit them to build across that  
23 marsh directly across from him.

24 Here is the second condition. The portion of  
25 the boathouse which extends more than 25 percent across the

1 wide, and his enclosed structure which is right here you'll see  
2 in the pictures is coming into compliance. And he's asking to  
3 keep the 25 by 25 foot wide covered pier.

4 This is the enclosed structure right here. This  
5 is just his boat lift looking to the east. And that's looking  
6 to the west.

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

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

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

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

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

22 Notification of the project appeared in the Sun  
23 Herald on July 27, August 3, and August 10. Two comments were  
24 received concerning a mud flat upstream of Mr. Montjoy's  
25 structures. I went out there by kayak and actually kayaked

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

4 Number 3. Conditions 1 and 2 must be recorded  
5 in the land records for 23441 Arcadia Farm Road in a manner  
6 such that this condition be discoverable through a property  
7 title search. The Mississippi Department of Marine Resources  
8 must receive evidence that this condition has been met within  
9 30 days of the commission's ruling or by September 19, 2014.

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

12 The violation was discovered on April 2. The  
13 violation duration was 62 days. The maximum potential fine is  
14 \$31,000, minimum of fifty. And the recommended fine is five  
15 hundred.

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

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

22 Any questions?

23 MR. ZIMMERMAN: I'm kind of familiar with that  
24 area. This part of Bayou Portage, is this where some of the  
25 vessels go with hurricanes?

1 MR. PICKERING: Yes. They go upstream of this  
2 area. And that was one of the concerns that they had --

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

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

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

11 MR. ZIMMERMAN: But one --

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

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

17 MR. PICKERING: The current contractor is here.

18 MR. ZIMMERMAN: Does he want to say anything?

19 MR. PICKERING: I don't think he does.

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

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

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

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1 MR. BOSARGE: So second.

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

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

4 MR. PICKERING: Thank you.

5 MR. GOLLOTT: We have office of finance.

6 H. Office of Finance and Administration

7 1. FY14 Monthly Report

8 MR. FEIDT: Good morning, everyone. I'll try to  
9 keep this short and sweet.

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

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

18 Any questions about this?

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

22 MR. GOLLOTT: Thank you, Bill.

23 MR. FEIDT: All right. Thank you.

24 MR. GOLLOTT: Melissa.

25 I. Directorate

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1 1. Public Affairs

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

4 Since the last commission meeting, the  
5 Department of Marine Resources was mentioned 37 times in local,  
6 state, and national media. Our red snapper season had a lot of  
7 interest. And we've had some interest in shrimp season,  
8 upcoming oyster season, that type of thing.

9 The agency participated in two different  
10 activities festivals in the last couple months. One was the  
11 Natchez Food & Wine Festival where we sponsored several chefs  
12 who fixed dishes with Gulf Coast seafood, and there were  
13 several thousand people who attended.

14 We also took part in the Great American Seafood  
15 Cookoff in New Orleans the first weekend in August. Chef Gary  
16 Hawkins of 1908 Provisions in Jackson was our representative as  
17 he won our state contest. So he did not win, but he did very  
18 well, very well received at that event.

19 I wanted to mention to you tonight we will be at  
20 the public hearing on red snapper that is being hosted by the  
21 Gulf of Mexico Fishery Management Council. The meeting is at  
22 six o'clock at the Gulfport Marriott. And so we will be there.  
23 They are meeting here next week, so they're having a public  
24 hearing in advance of that.

25 Also wanted to bring to your attention the

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

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

8 Any questions?

9 MR. GOLLOTT: Thank you, ma'am.

10 J. Other Business

11 MR. GOLLOTT: We have other business now.

12 Reconsideration of suspension of the Tackle Box.

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

15 MS. CHESNUT: Mr. Sullivan is here on Mr.  
16 Roland's behalf. Did you want to say anything further? I know  
17 you made argument last month.

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

24 We have not come up with anything suitable as of  
25 yet that would be able to ensure that the fishermen in Gulfport

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1 and Long Beach were able to get live bait in the event the  
2 commission does suspend our catching license. But we are still  
3 making efforts.

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

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

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

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

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

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1 violations. It wasn't one violation.

2 MR. SULLIVAN: Only one violation was actually  
3 attributable to Mr. Roland. As we've explained on two prior  
4 occasions before the commission, he was never aware that these  
5 other independent contractors that worked for him had even  
6 gotten these violations until this original petition was filed  
7 by the commission with this new administration.

8 Had he been given notice -- and that was our  
9 argument last time -- his due process rights were violated  
10 because he was never given notice that you've received a  
11 violation and we're going to punish you as a business. These  
12 were individual violations received by people that worked or  
13 that were independent contractors that caught bait for the shop  
14 or employees that were working at the shop. And Mr. Roland,  
15 the owner of the shop, was unaware of these things.

16 He's taken a lot of remedial measures to make  
17 sure that none of these people work for him any more and that  
18 none of these types of violations will ever occur. But only  
19 one violation cited by the commission was actually attributable  
20 to Mr. Roland. And the maximum penalty for that would be a two  
21 week suspension under the statute.

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

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

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

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

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

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

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

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

9 MR. DRUMMOND: That's what you want us to do,  
10 Mr. Sullivan?

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

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

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

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1 ask to see the 1099s from these independent contractors.

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

6 MR. BOSARGE: Their 1099?

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

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

12 Do we have a motion on this?

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

16 MR. DRUMMOND: Second the motion.

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

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

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

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

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

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

13 MR. GOLLOTT: I'm a speckled trout fisherman. I  
14 will find my bait.

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

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

23 MR. SULLIVAN: Thank you.

24 MR. BOSARGE: So if I understand the motion  
25 correctly it would be a suspension of license for two weeks

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1 with a two year probation period thereafter.

2 MR. ZIMMERMAN: And a thousand dollars.

3 MR. BOSARGE: And a thousand dollars.

4 MR. GOLLOTT: And it starts September 1.

5 MR. BOSARGE: Starts September 1. I'll second  
6 that motion.

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

9 MR. SULLIVAN: Thank you for your time.

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

12 MR. GOLLOTT: Three I believe.

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

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

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

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

24 MR. ZIMMERMAN: I'd like to go ahead and hear  
25 the three public comments, Shelby, and try to get that out of

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1 the way rather than keep people waiting. I'd like to modify  
2 the agenda.

3 MR. GOLLOTT: Do we have a second?

4 MR. BOSARGE: So second.

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

7 Now we'll vote on Shelby's motion to go into  
8 executive session.

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

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

13 K. Public Comments

14 MR. GOLLOTT: Public hearings.

15 MR. SWANSON: Good morning. This is the first  
16 meeting I've ever attended. But I go fishing in Waveland quite  
17 a bit. And a lot of people and I have a problem with the crab  
18 trap license and in order to run recreational crab traps you  
19 have to be in the vessel that's licensed to the crab traps.

20 What happens if someone gets ill, they're  
21 incapacitated for whatever reason. From what I understand, the  
22 way the law is written no one else can run those crab traps.  
23 So they either don't get run or they get stolen or they become  
24 derelict.

25 Is that true? Is that the way it reads?

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1 MR. GOLLOTT: I think we'd have to ask Traci to  
2 answer that for us.

3 MS. FLOYD: Yes, sir, that's the way it reads.  
4 But if you find yourself in that situation, you can give us a  
5 call and we can help you with that.

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

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

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

17 So it's a little scary there is what I'm saying.

18 I think the wording might need to be changed a  
19 little bit or maybe there should be a provision in there,  
20 stated in there, if you have a situation like that.

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

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

3 And I'm just --

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

6 MR. SWANSON: Okay. That's basically it.

7 MR. ZIMMERMAN: Rusty, did you have something to  
8 say?

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

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

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

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

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

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

18 MR. SWANSON: I don't even have any yet. Well,  
19 I have some from years ago. They're sitting under my house.  
20 They've never been used. I don't own a boat yet. I'm putting  
21 up a -- if you want to call it a shed, whatever, my wife says I  
22 can't have a boat until I finish that. And I don't blame her  
23 because I want to keep it under cover. I don't want it to be  
24 outdoors. I want it to be protected.

25 And I'm 69 now. How much longer do I have? And

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1 very un-environmental friendly law.

2 MR. PITTMAN: Of course, that's a state statute  
3 law, so it would have to go through the legislature to be  
4 changed.

5 MR. ZIMMERMAN: So it's the legislature has it  
6 that the license is per boat?

7 MR. PITTMAN: Per boat, yes, sir.

8 MR. SWANSON: That needs to be changed.

9 MR. GOLLOTT: Nobody can change that.

10 MR. ZIMMERMAN: Well, we need to look at it.

11 MR. SWANSON: Thank you.

12 MR. GOLLOTT: Thank you, sir.

13 Okay. Mr. F.J. Eicke, it's your turn.

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

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

21 It's dealing with a thing called Amendment 40  
22 which is a proposal by the Gulf Council to separate the charter  
23 for hire from the private recreational subsections you might  
24 say that would cut the red snapper allocation in approximately  
25 half and assign IFQs, what are essentially IFQs, individual

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1 fishing quotas, to charter captains with reef fish permits.  
2 What you need to realize is that this is based  
3 on past catch from 1996 I think the date is to 2012. And it's  
4 going to put the Mississippi charter captains at a distinct  
5 disadvantage.

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

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

20 I served on a advisory panel called the Red  
21 Snapper Advisory Panel that met back earlier in July, at the  
22 end of July. It was real interesting, because the final vote  
23 was no action by the Gulf Council. It included 11 votes, three  
24 of the votes against that particular no action recommendation  
25 or motion came from commercial fishermen. One of them came

1 from someone that is with apparently the Sea Grant out of Texas  
2 A&M University. And one was from a charter captain from  
3 Destin.

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

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

20 It's going to kill the charter captains, in  
21 particular ours, and they know it. It's been done in other  
22 places. And so we're well ware of it. Its been looked at.  
23 And CCA is adamantly opposed to Amendment 40.

24 MR. BOSARGE: Mr. Eicke, this is Amendment 40.  
25 This war has been going on a long time. And I know change

1 scares you. But you talk about the charter boats and how it's  
2 going to devastate them. I have just the opposite opinion.  
3 It's finally going to make them a viable industry.

4 MR. EICKE: What has happened in other places is  
5 that the charter boats in a situation similar to this have been  
6 affected negatively. And what I think we need to consider is  
7 that our charter captains, the group that we have here, our  
8 catch of red sapper is data that Matt was indicating is really  
9 minimal compared to the --

10 MR. BOSARGE: If you let me finish, I can tell  
11 you by doing the ITQs, these charter fishermen here in  
12 Mississippi will have the opportunity to buy catch from charter  
13 boats that are no longer in existence, but still have their  
14 share of the quota and will allow them to make more trips.

15 MR. EICKE: With all due respect, Mr. Bosarge,  
16 we're about to give a property right to a select group of  
17 people of a public resource free. They can then, as you said,  
18 they're in a position where they can sell. But we have given  
19 to a private group a public resource --

20 MR. BOSARGE: And I disagree with you. We're  
21 not giving them anything.

22 MR. EICKE: You are giving. There's no other  
23 way to look at it. In my opinion, there's no other way. We  
24 can differ on it, but we have different opinions.

25 In my opinion and it's true of various kinds of

1 things, we know for example within the commercial sector in the  
2 red snapper IFQs in the commercial sector that those are not  
3 even being fished in many, many cases. They're being fished by  
4 other people, and there's benefit being derived by owners of  
5 these IFQs but they're not fishing. They're using them as a  
6 property right which is what we gave them back when we did the  
7 IFQ in the commercial sector.

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

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

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

14 (Off the record.)

15 MS. LEIRER: The commission is now in executive  
16 session.

17 (Off the record in executive session 10:45 a.m.)  
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## 1 COMMISSION ON MARINE RESOURCES

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4 COURT REPORTER'S CERTIFICATE

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

12 I do further certify that my certificate annexed  
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