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

MEETING MINUTES

JULY 27, 2010 – 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. Wilbert Collins
3. Dan Coulon
4. Byron Encalade
5. Peter Vujnovich, Jr.

Board Members Absent:

1. Shane Bagala
2. Buddy Daisy
3. Rodney Fox
4. Brad Robin

Meeting called to order by Chairman Jurisic at 11:19am.

AGENDA

1. Approval of Minutes from Meeting of May 25, 2010
* Wilbert Collins – Motion to Accept
	+ Peter Vujnovich, Jr. – Seconded
	+ MOTION CARRIED (unanimous)
1. Hearing of Previously Deferred Appeals

Tonci Gabre was only appellant in attendance, but his case was scheduled to be heard second.

Wilbert Collins – Motion to deviate from agenda

 Peter Vujnovich, Jr. – Seconded

 MOTION CARRIED (unanimous)

* 1. Tonci Gabre (attending)
		+ Work schedule prevented him from attending the last few meetings
		+ Did not hire a marine surveyor in an attempt to qualify for a permit under the 50% complete rule as requested by the Board, because he said the rule states a newly constructed vessel cannot have been previously registered and he reported that his vessel has been previously registered.
		+ The Board requested an opinion from LDWF legal staff as to whether a marine survey of Gabre’s vessel could be used to prove hardship.
		+ Gabre said he bought the vessel in May 2007 and it had not been damaged by hurricanes.
		+ John Roussel, Louisiana Department of Wildlife and Fisheries Deputy Assistant Secretary, read the rules pertaining to the criteria a newly constructed vessel must meet in order to qualify for a permit. [LAC 76:VII.525]
		+ Byron Encalade – Motion to Defer pending submission of additional documentation in support of a hardship appeal
			- Wilbert Collins – Seconded
			- MOTION CARRIED (unanimous)
		+ Encalade clarified his motion by saying the board is requesting documentation that Gabre was unable to provide for his family while his vessel was being refitted for oyster fishing.
		+ Roussel read the rules pertaining to the criteria that must be met by an appellant in order to qualify under a hardship appeal. [LAC 76:VI.529]
		+ Encalade asked LDWF to provide a copy of the rules pertaining to hardship appeals to Gabre, but Gabre indicated that he was in possession of a copy of the rules.
	2. Lawrence Peterson (not attending)
		+ Has not attended any meetings in which his case was to be heard
		+ Deferred three times previously
		+ LDWF verified Peterson received written notice of meeting (as evidenced by signed USPS return receipt)
		+ Byron Encalade – Motion to Defer
			- Peter Vujnovich, Jr. – Seconded
			- MOTION CARRIED (unanimous)
	3. Donald Joost (not attending)
* Has attended previous meetings
* Deferred four times previously
* Has provided affidavits and copies of cancelled checks from Bayou Caddy (dealer).
* At a previous meeting, the Board asked Joost to provide documentation, possibly in the form of affidavits, showing the cancelled checks were for the purchase of Louisiana oysters. There was no information on the checks to indicate what they were for.
* Not able to attend today’s meeting, because he is performing oil spill response work.
* LDWF staff reported that Joost indicated via phone that he was unable to obtain requested affidavits due to work schedule
* Dan Coulon – Motion to Defer
	+ Wilbert Collins – Seconded
	+ MOTION CARRIED (unanimous)
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\*
	+ Dan Coulon – Seconded
	+ MOTION CARRIED (unanimous)
1. Adjourn
* Dan Coulon – Motion to Adjourn
	+ Peter Vujnovich, Jr. – Seconded
	+ MOTION CARRIED (unanimous)

Meeting adjourned at 12:05pm

Duration of Meeting: 46 min.

Minutes submitted by Ty Lindsey, LDWF Biologist

\*The OTF met later the same day as scheduled and set Friday, August 20, 2010 as their next meeting date. Therefore, the next Public Oyster Seed Ground Vessel Permit Appeals Board meeting will be at 10:30am on Friday, August 20, 2010 at the LDWF offices on the UNO campus.