

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

**MINUTES**

**June 5, 2012**

**JAKOV JURISIC**

**CHAIRMAN**

**NEW ORLEANS, LOUISIANA**

The following constitute minutes of the Public Oyster Seed Ground Vessel Permit Appeals  
Board Meeting

and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the  
Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808.

For more information, call (225) 765-2387.

JUNE 5, 2012 – 10:00 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. Brad Robin

Board Members Absent:

1. Buddy Daisy
2. Rodney Fox
3. Peter Vujnovich, Jr.
4. Shane Bagala, Vice-Chairman

Meeting called to order by Chairman Jurisic at 11:00am.

AGENDA

- I. Approval of Minutes from Meeting of January 10, 2012
  - Encalade – Motion to Approve
    - Collins – Seconded
    - MOTION CARRIED (unanimous)
  
- II. Hearing of New Renewal/Re-Issuance Appeals
  1. Curtis J. Alfonso (attending)
    - Ty Lindsey, LDWF Biologist, stated that Alfonso is appealing denial of renewal permit application for vessel LA5113EX, which was denied a 2012 permit due to Alfonso not having a permit for this vessel for the current or immediately previous license year of 2011. Vessel held 2009 and 2010 permits. Alfonso owns a second vessel as of 2012, but that vessel does not have nor does it qualify for a permit.
    - Alfonso said he failed to renew his 2010 permit [research done after the meeting shows Alfonso purchased his 2010 permit on January 22, 2010], because of the 2010 BP oil spill which resulted in the public oyster grounds being closed for the 2010-2011 season and further, that the commercial fishing closures due to the spill meant he could not work and therefore lacked the funds to renew his licenses and permits. He did not realize failure to renew his permit would result in loss of that permit. [Department records show Alfonso did not hold any commercial fishing licenses or permits in license year 2011].

- Jurisic stated that Alfonso's situation does not fall under any of the acceptable conditions as outlined in the rules [LAC 76:VII.527] pertaining to Public Oyster Seed Ground Vessel Permit renewal and re-issuance appeals.
- Robin believed Alfonso's situation could be considered a hardship and therefore does fit within the rules. Further, that it is understandable that Alfonso would not have renewed a permit that he could not use due to the lack of an oyster season.
- Encalade stated that he supports issuing a recommendation for permit issuance to Alfonso.
- Robin stated that he too would support such a recommendation.
- Robin asked if the new law pertaining to the Public Oyster Seed Ground Vessel Permit application period [Act 85 of the 2012 Louisiana Regular Legislative Session] would impact Alfonso.
- Patrick Banks, LDWF Biologist, stated that the law will allow new applications to be submitted between August 1 and December 31, 2012.
- Robin asked is Alfonso would be covered by the law.
- Banks said Alfonso could apply for a permit for his new boat, but the Department would have to determine whether or not an application for a permit for a vessel that previously held a permit and lost it due to failure to renew would be considered a new application.
- Cole Garrett, LDWF Legal Counsel, contemplated that such a situation may not be considered a new application, but the Department will have to make that decision.
- Banks reminded the Board that the previous appeal cases, heard in January 2012, were very similar to Alfonso's.
- Encalade said the board recommended in favor of permit issuance for those previous cases and therefore precedent has been set. He feels the board can be satisfied that they are upholding the law, because the BP oil spill can be classified as a hardship.
- Collins – Motion to recommend a renewal permit be issued to Mr. Alfonso.
  - Robin – Seconded
  - MOTION CARRIED (unanimous)
- Banks explained to Alfonso that the Department would inform him of the Secretary's decision.

### III. Discussion of Act 85 of the 2012 Regular Legislative Session

- Garrett reminded the board of the case of Charles Lapeyrouse who attended the January 2012 meeting seeking a new permit. Lapeyrouse did not apply by the December 31, 2009 new application deadline due to being displaced by natural disasters. As a result of such situations, legislation was introduced and subsequently passed that will reopen the new application period from August 1, 2012 to December 31, 2012.

- Garrett reiterated that the Department will have to decide as to whether or not new applications submitted for previously permitted vessels will be considered as new.
- Encalade understood that the qualifications a vessel must meet in order to obtain a permit were still in affect under the new law. Banks and Garrett confirmed that they were.
- There were various discussions of the qualifications an applicant must meet in order to obtain a permit and various scenarios.
- Collins asked if Lapeyrouse had obtained a permit. Banks said he had not, but could apply for a permit under the confines of the new law as of the effective date of the law. Garrett informed the board that the effective date was August 1, 2012.

Board members discussed how to handle board members who have not attended consistently. It was decided that some of the attending members will contact those members of concern.

IV. Set next meeting date

- Collins – Motion to set next meeting date in conjunction with the next OTF meeting if there are appeals cases to be heard\*\*
  - Coulon – Seconded
  - MOTION CARRIED (unanimous)

V. Adjourn

- Collins – Motion to Adjourn
  - Coulon – Seconded
  - MOTION CARRIED (unanimous)

Meeting adjourned at 11:43am; Duration of Meeting: 43 min.

*Minutes submitted by Ty Lindsey, LDWF Biologist*

*\*\*The OTF met later the same day as scheduled and set Tuesday, July 31, 2012 as their next meeting date. Therefore, the next Public Oyster Seed Ground Vessel Permit Appeals Board meeting is scheduled for 10:00am on Tuesday, July 31, 2012 at the LDWF offices on the UNO campus.*