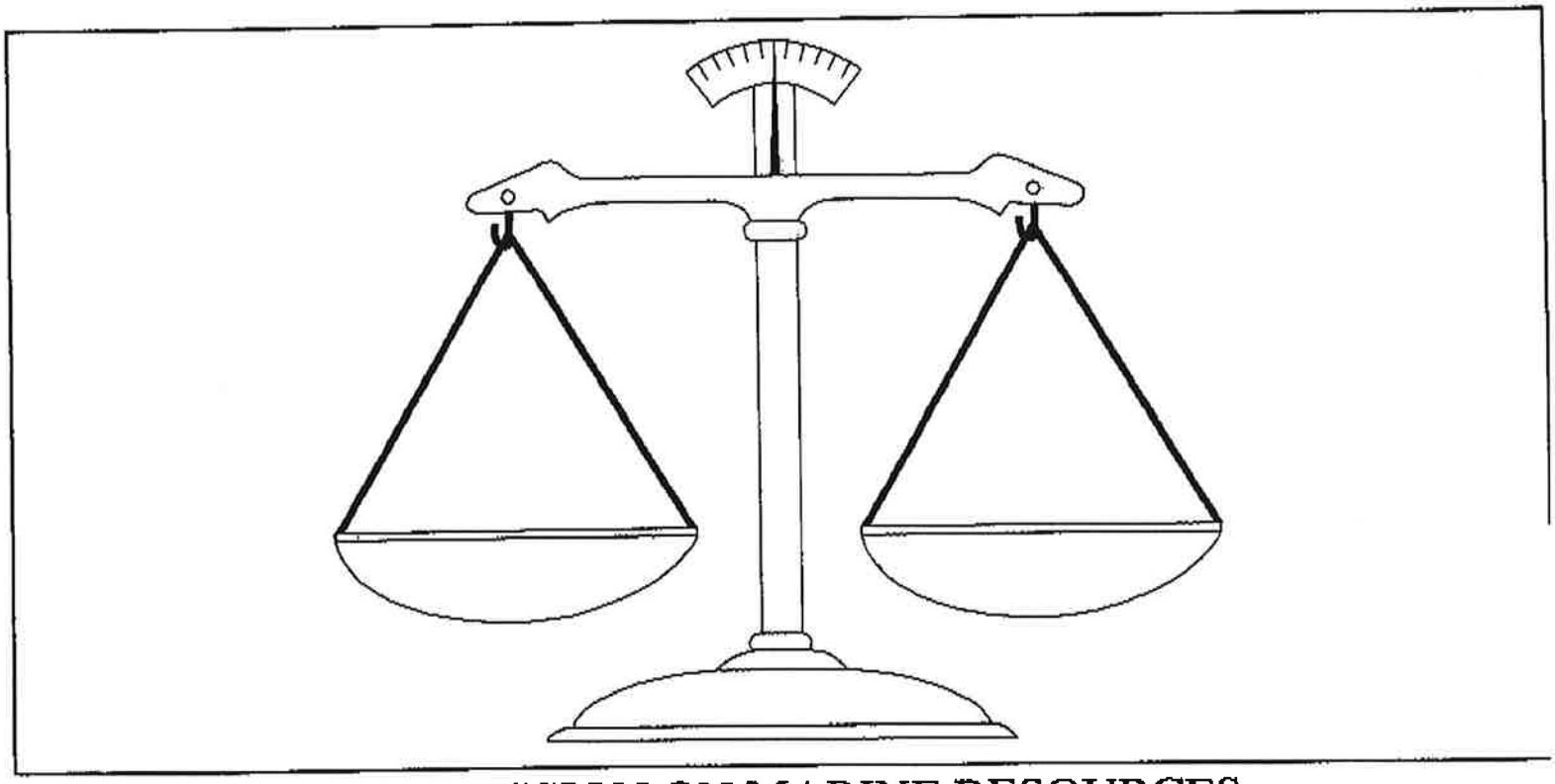
Compressed Transcript



COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

March 18, 2014

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

COMMISSION ON MARINE RESOURCES

MEETING OF COMMISSION ON MARINE RESOURCES
March 18, 2014

****
TRANSCRIPT OF MEETING OF COMMISSION ON MARINE RESOURCES AT CITY OF GAUTIER COUNCIL CHAMBERS, 3330 HIGHWAY 90, GAUTIER, MISSISSIPPI, ON THE 18TH DAY OF MARCH 2014 COMMENCING AT 9:00 A.M. AND REPORTED BY NORMA JEAN LADNER SOROE, CERTIFIED SHORTHAND REPORTER.
****

COMMISSION MEMBERS PRESENT:

JIMMY TAYLOR, Chairman
RICHARD GOLLOTT
SHELBY DRUMMOND
STEVE BOSARGE
ERNIE ZIMMERMAN

ALSO PRESENT:

JAMIE MILLER, Director DMR
JOSEPH R. RUNNELS, ESQ., Asst. Attorney General

A. Call to Order

MR. TAYLOR: I'd like welcome y'all to the March meeting of the CMR.

B. Approval of Minutes

MR. TAYLOR: And first of all, any changes to the minutes?

MR. GOLLOTT: Mr. Chairman, I have a change to the -- I'm sorry. I make a motion that we accept the minutes as written.

MR. TAYLOR:: And a second?

MR. ZIMMERMAN: Second.

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

C. Approval of Agenda

MR. TAYLOR: Next up, we have approval of the agenda. And I assume that you want to do something, Mr. Gollott.

MR. GOLLOTT: Yes, sir. I'd like to change the agenda.

Mr. Chairman, it has been brought to my attention that the proposal in Title 22 Part 7 that establishes a means test to enter into the commercial speckled trout fishery has not been finally adopted by the commission. In order for the rules to change to be effective for the next license year by the proposed effective date, May 1, 2014, the commission needs to take action on this issue by April 1.

Therefore, I move to amend the agenda to add final adoption of the proposed amendment TItle 22 Part 7 requiring endorsement to harvest spotted seatrout for sale.

MR. BOSARGE: Second.

MR. TAYLOR: Where would that go in? Under F?

MR. GOLLOTT: F-3.

MR. TAYLOR: We have a second, motion and second. All those in favor. Passes unanimously.

D. Executive Director's Report

MR. TAYLOR: Okay. Next up is executive director's report.

MR. MILLER: No report, Mr. Chairman.

MR. TAYLOR:: Thank you.

E. Office of Marine Patrol

MR. TAYLOR: Office of marie patrol. I don't see Rusty. Olan Gunner.

MR. GUNNER: Good morning, commissioners, director, Joe.

It's the same thing with the violations. There's a few oyster violations. The violations may seem like they're down a little bit, but there hasn't been a whole lot of traffic on the water. The weather has played a big part in what we're seeing out there. There's eight oyster violations, two crab, one failure to maintain records, a dozen or so fishing license, the undersized red snapper, and fishing during

closed season, insufficient PFDs, marine litter, and a few other charges.

We had 41 JEA patrols, 581 man hours, 249 contacts, and six enforcement action reports, and 14 state citations.

Do y'all have any questions about the enforcement report?

MR. DRUMMOND: I have one question. Selling unmarked oysters. I'm not sure I know what that means.

MR. GUNNER: We regularly each month go to the seafood shops. And we check and make sure that the oysters are branded or labeled correctly or have to have a sell by date or a frozen date or something on it. Evidently, the officer found a container of oysters that were unmarked that people were trying to sell.

MR. DRUMMOND: These were in burlap bags?

MR. GUNNER: No. They were probably in a container, an unmarked container.

MR. DRUMMOND: Okay. Thank you.

MR. TAYLOR: One thing I'd like to mention, y'all. If you want to comment on anything during the meeting, you need to fill one of these out and give them to one of the team members and whether it's an agenda item. If it's an agenda item, such as the gill net or whatever, mark on there so you can speak during that time. If it's not on the agenda, put

no, you'll speak during the public comments. Thank you.

F. Office of Marine Fisheries

MR. TAYLOR: Next up, office of coastal zone management, Jan Boyd.

Fisheries. I'm sorry. Office of marine fisheries, Joe Jewell. I'm sorry.

MR. JEWELL: Thank you, commissioners. Can y'all hear me? Thank you.

Thank you, commissioners. And I'd like to thank Mayor Gordon Gollott for hosting this commission meeting today in the beautiful City of Gautier.

I'd like for convenience to ask the commission's permission to present Title 22 Part 7 the means test right with the Title 22 Part 7 the quota increase on red drum together because I'll be doing both of those at the same time. They're both final notices, and I have those prepared at the same time.

MR. TAYLOR: Does that need a motion, Joe?

MR. RUNNELS: No.

MR. JEWELL: Okay. Thank you.

1. Title 22 Part 7: Red Drum Commercial Quota Increase

MR. JEWELL: First is Title 22 Part 7 increase in the red drum quota.

The commission passed the notice of intent on December 17, 2013.

We gave public notice on the DMR web page on

February 7.

The notice of intent was published again on December 17. No public comments have been received.

These are an outline of the major changes that will occur in the title and part. Most of these revolve around the changes in the date. They're minor changes. The second bullet are the substantive changes that will occur changing 35,000 to 50,000. The rest of them are minor changes that deal with editorial changes and updating some of the language that occurred in the previous change.

This is the way the rule will reflect in the title change after. I'll read that into the record.

From and after January 1, 2014, the annual total allowable catch or TAC for commercial landings of red drum, Sciaenops ocellatus, will be set at 50,000 pounds. The TAC shall commence on January 1 and end on December 31 of each year.

A motion for final adoption of the proposed rule 22 Part 7.

MR. ZIMMERMAN: So moved.

MR. TAYLOR: We have a motion.

MR. GOLLOTT: Mr. Chairman, I'd like to make a motion --

MR. TAYLOR: That's a second.

MR. GOLLOTT: Oh, I'm sorry.

MR. TAYLOR: Any discussion? All those in favor. Passes unanimous. Thank you.

MR. JEWELL: Okay. And I'll do the means test at this time.

3. Means Test

MR. JEWELL: Title 22 Part 7 spotted seatrout means test.

The Commission on Marine Resources passed a notice of intent on December 18, 2012. Public notice was given on February 12, 2014. Notice of intent, January 14, 2014.

No public comments have been received.

This is the outline of the major changes that would be involved on the rules change. I'll read those into the public record.

Individuals harvesting spotted seatrout, Cynoscion nebulosus, for sale must possess a spotted seatrout endorsement of $10 in addition to a current applicable harvester's license.

To qualify for this endorsement, an application must be completed. The fisher must present proof that $5,000 of seafood product was sold in any 12 consecutive months. Proof would be copies of sales records and a copy of applicable harvester license for the appropriate time period or the fisher must present proof that ten percent of their net income came from commercial fishing activities in a previous tax year.

Proof would be in a form provided by the DMR, completed by a licensed tax preparer possessing a PTN, tax identification number, notarized and submitted to the department. This endorsement will be valid for a three year period at which time a new application with qualifying documents must be submitted for a new endorsement. The income requirement and sales provisions of this section shall cease to be in effect at April 30, 2020, unless further commission action is taken to extend the requirement.

And this is the way the rule will look in the final title and part. It's the same thing because it's an addition.

Require a motion for the final adoption of the proposed rule.

MR. TAYLOR: Okay. Do I have a motion?

MR. BOSARGE: I'll make the motion that we accept the required final adoption of proposed Rule 22 Part 7 for spotted seatrout.

MR. TAYLOR: Do I have a second?

MR. GOLLOTT: Second.

MR. TAYLOR: Any discussion? All those in favor. Passes unanimous. Thank you.

MR. JEWELL: Thank you.

MR. TAYLOR: I want to remind you, if you want

to speak on anything, whether during the agenda or out, to fill one of these out, because I'm not going to let you speak if you don't. So please do that if you want to speak.

And we have some people here I'd like to recognize.

Mayor of Gautier, Gordon Gollott, and we want to thank you once again for allowing us to have a meeting here. And I think it's great that Director Miller has taken the meetings to different areas of the county, different counties across the coast that allows people that otherwise couldn't come and listen, look, and voice their opinion.

And we have Mayor Blevins from Pascagoula. Thank you.

And Councilman Mary Martin. Thank you. It's nice to meet y'all, too.

And Tony Ladner.

Curly Ray Gollott.

Excuse me. I don't know some of y'all, and we thank y'all for inviting us. Once again, thank you for having -- letting us have this meeting in this nice facility.

Next up is Matt Hill.

2. Title 22 Part 5: Reconsideration of Degradable Net Material

MR. HILL: Good morning, Director Miller, commissioners, Joseph. I'm here this morning to present a

reconsideration of the degradable net material. This is a carryover from the last meeting. The staff was asked to take a look at the regulations and write into the regulations how they would look.

So what we came up with were three alternatives. We took all the commissioners' input from that meeting. We listened to the minutes. We tried to get as much of it on paper as we could. But it took three different alternatives to get that so you're going to have to bear with me. It's going to be a little bit of reading and take a little bit of time but we'll try to get it in the record.

The current regulation. These current regulations are located in Title 22 Part 5 rules and regulations that establish restrictions governing the use of nets, fish traps, and pots within the territorial waters of the State of Mississippi and establishing certain catch limitations and quotas.

Alternative 1, status quo. I'm going to read the regulations as they are currently.

In Title 22 Part 5 in Chapter 3, definition section, it's definition of approved degradable material. Approved degradable material shall be defined as a material which after one year of immersion in water loses at least 50 percent of its tensile strength and for which a field test must be available to analyze the material for authenticity or the

net must have a placard issued by the Mississippi Department of Marine Resources which will be permanently attached to the net, certifying that the net is made of an approved degradable material. Any material previously approved by the MCMR under Title 22 Part 5 shall be deemed an approved degradable material for purposes of this Title 22 Part 5, regardless of whether material meets the 50 percent loss in tensile strength after one year of immersion in water. And we know the only approved material we currently have is cotton linen.

In Chapter 5, it begins the additional gill and trammel net restrictions -- Chapter 4 also deals with some -- with the areas we're dealing with trammel nets in some other -- there's some few other regulations, but we propose no changes to Chapter 4. So we'll just go to Chapter 5.

Chapter 5, Section 100. Notwithstanding the provisions of Chapter 4 above, it shall be unlawful for any person, firm, or corporation, to set, use, or possess a gill or trammel net in the marine waters of the State of Mississippi contrary to the following restrictions.

100.01. From 6:00 a.m.t o 6:00 p.m., no gill or trammel net shall be set or otherwise used for the taking of aquatic life within one-half nautical mile of any manmade structure attached to the shoreline from Bayou Cadet in Hancock County to Marsh Point, Ocean Springs, Jackson County.

100.02. From 6:00 p.m. to 6:00 a.m., no gill or

trammel net shall be set or otherwise used for the taking of aquatic life within one-quarter nautical mile of any manmade structure attached to the shoreline from Bayou Cadet in Hancock County to Marsh Point in Ocean Springs, Jackson County.

100.03. It shall be unlawful for any person, firm, or corporation to possess fish in or in contact with any given trammel net in a boat in the marine waters of Mississippi in the St. Louis Bay north of the CSX railroad bridge and Biloxi Bay north of a line drawn between Marsh Point and Grand Bayou and Pascagoula Bay north of the CSX railroad bridge.

100.04. It shall be unlawful for any person, firm, or corporation to set or otherwise use a gill or trammel net in the marine waters of Mississippi or to possess fish in or in contact with a gill or trammel net in a boat in the marine waters in Mississippi between 6:00 a.m. on Saturday morning until 6:00 p.m. on Sunday evenings.

100.05. It shall be unlawful for any person, firm, or corporation to set or otherwise us a gill or trammel in the marine waters of Mississippi or to possess fish in or in contact with a gill or trammel net in a boat in the marine waters of Mississippi between 6:00 a.m. and 6:00 p.m. on legal holidays established by the Mississippi legislature and as set forth in Mississippi Code.

100.06. No gill or trammel net shall be set within one-quarter nautical mile of another gill or trammel

1 net.
2 100.07. Gill and trammel nets must be attended
3 at all times from a distance of no greater than the length of
4 the boat in use.
5 100.08. On and after January 1, 1997, all gill
6 and trammel nets must be constructed of an approved degradable
7 material. An approved degradable material list will be on file
8 with the executive director of the MDMR or its designee. Any
9 material that has not been approved by the MDMR by October 15,
10 1996, MDMR meeting must meet the requirements of the approved
11 degradable materials definition.
12 That is currently what is in our regulations.
13 We all know now anybody can get into the fishery. There are no
14 entries. You buy the commercial net boat license. You bring a
15 net that meets our standards. We will tag it, and you can fish
16 with a gill or trammel net according to the regulations set
17 forth in Chapter 4 and Chapter 5 of Title 22 Part 5 and also in
18 state statute 49-15-78.
19 Alternative 2. We will leave the definitions as
20 is. I'm not going to read it again. It will be status quo.
21 We begin in Chapter 5 additional gill and
22 trammel net restrictions. Again, this is Alternative 2.
23 Section 100 would remain the same.
24 Section 100.01 through 100.06 would remain the
25 same as status quo.

1 So when they bring the net back, the tags will
2 have to remain on it for us to tag another net for them.
3 100.11. It shall be unlawful for any person,
4 firm, or corporation to possess, deploy, use, or attend a gill
5 or trammel net in or on the marine waters that does not have
6 attached a valid and current annual tag issues by the MDMR.
7 100.12. Each gill and trammel net shall be
8 tagged at opposite ends by the MDMR.
9 100.13. It shall be unlawful for any person,
10 firm, or corporation to possess more than one MDMR tagged gill
11 or trammel net on the marine waters under the jurisdiction of
12 the MDMR. This does not restrict how many they may have, but
13 they can only have one in the vessel at a time.
14 100.14. Prior to setting or deploying any gill
15 or trammel net in the marine waters under the jurisdiction of
16 the MDMR, the license holder shall notify the MDMR's marine
17 patrol dispatch on the day of deployment the approximate
18 location where the license holder intends to deploy or set a
19 net, the license number of the license holder, the identifying
20 number on the tagged net, and the license number on the vessel
21 that will be used in the deployment.
22 It shall be unlawful to deploy or set a gill or
23 trammel net in the marine waters under the jurisdiction of the
24 MDMR prior to notifying marine patrol as required by this
25 section. This is not required currently.

1 We begin in 100.07. We replace that language,
2 and we would say it shall be unlawful for any person, firm, or
3 corporation other than the license holder to possess, deploy,
4 use, or tend a gill or trammel net in or on the marine waters
5 under the jurisdiction of the MDMR. When a gill net is used or
6 deployed in marine waters, the license holder shall remain
7 within the lesser of one boat length or 20 feet of the deployed
8 net. Failure to remain within the required distance shall
9 constitute failure to attend the gill or trammel net.
10 This would require the license holder to be on
11 the vessel. That is not required at this time.
12 100.08. We would change this language, and we
13 would say webbing and panels for gill and trammel nets shall be
14 constructed of cotton or linen material approved by the MDMR or
15 any material which meets the approved degradable material
16 standards in Chapter 3, Section 103 of Title 22 Part 5.
17 We add, these are all additions. We would begin
18 with 100.09. All gill and trammel nets shall be inspected and
19 tagged annually by the MDMR. Each tag shall contain a unique
20 identifying number. Once we tag nets now, we do not see them
21 again. They are not required to bring them in for repeat tag.
22 100.10. From and after March 14, 2014, the MDMR
23 shall not issue an annual tag for a gill or trammel net or tag
24 a replacement net without the license holder producing and
25 surrounding the immediately preceding issued annual tag.

1 100.15. Any license holder that is issued three
2 citations and/or enforcement action reports within any three
3 year period of time for violating any of the provisions of this
4 chapter shall have their license revoked by the MDMR and shall
5 not be eligible to possess, use, or deploy gill or trammel nets
6 on marine waters under the jurisdiction of the MDMR.
7 And the last one but most important is 100.16.
8 Subject to compliance with the foregoing regulations in this
9 chapter, currently licensed fishermen in possession of a gill
10 or trammel net that was inspected and tagged by the MDMR
11 between September 1, 2005, and March 18, 2014, shall be allowed
12 to use or deploy gill or trammel nets constructed with uncoated
13 multi-filament nylon twine webbing and panels.
14 Current license holders that meet this
15 requirement shall be allowed to use said net provided they
16 annually purchase the required license, obtain the required
17 tags, and abide by all the regulations in this chapter.
18 This special authorization is non-transferrable
19 or transferrable. I didn't decide that.
20 In summary, Alternative 2. This is not
21 everything, but I'm just going to try to hit on the high
22 points. It would allow eligible gill net and trammel net
23 fishermen to construct their net with multi-filament nylon
24 twine. It also allows new entrance into the gill net and
25 trammel net fishery. However, these fishermen would only be

1 allowed to construct their nets with cotton linen or materials
2 meeting the approved degradable materials definitions. So
3 these new fishermen would nt be eligible for the nylon.
4 What it does not do, it does not sunset a gill
5 or trammel net gear. This fishery will continue to exist after
6 these current eligible fishermen use the nylon retire. It does
7 not sunset the gear. It would just revert back to the fishery
8 it is now, the gear that is currently there.
9 So are there any questions on that one?
10 Alternative 3. In this alternative, we would
11 change in the definition section. We will begin by eliminating
12 the approved degradable material definition and putting it as
13 an approved under the approved materials. So it will be
14 approved material shall be defined as:
15 103.1. Cotton linen material approved by MDMR.
16 103.2. Untreated uncoated multi-filament nylon
17 twine approved by the MDMR.
18 103.3. The approved degradable material that we
19 keep talking about. And I'm not going to read that definition
20 again.
21 The changes will be the same as -- Alternative 2
22 through 07 is identical to Alternative 2.
23 08 is just a little different. It would sate,
24 webbing and panels for gill or trammel nets shall be
25 constructed material in accordance with the approved material

1 because they're up for discussion is:
2 Fisherman possesses a valid commercial net boat
3 license during the period from date to date. We can say they
4 had to have it in 2012, 2013.
5 Next, continuously have a commercial net boat
6 license from date to present, 2005 to present.
7 Look at establishing a means test. We could go
8 into the trip ticket system and see the fishermen that are
9 using this type of gear, and we can identify them using this
10 type of gear.
11 And the last. Fisherman may not have been
12 convicted of any fishing violations for the past three years,
13 five years, six years, it's just a question mark.
14 In summary, what Alternative 3 would do, it
15 allows eligible gill or trammel net fishermen to construct
16 their nets with multi-filament nylon twine. It would establish
17 a gill net and trammel net endorsement. The endorsement would
18 only be obtainable by those fishermen that currently possess a
19 gill or trammel net that was approved and tagged between
20 September 1, 2005, and March 18, 2014.
21 It does not allow new entrants into the fishery.
22 You would define a universe, and that's the universe that you
23 would have.
24 It states the gill and trammel net endorsement
25 shall be non-transferrable.

1 standards defined in Chapter 3, Section 103 of Title 22 Part 5.
2 Section 100.09 would be the same as Alternative
3 2.
4 100.10 would be the same.
5 100.11 would be the same.
6 100.12 would be the same.
7 100.13 would be the same.
8 100.14 would be the same.
9 100.15 would be the same.
10 The difference lies in 100.16. It shall be
11 unlawful for any person, firm, or corporation to possess,
12 deploy, use, or attend a gill or trammel net in or on the
13 marine waters under the jurisdiction of the MDMR unless the
14 person or entity possesses a gill or trammel net endorsement to
15 the commercial net boat license.
16 The gill and trammel net endorsement is
17 non-transferrable.
18 The gill and trammel net endorsement will be
19 issued annually to an individual or entity which satisfies the
20 following conditions:
21 1. Possess a gill net or trammel net which has
22 been approved and tagged by the MDMR between September 1, 2005,
23 and it should say March 14, 2014.
24 Two are some additional qualifications that came
25 up in a meeting. And some of those are — I didn't list those

1 And it does sunset gill net and trammel net gear
2 after the retirement of those fishermen eligible for the
3 endorsement.
4 And that is the conclusion of the presentation.
5 MR. TAYLOR: Do we have some discussion on this?
6 I'm going to take a minute and let us kind of --
7 MR. ZIMMERMAN: I'd like to ask, Mr. Gable has a
8 letter that he submitted in the packet. Would you like to read
9 that letter at this point?
10 Richard, can you read that letter that you
11 submitted to the board to read?
12 MR. GOLLOTT: Matt, would you read it for him?
13 MS. HILL: Do you want me to read it?
14 MR. GABLE: It don't matter.
15 MR. HILL: To commission members from Richard W.
16 Gable.
17 This is another letter from me as a commercial
18 net fisherman and career lifelong fisherman. Now the point of
19 this letter is to explain in depth the history of net fishing.
20 Now as I write this letter, there are ones who
21 are using mono webbing to catch fish. They hide their nets in
22 the marsh so they don't have it on the boat. I know how to do
23 that, and truthfully I have done the same in the past. Now
24 that is not the manmade law way to fish. Nor is it the manmade
25 law having one too many drinks and drive, but it is done. The

1 state does not outlaw the sale of beer of whiskey.
2 I hate to think that the next gill and trammel
3 nets will end up a lost way of the Gulf Coast, but if it has to
4 be, then so let it be.
5 I have had from the start a degradable net and I
6 think the first one in the mid-'90s to have a seine. They're
7 allowed with no restriction except no longer than 1200 feet.
8 They can be nylon, mono, or whatever else. The main few
9 reasons not to use that type of gear is it will kill everything
10 just like a shrimp trawl.
11 A shrimp boat has two or three extra nets in
12 case of a snag or they lose the trawl. It happens.
13 Now I'm not saying it's wrong. They are a way
14 of life. But I don't choose that way of life because you have
15 to hire help, others to run the boat. My help is my wife. We
16 can choose what we take and don't take to kill everything in
17 the seine or trawl. My thoughts are why kill what we can't
18 use.
19 Since 2004, I have many times -- tried many
20 times to get the webbing to fish. I got no help from DMR to
21 get webbing for nine years. No help at all.
22 In December of 2012, the commissioners told
23 fisheries to help me. That's when I met Matt Hill, and he
24 found cotton in Tampa from China. They don't make any more,
25 and the life of the net does not last in or out of the water.

1 Why would the net man do that? But that's what
2 will be said at the public hearing. Out of 30 years of
3 fishing, I have never heard DMR stand up and tell the public
4 the truth how a net degrades the fish.
5 Now to end this letter, what I am asking and
6 want to be allowed to use nylon walling on my cotton net. The
7 inner webbing would remain cotton which will end up rotting
8 away the walling, and the walling will not catch the fish.
9 Then after the cotton left, only the ones who
10 had tagged nets will be able to fish nylon. After they die, it
11 shall be over.
12 By delaying it and pushing it back month after
13 month, I will end up having to sell everything we have worked
14 for being sold and to make it.
15 No matter how you look at it, nothing is right
16 about this. Could and would you as the commissioners make a
17 decision that will let me know what I can do? God forbid if
18 y'all say no, but then I would know the next steps to take.
19 Sincerely, Richard W. Gable.
20 MR. TAYLOR: Matt, I have a question for you. I
21 don't really know anything about nets or gill nets and all.
22 What is -- I mean, you don't have anything to ut pup here to
23 see, you know, what he's talking about.
24 MR. HILL: With the paneling on the trammel
25 nets?

1 It takes a lot more money to build a net. Out of 31 years of
2 fishing, I never lost a net. Now, some has left nets and never
3 picked them up, just like a drunk driver, but not all do it.
4 Now what I am asking and every time I have wrote
5 letters to y'all and asked outright what I want, I was led to
6 believe there would be a meeting in February, commission
7 meeting y'all would vote on what I asked for.
8 Commissioner Gollott, I think, was ready to
9 vote. The fisheries wanted to be open for everyone to do it.
10 Now, if all were making and trying as hard as
11 myself, then maybe they should be part of it. But there are
12 only ten or 12 tagged nets. The ones who have the tagged nets
13 should be the only ones allowed to fish with the net.
14 No one else, when we die, it's over. That's not
15 right, but they don't make real commercial net fishermen any
16 more.
17 When a public hearing comes up, then it will be
18 the same lies told on the net fishermen. Nothing is said about
19 how many fish the sport or recs catch or how many they tear the
20 guts out of, the small fish, and then throw back, or how many
21 sea turtles they catch with hook and line left in its mouth or
22 the crabs that are rolled up in mono fishing line.
23 And just like the Sierra Club man is saying, the
24 net fishermen cut off hunks of net and throw the webbing in the
25 water.

1 MR. TAYLOR: Right.
2 MR. HILL: Basically, what it is, you would
3 start with the gill net. That's the simplest way to think of
4 it. It's just a standard gill net. And then it's like a
5 curtain. You would drape nylon walling over it. And it would
6 be somewhere between 12 and 14 inch stretch, sometimes up to 16
7 inches, depends on what grade of fish you're going after. But
8 the net would be -- the walling would be tied to the float line
9 and the lead line. And what would happen is, the fish would
10 hit the inner walling, and it would create a pocket for the
11 fish to stay in because it pushes the inner net out, and it
12 would create a pocket there.
13 MR. TAYLOR: Would the fish be entangled in the
14 nylon or in the outer wall?
15 MR. HILL: When used properly and if it works as
16 it should, the fish would be entangled in the inner wall.
17 MR. TAYLOR: I have two other questions for you.
18 The part 100.12 it says any person or entity to
19 hold a permit. Would that mean that a person that had an --
20 could an LLC hold the permit instead of an individual? You
21 understand? In other words, a corporation and, you know,
22 corporation is entity in itself, you could transfer the stock.
23 MR. HILL: Currently that's how it is written, a
24 person, firm, corporation, and we tried to stay as consistent
25 with some of that language as possible.

One thing we think would eliminate some of that is some of the language we put in there where the license holder would have to be on the vessel. And I think what we would end up doing in a case like that, if we were to continue to allow entity to get it, but would have to have a name to put on the license, somewhere in the captain's section or the owner's section. We would require a name.

MR. TAYLOR: Okay. The other question was: One of the things if someone's net was lost or stolen, you know, the tags, you could replace it. Is that still in 3 or 2?

MR. HILL: That's in both 2 and 3. That is consistent in both alternatives.

MR. TAYLOR: Thank you.

Okay. There's going to be a lot of discussion and questions.

MR. BOSARGE: You know, we started this whole thing with a simple request from Mr. Gable to add nylon walling to his biodegradable net. And from there, we went to using nylon to make gill nets out of it. And really holding up this whole deal scenario what can or may happen.

I think that we need to back up just a little bit. I know you've done a lot of work, and I appreciate what you've done. But I think from my perspective, we just need to address Mr. Gable's issue. And I think that would probably simplify things a lot more.

feel like we would have to take this out, have a notice of intent from the commission to take this out and go through the process, go through the regulatory process.

I don't think it's something we can do today.

MR. TAYLOR: We want to do what's right.

MR. DRUMMOND: Matt, I just want to address Mr. Gable.

Is this exactly what you want, Mr. Gable?

MR. GABLE: My name is Richard Gable.

In December of 2012 at a commission meeting, I had asked to go back to nylon because all we could get until Matt helped me get it was cotton webbing that was 23 foot deep, too deep for me and the wife to handle. And it would rot so quick. And trying to hang a net like that to dry it out so it wouldn't rot was —

MR. DRUMMOND: Are you changing your mind, Mr. Gable?

MR. GABLE: No. I'm going back when I originally come to DMR was in 2012. And then I asked and that's whenever they told Matt or the commissioners told Matt or Diaz, I think his name was, to help me find some webbing to fish with.

Two weeks later, Matt told me, Richard, Tampa, Florida, has got the cotton webbing.

Well, a year went by. The following year after

And I believe that Mr. Zimmerman has a motion to that effect.

MR. ZIMMERMAN: And I would agree with what Steve's saying. Mr. Gable came and asked for a simple nylon back and a 14 square or bigger, and we're where we are now.

And with that said, I'd like to put a motion to amend Title 22 Part 5 to allow untreated nylon backing with 14 inch square or larger which can be used on trammel nets as a backing and make that where that's legal.

And I question how we've come all the way to back to allowing nylon gill nets. That's not the intention of what Mr. Gable has been asking for. He's just wanting to put a nylon backing on a cotton trammel net and go fishing is all he's asking for.

MR. TAYLOR: We have a motion on the floor. Do we have a second?

MR. BOSARGE: I'll second his motion.

Matt, do you see this as something we can --

MR. DRUMMOND: I'd like to make a comment, Mr. Chairman.

MR. TAYLOR: We'll get to your comment.

MR. BOSARGE: Do you see this as something that we could make happen without a big complicated --

MR. HILL: We would have to change the regulations. We will have to modify the regulations. And we

seeing how quick it rotted away to nothing, and using it one time, I come back and I asked -- well, I wrote some letters, asking for nylon to come back but be undipped, just plain nylon because the crabs -- it was said it was abandoned net and lost nets.

Well, out of 30 years of fishing, I don't see how anybody could lose a net. But if it was hypothetically speaking, if it was lost, a crab would eat the net up. So I said, that's why I want the nylon instead of monofilament.

I figured that was a way of sharing the resources with everybody, with the sports, the CCA, the whole nine yards.

And then I said, when it come up to the nylon trammel net was, I was under the impression it was going to take a couple of months or up to six months before y'all would even consider the nylon. So I said well, during that time period for me to be able to fish with what I got, that cotton net, let me put the nylon walling on it and use it. And then if it went to nylon like I had asked, then I could continue to use my cotton net with the nylon walling until it rots away. And then the next net I build, be able to build it out of nylon so it don't rot so quick.

And that's how we got to the part where we are now.

But in the very beginning, I was asking for

1 nylon back because it rotted so quick. And that's when
2 Commissioner Gollott -- I was wanting the net for crab bait
3 because I'm a crabber, too. And he asked me if I had ever used
4 trawl trash, and I told him that the pogeys worked the best.
5 And what you catch a pogey with is a three inch stretch net.
6 And that's how the nylon net thing come about to
7 begin with.
8 And from that point on until now, I have been
9 working and writing letters and pestering y'all to try to get
10 it back to where I'll have a type of gear that I could fish
11 with.
12 But until the decision would be made whether to
13 let it go back to nylon or not, at least let me use the nylon
14 walling on the cotton net is what I was asking for now, like I
15 said, until y'all decide whether I can use nylon.
16 But only allow it for the 12 fishermen. I don't
17 want it to come up like it was before. I have tried paving a
18 road to show the real side of a commercial fisherman. A real
19 fisherman is not going to lose his net. He's not going to
20 leave it unattended. He's going to abide by the rules and
21 regulations.
22 I think out of 30 years of fishing, I got one
23 ticket because I was in an unmarked channel. I was in the
24 unmarked channel because it was too rough to run out front.
25 And it seems like that actions speaks louder than words. And

1 Any other commissioners want to comment?
2 MR. GOLLOTT: Yes, sir. The one thing that I
3 heard Mr. Gable say is he thinks it ought to be limited entry,
4 and I'd ask Ernie if he'd modify his motion to include that the
5 people that are gill netting now make it inclusive.
6 MR. ZIMMERMAN: Yes.
7 MR. TAYLOR: Steve, are you okay with that?
8 MR. BOSARGE: I think we'd like to run it past
9 Matt. I see some expressions on his face. I'm okay with it.
10 MR. HILL: I'm waiting for your comments.
11 MR. BOSARGE: I'm okay with it.
12 MR. HILL: Okay.
13 MR. TAYLOR: We have a motion and a second on
14 the floor. Any other further discussion?
15 MR. GOLLOTT: We need to read the motion again.
16 MR. HILL: Before y'all read it, I mean --
17 MR. TAYLOR: You want to comment, Matt?
18 MR. HILL: I want to make sure that in it, when
19 you say the current fishermen, that it's a limited entry, what
20 -- we have some language in there that we put in the
21 presentation, the tag between --
22 MR. ZIMMERMAN: What would you recommend? How
23 would you recommend that language to be?
24 MR. HILL: After Hurricane Katrina, September 1,
25 that's when our records start.

1 that's what I'm asking.
2 MR. DRUMMOND: Do you understand the motion
3 that's been made, Mr. Gable?
4 MR. GABLE: What?
5 MR. DRUMMOND: Do you understand the motion
6 that's being made?
7 MR. TAYLOR: Alternative 4 would allow you the
8 walling on the net. That's what Mr. Zimmerman --
9 And let me comment to you, too. You say you
10 pestered us. You haven't pestered us. We welcome, you know,
11 people that are honest and sincere, no matter whether they're
12 commercial, recreational, ecologists, or whatever, honest and
13 sincere comments. And yours have been that way. And that's
14 the reason why the GMR has tried to accommodate you. We know
15 that you're speaking from the heart, and you're a hard-working
16 person.
17 So, what Shelby is asking is the motion that
18 Ernie Zimmerman said that things would remain the same except
19 that you would have -- be allowed to use the nylon backing
20 which is what you came to us. We just want to understand that
21 we have a motion and a second. It would be Alternative 4. And
22 if we feel like we need to address the other issues later, then
23 that could be done.
24 But we welcome your comments, we do, as we do
25 everybody else.

1 MR. TAYLOR: You have a list of those eight, 12
2 fishermen?
3 MR. HILL: Yes, sir, we have. We may not have
4 all of them with us any more, but we have the list.
5 MR. TAYLOR: Okay. Are there any other
6 provisions that any of y'all want to add?
7 You know, with just checking this, I'm not sure
8 that it meets these there. Are any other things under Title 3
9 or 2 that you want to add in the motion?
10 Joe looks like he wants to talk.
11 MR. RUNNELS: I just want to make sure I
12 understood what you're doing. My understanding is the trammel
13 net will now be cotton in one part and nylon in another.
14 MR. HILL: That is correct.
15 MR. RUNNELS: And that's the only change you're
16 making?
17 MR. ZIMMERMAN: Right.
18 MR. RUNNELS: Gill nets will remain 100 percent
19 cotton.
20 MR. GOLLOTT: What we're changing is how Mr.
21 Gable wants.
22 MR. ZIMMERMAN: And that's what I think we're
23 doing. I mean, the whole thing, Mr. Gable, I read your letter
24 that you put in our packet this year, and it just came to my
25 understanding that that's what you were wanting. And I was

1 questioning why we're going back putting nylon nets back on the
2 agenda. If we can do this and appease him with a 14 inch
3 square, I mean, the only thing it's going to catch is a big
4 shark or something. I mean, that big a netting looks --
5 everything we have in our inland waters will pass through it.
6 MR. TAYLOR: Okay.
7 MR. RUNNELS: I have one other clarification.
8 Matt said the records begin September 1, so the limited entry
9 will be based on licenses that were sold through --
10 MR. HILL: Not licenses. Nets tagged, approved
11 and tagged.
12 MR. RUNNELS: September 1, 2005, to today's date
13 which is March 18.
14 MR. HILL: Correct.
15 And one thing that the staff also requests, and
16 if we're going to do this, is the provision to require the
17 annual tagging of the nets so we can keep up with how many we
18 have. We have no way of doing that. See how many left in
19 service.
20 MR. TAYLOR: Are you okay with that, Steve?
21 MR. BOSARGE: Yes, sir.
22 MR. TAYLOR: Okay. So the motion on the floor
23 is -- I'm going to let you --
24 MR. ZIMMERMAN: I'm trying to write.
25 Amend Title 22 Part 5 to allow untreated nylon

1 with 14 inch square or larger to be used on trammel nets as
2 backing material. That would be allowed only with licensed
3 fishermen since 2005, September 1, 2005, licensed and tagged
4 nets.
5 MR. TAYLOR: Okay.
6 MR. HILL: Annual tagging.
7 MR. ZIMMERMAN: And include annual tagging of
8 nets.
9 MR. TAYLOR: Okay. The motion has been
10 modified. Steve, are you going to second it?
11 MR. BOSARGE: Yes, sir, I'll second it.
12 MR. TAYLOR: Okay. All those in favor. Motion
13 passes unanimously. Thank you.
14 Next up is coastal zone management, Jan Boyd.
15 C. Office of Coastal Zone Management
16 MR. BOYD: Good morning, Mr. Chairman,
17 commissioners, Director Miller, Mr. Runnels.
18 Coastal zone management has two action items and
19 one exclusion for you this morning. And Chris Pickering will
20 be our first presenter.
21 1. Bureau of Wetlands Permitting
22 a. Harvey Felts
23 MR. PICKERING: Good morning. This is a
24 violation/after-the-fact waiver by Mr. Harvey Felts. It's
25 located in an unnamed canal adjacent to the Mississippi Sound

1 at 612 Martin Street in Pascagoula, Jackson County,
2 Mississippi, in the general use district. And the agent is
3 Shoreline Construction.
4 You can see here the yellow thumb tack is Mr.
5 Felts' property, Bayou Casotte, Highway 90, and the interstate.
6 This is a zoomed in aerial of Mr. Felts'
7 property. This is bulkhead 100 feet long. There's a boat lift
8 and a pier he wants to rebuild.
9 On September 29, 2013, a violation was reported.
10 Staff visited the site and found construction of the bulkhead
11 had begun. A cease and desist notice was posted at the project
12 location.
13 On October 11, 2013, the agent called staff
14 about the cease and desist notice. He was told to stop work
15 and fill out an application for the bulkhead.
16 On November 7, staff received an application for
17 the construction of the bulkhead.
18 On December 30, the agent said he had stopped
19 work when the cease and desist was posted. A site visit by DMR
20 staff revealed that the bulkhead construction had continued
21 after the cease and desist notice was posted.
22 On February 18, 2014, the commission ruled to
23 bring the project back to the March meeting to make a
24 determination on the fine and authorized structures.
25 Here's the structures. As of now, he has an

1 unauthorized bulkhead 100 feet long. He's proposing a pier 35
2 by 4 feet. He's proposing another pier 15 feet by 2 feet. And
3 he has an existing boat lift 15 feet by 14 feet.
4 Here's a diagram. His proposed pier. It's
5 going in the same footprint as the derelict pier. Here's his
6 other proposed pier and existing boat lift.
7 This picture was taken the day we posted the
8 cease and desist notice. As you can see, the old bulkhead was
9 pulled out and no construction on the new one had occurred yet
10 except they had dug out behind hit.
11 And this was a couple of months later after he
12 said he had stopped work.
13 Based upon departmental review and evaluation,
14 it has been determined that the project is consistent with the
15 Mississippi Coastal Program. Staff recommends issuance of a
16 certificate of waiver and a fine in accordance with Mississippi
17 Code 49-27-51.
18 Here is the potential penalty range. The
19 violation was discovered on September 19, 2013. The violation
20 duration was 153 days. The maximum potential fine is $76,500
21 with a minimum of $50.
22 We are recommending a fine of $1,000 issued to
23 Shoreline Construction. The contractor was issued a permit in
24 2008, so he is aware of the permitting process. The contractor
25 continued working after the cease and desist notice was posted.

The landowner does not live on site and was not aware a permit was needed.

And that is it. Any questions?

MR. GOLLOTT: Yes. Is Harvey Felts the landowner?

MR. PICKERING: Yes, sir. He's the applicant, the actual landowner.

MR. TAYLOR: This is the one we had last meeting.

MR. GOLLOTT: Bruce Linton is Shoreline Construction?

MR. PICKERING: Yes, sir. He's the contractor.

MR. GOLLOTT: Okay. The way I'm looking at it, Mr. Linton is the violator here. I want to make a motion that we impose a fine against Bruce Linton of Shoreline Construction, which he's the person that knew he had to have a permit and ignored the cease and desist, in the amount of $10,000. What I want to do is suspend $8,000 of it contingent on no new violations being committed in any jurisdiction for the next two years, payment of the $2,000 within 45 days of the commission's decision.

MR. TAYLOR: Have a motion. Do we have a second?

MR. ZIMMERMAN: I'll second.

MR. TAYLOR: Any discussion? All those in

favor. Opposed? Passes unanimously.

Thank you.

MR. PICKERING: Thank you.

MR. ZIMMERMAN: Richard, I'd like to say something. I think the way you did that was great. I've been on here a short time, and every meeting we have people — you don't go drive down the road without a driver's license. You've got to go get a permit to put these things in.

The environment is what we're trying to protect. And if you don't get a permit, we're not able to protect it. So I just wanted to put that on the record that that's part of it. So we've got to get a little bit more stringent on it because people aren't coming to get the permits evidently because they're on our agenda every month.

MR. TAYLOR: I know you weren't on the meetings, but in Ocean Springs we required the person to pull up the bulkhead and refill marshland. And I understand, if I'm correct, it cost four or five hundred thousand dollars. So yes, it can be very costly to the landowner and the contractor.

MR. DRUMMOND: Not that it will change anything, Bruce, do you want to say anything?

MR. LINTON: No, but --

MR. TAYLOR: Come up, state your name.

MR. LINTON: Bruce Linton. And it's like I said last month, I was actually working out of town in Oxford, and

when I got the call from Mr. Felts, by the time I called the crew and stopped the work, they had proceeded a couple of days. And when I did fill out the permit, I did list that description, was honest about what had happened and everything, so I wasn't trying to hide anything.

MR. DRUMMOND: Thank you, Bruce.

b. Hancock County Board of Supervisors

MS. BRANTLEY: Our next project is a request for a permit by the Hancock County Board of Supervisors. The location is an oxbow lake adjacent to Rotten Bayou. It's known as Devil's Elbow, and it's in Diamondhead in Hancock County. It's in the general use district, and the agent is Compton Engineering.

This is the project location. You can see I-10 right here. This is Highway 43/603. This is Rotten Bayou, and Devil's Elbow is just off. This is the actual oxbow lake, and the dredging would take place in this area right here.

The description is maintenance dredging of an area 200 feet in length by 40 feet in width. The current depth is zero because of runoff that they've had in the area. They're proposing to go to four feet below mean low water, and no more than 1200 cubic yards of material will be removed at this time.

They would also remove and transplant approximately 3400 square feet of tidal and/or tidally

influenced marsh vegetation.

They're also proposing to construct two flow-through or low profile bulkheads, one 135 linear feet and one 100 linear feet. Flow through would allow the water to go back and forth, and then low profile if they choose that, it would end at the mud line, so this way mean high tide could go over and still feed the marsh but it would protect and keep the marsh from falling in when they dredge.

Because of the location of those bulkheads waterward of mean high tide, the applicant has requested a variance to Chapter 8, Section 2, Part III.D.1 of the Coastal Program which reads in part, vertical face structures shall be aligned no further waterward than mean high tide.

And I'll go over their justification later in the presentation.

This is the diagram of the area. You can see this is where the runoff has occurred. The dots show where the vegetation is, and the red outline shows where they would dredge.

Right here is the 135 foot bulkhead, and on this side would be the 100 foot bulkhead.

This project does serve a higher public purpose by restoring safe navigational depths and providing public access to and use of the waterways.

It is allowable in the general use district.

As I said, they've requested a variance to the Coastal Program. The justification is under Chapter 8, Section 2, Part I.E.2.c.iv which states that the activity requires a waterfront location, which dredging, of course, does, there's a significant public benefit in the activity which I just stated, and that a public hearing will be held.

That public hearing was held on March 13, 2014.

Maintenance dredging and the flow-through or low profile bulkheads have been approved by the commission. They're not expected to set any precedent. However, the removal of the tidal and/or tidally influenced vegetation may set a precedent.

The precedent would include, though, that the applicant has proposed to transplant the vegetation to an area directly adjacent to where the dredging will take place and that this is maintenance dredging and it would be limited to a previously permitted channel path. That channel path was actually permitted right after Katrina. It was open at that time.

There will be a temporary increase in turbidity while the dredging is taking place and a loss of benthic organisms.

And again, as I said earlier, 3400 square feet of tidal and/or tidally influenced vegetation will be temporarily impacted within the dredging area. By

And the project will not change the location of the navigation channel. It should not affect the natural scenic qualities.

Notification appeared in the Sun Herald on May 20, 26, and June 2 of 2013. We received one public comment in support of the project.

The public hearing was held on March 13, 2014, and three comments in support of the project were received.

DEQ has issued their water quality certification. That was issued on November 7, 2013.

Department of Archives & History and Secretary of State have no objections.

Department of Wildlife, Fisheries & Parks has several recommendations, including that the impacts to the marsh to be avoided to the maximum extent practicable. We feel like they have reduced their impacts significantly from what Wildlife, Fisheries & Parks saw. They also recommended that the applicant survey for bald eagle nests prior to construction activities. The applicant has stated that they have done a cursory survey and that they did not see any nests, but they will do a full survey jus prior to dredging activities. And they also recommended that best management practices be implemented.

So, based upon departmental review and evaluation, we recommend that the commission approve the

transplanting this vegetation, the applicant will be able to preserve the habitat functions currently provided. And the transplant will be conducted in accordance with DMR's marsh restoration and creation success guidelines.

Should not have any adverse impacts other than the loss of benthic organisms.

As I said, the increase in turbidity shall not exceed DEQ's guidelines.

And the proposed bulkheads are intended to protect the remaining adjacent marsh vegetation from indirect impacts of the proposed dredging.

And we are requesting that the applicant be required to monitor the area following completion of the dredging and construction of the bulkheads and be required to mitigate for any indirect impacts to the marsh that do happen to occur.

The applicant did explore an option of dredging a much larger area. It would have dredged 36,000 cubic yards of material. And they've reduced that to 1200. And then the impacts to marsh vegetation have been reduced from 0.87 to 0.08 acre by reducing the dredge area to that previously permitted channel.

No offsite alternatives were considered since this is a maintenance dredging project. But no new areas will be dredged at this time.

applicant's variance request and approve the project with the following conditions:

That all affected tidal and/or tidally influenced marsh vegetation be transplanted in accordance with DMR's marsh restoration and creation success guidelines.

That the project area be monitored for a period of two years and any damages to the adjacent marsh related to the project shall be mitigated.

And that a survey for bald eagles be conducted and the results submitted to both Wildlife, Fisheries & Parks and DMR prior to the dredging.

Are there any questions?

MR. GOLLOTT: Mr. Chairman, I'd like to make a motion that we approve the staff's recommendation on this project.

MR. TAYLOR: Do I have a second?

MR. DRUMMOND: I second the motion.

MR. TAYLOR: Any discussion?

MR. ZIMMERMAN: I talked to Mickey with COlmpton Engineering on this earlier. One of the things is the disposal of this material. And I would like to tie it some way back into an environmental project. He doesn't have anywhere to get rid of the spoils, and there are some areas at the mouth of the Jourdan River that are adjacent to this area that could be used to tie into an environmental project to this. And I would like

1 to do that if at all possible, do some marsh restoration.
2 Presently we don't have any other plans, get these spoils and
3 let's do something to build some marsh back.
4 MS. BRANTLEY: We can definitely put him in
5 touch with our beneficial use group. Because it's only 1200
6 cubic yards, it's not required by the statute. But we can
7 definitely put them in touch with our beneficial use group and
9 try to find a place to do some beneficial use.
9 MR. TAYLOR: That's a win-win situation for
10 everybody, if the stuff is suitable.
11 MS. BRANTLEY: That's always an option even if
12 it's not required by the statute.
13 MR. TAYLOR: A lot of times it's cheaper for the
14 contractor, so any time we can encourage that, it's a win-win
15 for everybody involved.
16 We have a motion and a second. All those in
17 favor. Passes unanimously. Thank you.
18 MS. BRANTLEY: Thank you.
19 c. Mississippi State Port Authority
20 MS. WILDER: Good morning. I'm presenting a
21 non-action item on behalf of the Mississippi State Port
22 Authority seeking a certificate of exclusion.
23 The location is the Mississippi State Port at
24 Gulfport in Harrison County, Pier 7. It is in the industrial
25 use district, and the agent is BMI Environmental Services.

1 Scenic quality should not be impacted.
2 DEQ is still reviewing the project.
3 Wildlife & Fisheries requested best management
4 practices should be utilized and preemptive trawling should a
5 hopper dredge have to be used.
6 Secretary of State's Office had no concerns.
7 And Department of Archives & History have no
8 issues.
9 Based on departmental review and evaluation, the
10 staff issued a certificate of exclusion to the Mississippi
11 State Port Authority on February 20, 2014.
12 Any questions? Thank you very much.
13 MR. TAYLOR: Thank you.
14 Office of finance and administration. Bill.
15 H. Office of Finance and Administration
16 1. FY14 Monthly Report
17 MR. FEIDT: Good morning everyone. I'm Bill
18 Feidt here to provide a snapshot of our financial results at
19 the end of February.
20 Before I get started, just want to give a
21 reminder as I mentioned last month a wealth of information
22 about what's going on with the agency is on
23 transparency.ms.gov. If people are interested in the contracts
24 we've signed, how we've been spending money, our performance
25 against budget, it's all out there as it is for all the state

1 You can see here is I-10, Highway 49, Highway
2 90, and then the Port of Gulfport. And Pier 7 is actually
3 right here on the end.
4 The project description. It's dredging 6.1
5 acres to 30 feet below mean low water. It's 100,000 cubic
6 yards. And beneficial use will be used if appropriate.
7 This is the location of the dredging. You can
8 see 1,175 feet here, 960 feet on this length, and 650 here.
9 The project will serve a higher public purpose
10 by restoring safe navigational depths and creating safer
11 conditions in the Port of Gulfport for industrial vessels.
12 The project is allowable within the industrial
13 use district.
14 Similar projects have been approved, and no
15 precedent setting effects ar anticipated.
16 The proposed maintenance dredging will take
17 place in previously dredged waterbottoms.
18 Best management practices will be utilized
19 during all phases of construction.
20 No offsite alternatives have been considered.
21 Since this is maintenance dredging, the same area that was
22 previously dredged will be followed. No new areas will be
23 dredged.
24 The site is located in an industrial area with
25 other industrial facilities located adjacent to the site.

1 agencies.
2 As of February 28, some of the key metrics I'll
3 highlight.
4 Our revenue on the state side was $10.3 million.
5 The total agency revenue was $24.9 million.
6 The two numbers I'm watching most closely right
7 now are the state net income. We're almost $3 million positive
8 right there. And then the operating funds which is our state
9 plus federal were $2.3 million to the positive there, as well.
10 And on this report that's pretty busy, one other
11 thing I'll note is the federal net will always run negative
12 because we're on the reimbursement basis with the federal
13 government.
14 Any questions on this one?
15 On a budget standpoint, we're in very good
16 position here, as well. We're under budget over halfway
17 through the year. Operating funds were at just under 50
18 percent of the budget remaining. And tidelands, we have 56
19 percent of the budget remaining.
20 MR. TAYLOR: Bill, I want to make a comment. I
21 appreciate what you and Mr. Miller have done in bringing the
22 budget in line. And I want to make a comment about something
23 the Herald had, too, and I don't know. We don't have a dog in
24 the hunt with the Horne group, but the Horne group whether you
25 know it or not found about $100,000 that the commission or the

1 DMR had not been reimbursed by the federal government. Is that
2 correct?
3 MR. FEIDT: That is correct.
4 MR. TAYLOR: And I personally, my thoughts, this
5 is just my thoughts, I'm not speaking for anybody, I'd rather
6 see us spend $225,000 on the Horne group than a million four on
7 boats worth $125,000. So that's just my thoughts there.
8 And thank you for the work that you do, and
9 really all of the employees. Thank you.
10 MR. FEIDT: I appreciate it.
11 MR. TAYLOR: Next up, Melissa.
12 I. Directorate
13 1. Public Affairs
14 MS. SCALLAN: Good morning, Director Miller,
15 commissioners, Joe:
16 Since the February 18 meeting, the Department of
17 Marine Resources was mentioned 41 times in newspapers, TV,
18 radio stations, both locally and across the area.
19 Again, our oyster reefs opening and closing get
20 a lot of interest. That's a big deal in this area.
21 Some of the events that we had since that time,
22 we had a reception and a seafood dinner in Jackson that we
23 hosted for legislators and members of the media. And the
24 people who attended were briefed on the industry and current
25 trends. Commissioner Steve Bosarge, Richard Gollott, and Ernie

1 Zimmerman attended. Commissioner Bosarge did an excellent job
2 in a presentation to the group. We appreciate your help with
3 that. Joe Jewell and Traci Floyd also gave a presentation at
4 that event, and it was very well received.
5 Other events we participated in, there was a
6 boat and water safety class that was given by the marine
7 patrol. Patrick Levine taught a class on Saturday that was
8 outside. A lot of these classes are information related and
9 are held at the CMR building. This one was outside and
10 participants got to go -- they were at the NERR and were on the
11 boat and everything. So that was good.
12 Coming up, we have Celebrate the Gulf which is
13 April 5 in Pass Christian. It's held as a part of Art in the
14 Pass. It will be that Saturday from 10:00 to 3:00, so we
15 invite everybody to come on out and help us out with that.
16 I also wanted to mention that the agency has
17 become recently more involved with social media. It's a way to
18 get our message out to a lot of people all at one time. We
19 have a Facebook page. We have a Twitter account. We have a
20 page on Flicker where we put -- it's just photos that we post.
21 So we encourage you to like us on Facebook; follow us on
22 Twitter, you know, whatever form of social media you use. If
23 you have any suggestions for good social media, let me know.
24 I'll be glad to look at it.
25 I also wanted to tell you guys about something

1 that happened on Saturday. Our marine patrol received a call
2 at about 1:30 Saturday afternoon that there was a boater who
3 had — his vessel had capsized. And the boater called — he
4 was from Hattiesburg -- called 911. Ocean Springs got the
5 call. They notified our marine patrol. And Officer Barrett
6 O'Grady was there in five minutes and was able to help them and
7 got them -- he received minor injuries, and they brought him to
8 the shore and to the harbor, and AMR took care of him. And the
9 other officers that helped were Patrick Webb and Patrick Kwan
10 (ph.). They were able to right the boat, bring it to the
11 harbor, and the young man got his boat back. So hats off to
12 marine patrol for doing that and taking care of that.
13 So anybody have any questions?
14 Thank you.
15 J. Other Business
16 MR. TAYLOR: Up next, other business.
17 MR. RUNNELS: As you recall at the last
18 commission meeting, Commissioner Zimmerman proposed a change to
19 commissioners handbook Section 5.6. That should have been
20 mailed out to you, and you should have it in your packets.
21 There's only one change that we propose, and
22 that's to change the 5.6 requirement for ten days for the
23 mailout and reduce that down to seven. And according to the
24 commission rules, any proposed change has to sit from one
25 commission meeting to the next, so now it's up for final

1 approval by the commission.
2 And if you approve it, I would like to have the
3 authority to file that with the Secretary of State's Office and
4 also include changes that were made at your meeting on January
5 18, 2011. I was on Westlaw checking what Westlaw has to say
6 about your commission handbook, and for whatever reasons, they
7 didn't pick up your changes that you made back then. And those
8 changes were actually just Scribner changes in a couple of
9 places and some statutory changes as a result of some actions
10 by the legislature. And then, of course, one significant
11 change that you made January 18 of 2011 which really only has
12 no real impact and that was the procedure for doing the notices
13 for people that wanted to address the commission. I actually
14 noticed that when I was looking over those regulations.
15 So if you don't want to do it, that's fine, but
16 you did make those changes on January 18, 2011, and just for
17 whatever reason it's not showing up.
18 MR. GOLLOTT: Mr. Chairman, I'd like to make a
19 motion that we accept all changes.
20 MR. TAYLOR: Do I have a second?
21 MR. DRUMMOND: Second the motion.
22 MR. TAYLOR: All those in favor. Passes
23 unanimous. Thank you.
24 MR. RUNNELS: And I think that will be easy
25 enough. The copy of the handbook that you have right now has

1 the changes that you made on January 18, 2011, so you already
2 have them. So the only changes that you're really making today
3 is reducing that down to seven days to give the staff a little
4 more time.
5 MR. TAYLOR: Thank you.
6 K. Public Comments
7 MR. TAYLOR: Is Mr. Miller here? Okay. Mr.
8 Miller is not here. This is the public comments.
9 Mr. Becker.
10 MR. BECKER: My name is Tom Becker, president of
11 the Mississippi Charter Boat Captains Association.
12 And a few things I brought to Jamie. I gave it
13 to Jimmy Taylor, a letter. And has anything been done on that
14 on the sheephead? Are they going to work on that? Are they
15 looking at changing the amount of fish that people can catch
16 because of what's happening at the docks and things — not
17 docks -- the pilings and things?
18 MR. TAYLOR: Yes. If my memory serves me right,
19 and Matt is here, he can correct me, if my memory serves me
20 right, we instructed the fisheries department to look at it and
21 come back with some recommendations. We can't change something
22 over just like with the gill nets, it's a process, and that is,
23 you know, in the process.
24 MR. BECKER: Okay. Good.
25 The other one I have, when I first started

1 charter fishing in 1985, I used to pull out at the Broadwater,
2 and there would be Jack crevelles, red drum, everything,
3 chasing the most important fish in the oceans today, and that
4 is the menhaden.
5 There is a book out on it that talks about it.
6 And we have allowed a company to come in here and slaughter
7 them, literally slaughter these things. You go out there
8 today, and you do not see what we used to see in '85, and the
9 number of boats that are going out there at right now is less
10 because the rules — the amount of fuel, prices like that, the
11 amount of boats aren't going out there. They say we have so
12 many boats out there. I've been out there days and haven't
13 seen any boats during the week, but yet the books show we're
14 having a hundred and some boats out there every day. And
15 that's not right. We're working with NOAA on that. That's not
16 your problem.
17 But we would like to see that the menhaden be
18 cut back and just not let them run wild out there.
19 The number of dead fish we see out there, I have
20 told the captains, take pictures of them. We'll bring you the
21 pictures of the dead red drum out there that we see after they
22 pick up their nets.
23 Thank you.
24 MR. TAYLOR: Tom, I want to address one thing,
25 and the whole economy, I'm not a big menhaden fan, but NOAA

1 just completed a stock assessment, and it came out in January
2 and it says the menhaden fishery in the northern Gulf, and I
3 got a copy, is not overfished. So it's very hard for us to do
4 something, you know, about a fishery that's not overfished.
5 That's not us speaking. That's what NOAA has
6 said from their stock assessment.
7 So while many of us would like to do something,
8 sometimes those kind of things -- just like with the redfish,
9 you know, they tell you there's no snapper, no redfish, from
10 the stock assessment. Well, we know better than that, but we
11 have to deal with those realities instead of just doing that.
12 But we appreciate -- I do -- appreciate your
13 help. And yeah, pictures and anything like that because
14 sometimes you get what you wish for and it's not exactly what
15 you wished for. As you well know, the charter boats and the
16 recreational fishermen for 22 years have not been able to catch
17 a redfish in federal water, you know. And we all fish for
18 that, including myself, and it's come back to bite us on the
19 rear end.
20 And once again, we really welcome your comments.
21 And, you know, I won't be here for the next month, but whoever
22 the chairman is, welcome that, and these people are trying to
23 be great stewards of the environment and the fishery, and it is
24 a double-edged sword, as you well know.
25 MR. BECKER: Thank you very much.

1 MR. TAYLOR: Thank you.
2 Okay. That concludes all the agenda items and
3 public comments.
4 Do I have a motion, Shelby?
5 MR. DRUMMOND: I make a motion we adjourn.
6 MR. TAYLOR: Hold up. Excuse me.
7 During this time, we'll limit it to three
8 minutes.
9 MR. GABLE: It won't take that long. I wanted
10 to thank y'all very much for listening to me, and I appreciate
11 it. It's the first time in 30 years that somebody has took
12 long enough to hear me. And I'm glad that it finally took
13 place.
14 Thank you.
15 MR. TAYLOR: Thank you.
16 Okay, Shelby. You're up.
17 MR. DRUMMOND: I make a motion we adjourn, Mr.
18 Chairman.
19 MR. GOLLOTT: Second.
20 MR. TAYLOR: All those in favor.
21 (Meeting adjourned 10:30 a.m.)
22
23
24
25

1 COMMISSION ON MARINE RESOURCES
2
3
4 COURT REPORTER'S CERTIFICATE
5
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 56 pages constitute a true and
10 correct transcription of said meeting held on the 10th day of
11 March 2014.
12 I do further certify that my certificate annexed
13 hereto applies only to the original and certified transcript.
14 The undersigned assumes no responsibility for the accuracy of
15 any reproduced copies not made under my control and direction.
16 Witness my signature this the 8th day of April 2014.
17
18
19
20
21 NORMA JEAN LADNER SOROE, CSR #1297
Certified Shorthand Reporter
22
23
24
25