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

MEETING MINUTES

JANUARY 25, 2011 – 10:30 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. Buddy Daisy
6. Byron Encalade
7. Rodney Fox
8. Brad Robin
9. Peter Vujnovich, Jr.

Board Members Absent: NONE

Meeting called to order by Chairman Jurisic at 10:45am.

AGENDA

1. Approval of Minutes from Meeting of August 27, 2010

* Buddy Daisy – Motion to Approve
  + Wilbert Collins – Seconded
  + MOTION CARRIED (unanimous)

1. Hearing of New Appeals
   1. Henry Martin (attending)

* Appealing the December 2010 denials of renewal permits for two vessels
* Both vessels held 2009 permits
* LDWF licensing began issuing 2011 permits on November 15, 2010
  + 2010 permits were no longer issued after November 14, 2010
* Patrick Banks (LDWF DCL-B Biologist) read a portion of RS 56:433.1 [a copy of which is attached and made a part of these minutes]

“The permit is valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year, and permit holders who hold a valid permit during the prior year may renew the permit at any time of the year for the current license year and

from November fifteenth for the immediately following license year.”

* Banks read portion of LAC 76:VII.527 [a copy of which is attached and made a part of these minutes]

“A holder of a valid permit for the current license year may apply for a renewal of the permit for the immediately following license year beginning on November 15 of the current license year or at any time

during the immediately following license year, provided the holder and the vessel are identical…”

* Jakov Jurisic attempted to clarify through an example in which one could renew a 2011 permit for 2012 after November 15, 2011.
  + Banks verified that was a correct understanding.
* Jurisic attempted further clarification by saying one could not get a current year permit after November 15th of that year
  + Banks deferred to Cole Garrett (LDWF Legal Counsel)
  + Garrett stated his interpretation of the statute and rule is the calendar year of January 1st – December 31st determines the permit year and that a permit holder could apply for a renewal at any time during the calendar year following the year for which a valid permit was held.
* Dan Coulon attempted clarification by asking if a 2010 permit could be renewed for 2011 anytime between November 2010 and November 2011
* Banks suggested the question was could a 2010 permit be renewed for 2011 between November 15, 2011 and December 31, 2011. LDWF licensing system does not allow it, but does the law allow it is the question. The question will need to be addressed within LDWF and LDWF is not prepared to answer the question at this time.
* Jurisic stated if the law allows for it, then Martin should not have been denied renewal.
* Banks said the issue is what the definition of a license year [wording used LAC 76:VII.527] is according to the Board and what the definition is according to the Secretary of LDWF.
* Peter Vujnovich, Jr. stated his 2010 Commercial Fishing License does not expire on November 15, 2010; it is good until December 31, 2010.
  + Banks concurred
* Buddy Daisy asked Banks why Martin did not get a 2010 permit.
  + Banks could not answer the question and deferred the question to Mr. Martin.
* Jurisic asked Martin to present his case
* Martin claims to have bought the permits in September 2009. His wife mailed in his permit and license renewals, of which there are more than twenty. He became aware of the lack of 2010 permits on these two vessels when attempting to renew them for 2011 permits when he went to LDWF to register a vessel.
* Jurisic noted that Martin stated in his appeal form statement that he did not receive a renewal notice for the permits in question.
* Jurisic asked Martin if he had used the permits since the first year he had them.
  + Martin replied he had not.
* Vujnovich asked if LDWF could verify Martin received renewal notices
  + Banks replied LDWF does not send every notice with a method of proof of delivery. However, the Department has no reason to believe it did not send out renewal notices in 2009 for the two permits. The Department did not send out renewal notices in 2010 because the two vessels did not have 2010 permits to renew for 2011.
* Brad Robin thought the Board should recommend issuance of permits
* Byron Encalade asked Banks if the Board should recommend issuance of 2010 permits, which would automatically make Martin eligible for 2011 permits through renewal, to stay within the law.
  + Banks responded that he was not certain issuance of a 2010 permit is possible and will need to discuss the matter with LDWF Licensing staff.
  + Banks felt that such a recommendation from the Board would be appropriate.
* Brad Robin – Motion to Recommend 2010 permits be issued to Martin for both vessels with option to obtain 2011 Permits
  + Wilbert Collins – Seconded
    - Jurisic asked if the Board was on solid legal ground to make such a recommendation
    - Collins stated that it is LDWF’s responsibility to make that decision
    - Banks concurred with Collins’ statement
  + MOTION CARRIED (unanimous)

Rodney Fox asked if LDWF could notify those permit holders who failed to renew. Banks said he would have to speak to Licensing about that. Robin suggested the LDWF lease renewal notices as an example of how such a notice system could work.

1. Set next meeting date

* Peter Vujnovich, Jr. – Motion to set next meeting date (for 10:30am) in conjunction with the next Oyster Task Force (OTF) meeting if a Board meeting is needed\*
  + Dan Coulon – Seconded
  + MOTION CARRIED (unanimous)

1. Adjourn

* Wilbert Collins – Motion to Adjourn
  + Peter Vujnovich, Jr. – Seconded
  + MOTION CARRIED (unanimous)

Meeting adjourned at 11:34pm

Duration of Meeting: 49 min.

Minutes submitted by Ty Lindsey, LDWF Biologist

\*The OTF met later the same day as scheduled and set Tuesday, March 29, 2011 as their next meeting date. Therefore, the next Public Oyster Seed Ground Vessel Permit Appeals Board meeting is tentatively scheduled for 10:30am on Tuesday, March 29, 2011 at the LDWF offices on the UNO campus. As of the adjournment of the meeting, the Public Oyster Seed Ground Vessel Permit Appeals Board had dispensed with all standing appeals. The March 29, 2011 meeting will take place only if a new appeal case is received by LDWF prior to that date.