**PUBLIC OYSTER SEED GROUND VESSEL PERMIT APPEALS BOARD**

MEETING MINUTES

DECEMBER 7, 2009 – 10 A.M.

2ND FLOOR CONFERENCE ROOM

LDWF OFFICE IN THE UNO ADVANCED TECHNOLOGY BUILDING

2021 LAKESHORE DRIVE, NEW ORLEANS, LA 70122

Board Members Present:

1. Jakov Jurisic, Chairman
2. Shane Bagala, Vice-Chairman
3. Wilbert Collins
4. Dan Coulon
5. Byron Encalade
6. Peter Vujnovich, Jr.

Board members absent:

1. Buddy Daisy
2. Rodney Fox
3. Brad Robin

Meeting called into order by Chairman Jurisic at 10:06am

AGENDA

1. Approval of Minutes from Meeting of October 12, 2009
* Peter Vujnovich, Jr. – Motion to Accept
	+ Dan Coulon – Seconded
	+ MOTION CARRIED (unanimous)
1. LDWF Legal Counsel Guidance
	1. Appeals of Renewal and Re-issuance Permits
		* At a previous meeting, the board had inquired about the duration of the board’s existence. Fred Whitrock, Louisiana Department of Wildlife and Fisheries (LDWF) legal counsel, informed the board that the Public Oyster Seed Ground Vessel Permit Appeals Board will continue to exist to hear appeals stemming from Department denial of permit re-issuances and renewals.
	2. December 31, 2009 Deadline and Pending Appeals
		* A board member had asked if pending appeals would automatically drop from further consideration after the December 31, 2009 deadline. Whitrock explained that the December 31, 2009 deadline is the last day a person can apply for a Public Oyster Seed Ground Vessel Permit. The applicant, if denied a permit by LDWF Licensing, would have 30 days from the date of denial, which may or may not be the date of application, to submit an appeal form. It is possible that new appeals could arrive through late January or early February depending on the date LDWF Licensing took action on the application. Pending appeal cases will not simply drop from further consideration. The board can recommend permit issuance, recommend denial of permit issuance, or defer appeals cases. The board may defer appeal cases indefinitely, but it is not advised that they do so since the intent of the law was for the Board to make recommendations on the appeal cases. Additionally, the appellant may request his or her appeal be removed.
	3. Transfer of Permit Back and Forth Between Vessels
		* A board member had asked at the previous meeting if it is permissible to transfer a permit from one boat to another and back again. Whitrock informed the board that a permit can be transferred from one vessel to a second vessel then back to the first vessel provided the first vessel is no longer in service during the time the permit is issued to the second vessel.
2. Hearing of Previously Deferred Appeals
	1. Gary Barthelemy (not attending)
		* Appellant has obtained a permit for the vessel for which he appealed.
		* Appellant asked to have his appeal removed.
		* Byron Encalade – Motion to Remove Appeal
			+ - Peter Vujnovich, Jr. – Seconded
				- MOTION CARRIED (unanimous)
	2. Wade Nunez (not attending)
* Has obtained a permit for the vessel for which he appealed.
* Shane Bagala – Motion to Remove Appeal
	+ Wilbert Collins – Seconded
	+ MOTION CARRIED (unanimous)
	1. Randy Alfonso (not attending)
* Has obtained a permit for the vessel for which he appealed.
* Appellant asked to have his appeal removed.
* Peter Vujnovich, Jr. – Motion to Remove Appeal
	+ Byron Encalade – Seconded
	+ MOTION CARRIED (unanimous)
	1. Hiep An Cao (not attending)
* No update in status since last meeting
* Unable to contact appellant other than LDWF receives return receipts for meeting notification letters
* Discussion on how many opportunities the Board should give an appellant before they ultimately take action on the appeal request.
* The Board has deferred this case three times and feels one more time is enough.
* Byron Encalade – Motion to Defer Appeal
	+ Peter Vujnovich, Jr. – Seconded
	+ MOTION CARRIED (unanimous)
	1. Edward Borne (not attending)
* Incomplete appeal; did not sign appeal form
* Wilbert Collins thinks he might know appellant and will attempt to contact him to encourage him to follow up on his appeal.
* Wilbert Collins – Motion to Defer Appeal
	+ Byron Encalade – Seconded
	+ MOTION CARRIED (unanimous)
	1. Charles McKay (not attending)
* Did not sign hardship statement.
* LDWF staff spoke to McKay last week. McKay expressed interest in attending and said he would call back for directions. No call back had been received.
* Peter Vujnovich, Jr. – Motion to Defer Appeal
	+ Byron Encalade – Seconded
	+ MOTION CARRIED (unanimous)
1. Hearing of New Appeals
2. Janice S. Moree (not attending)
* Purchased a vessel and claims the vessel had a Public Oyster Seed Ground Vessel Permit under the former owner
	+ LDWF Licensing unable to confirm vessel had such a permit
	+ Possibly confusing other license (i.e. oyster harvester license) with permit
* Left message with LDWF in New Orleans requesting staff associated with Public Oyster Seed Ground Vessel Permit call her
	+ Staff called her prior to the meeting. Ms. Moree said she wished to attend the meeting, but was not able to do so. Asked to have her appeal deferred to the next meeting.
* Wilbert Collins – Motion to Defer Appeal
	+ Dan Coulon – Seconded
	+ MOTION CARRIED (unanimous)
1. Set next meeting date
* Dan Coulon – Motion to set next meeting date for 10am in conjunction with next Oyster Task Force (OTF) meeting\*
	+ Peter Vujnovich, Jr. – Seconded
	+ MOTION CARRIED (unanimous)
1. Adjournment
* Wilbert Collins – Motion to Adjourn
	+ Peter Vujnovich, Jr. - Seconded
	+ MOTION CARRIED (unanimous)

Meeting adjourned at 11:00am

Duration of Meeting: 54 min.

Minutes submitted by Ty Lindsey, LDWF Biologist

\*The OTF met later the same day as scheduled and set Monday, February 1, 2010 as their next meeting date. Therefore, the next Public Oyster Seed Ground Vessel Permit Appeals Board meeting will be at 10am on Monday, February 1, 2010 at the LDWF offices on the UNO campus.