

PUBLIC OYSTER SEED GROUND VESSEL PERMIT APPEALS BOARD

MINUTES

July 31, 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.

July 31, 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. Wilbert Collins
2. Dan Coulon
3. Byron Encalade
4. Brad Robin
5. Peter Vujnovich, Jr.

Board Members Absent:

1. Shane Bagala, Vice-Chairman
2. Buddy Daisy
3. Rodney Fox
4. Jakov Jurisic, Chairman

Neither Chairman Jakov Jurisic nor Vice-Chairman Shane Bagala were present. Attending members selected Dan Coulon without motion to act as chairman for this meeting.

Meeting called to order by Acting Chairman Coulon at 10:13am.

AGENDA

- I. Approval of Minutes from Meeting of June 5, 2012
 - Collins – Motion to Approve
 - Robin – Seconded
 - MOTION CARRIED (unanimous)
- II. Hearing of New Renewal/Re-Issuance Appeals
 1. Sophin Men (attending)
 - Ty Lindsey, LDWF Biologist, stated that Men is appealing denial of renewal permit application for vessel LA8572FN, which was denied a 2012 permit due to Men not having a permit for this vessel for the current or immediately previous license year of 2011. Vessel held a 2009 permit and is a qualifying vessel. Men claimed that the 2010 BP oil spill which resulted in the public oyster grounds being closed for the 2010-2011 season, caused him to not renew his permit.
 - Patrick Banks, LDWF Biologist, pointed out that Men's case is very similar to earlier cases in which the 2010 BP oil spill was cited as the reason for failing to renew a permit
 - Encalade – Motion to recommend a renewal permit be issued to Mr. Men.
 - Collins – Seconded
 - Vujnovich reminded Men not to let his permit lapse again

- MOTION CARRIED (unanimous)
 - In response to a statement made by Vujnovich, Banks stated the new law will take affect the next day (August 1, 2012) that will reopen the permit application period from August 1, 2012 to December 31, 2012.
 - Vujnovich asked if Men could apply for a permit under the new law and Banks confirmed that Men could.
 - Lindsey explained to Men that the Department would inform him of the Secretary's decision.
2. Thomas Hadley, Jr. (attending)
- Lindsey stated that Hadley is appealing denial of a re-issuance permit application for vessel LA3328EY, which was denied a 2012 permit due to Hadley not being the permit holder. Hadley's father sold the vessel on which the permit was issued to him, but health issues prevented the father from travelling to Department headquarters in Baton Rouge to relinquish the permit to the Department and requesting that the permit be re-issued to Hadley. Hadley's father subsequently passed away.
 - Encalade asked Hadley if he had siblings.
 - Hadley said he had one sister.
 - Encalade asked Hadley if he and his sister were the sole heirs to their father's estate.
 - Hadley said yes.
 - Robin said he knows Hadley and knew Hadley's father from hiring them and working alongside them and knew that Hadley's father had been sick and that is why he did not renew the permit.
 - Vujnovich said he would like to see the permit inheritable, which can be addressed in future legislation.
 - Encalade believes the permit may fall under inheritance laws.
 - Coulon asked if Hadley would be able to get a permit on his own [under the new law].
 - Lindsey stated that the vessel was not a qualifying vessel and that he had not had time to determine under what means Hadley's father obtained a permit for the vessel. No records were found of the father appealing for a permit. Possibly the permit was obtained via the legal loophole which allowed an applicant who qualified under one vessel to have as many permits as he had vessels regardless of the fact that only one vessel actually qualified. Another possibility is the father owned another vessel in the past that qualified, which allowed him to obtain the one permit for this vessel. If Hadley applied for a permit for this vessel under the new law, he would still have to appeal, because the vessel is not a qualifying vessel.
 - Banks explained that the vessel held a 2011 permit which could have been renewed by the father at anytime through December 31, 2012 had he lived.
 - Coulon called for a motion to recommend a permit be issued to Hadley.

- Vujnovich – Motion to recommend a permit be re-issued to Mr. Hadley
- Robin – Seconded
- MOTION CARRIED (unanimous)
- Lindsey explained to Hadley that the Department would inform him of the Secretary’s decision.

There was discussion among Board members and Banks about various scenarios that may present themselves when the new law takes effect, general questions about the permit itself, and the condition and future of the oyster industry overall.

III. Set next meeting date

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

IV. Adjourn

- Vujnovich – Motion to Adjourn
 - Encalade – Seconded
 - MOTION CARRIED (unanimous)

Meeting adjourned at 10:40am; Duration of Meeting: 27 min.

Minutes submitted by Ty Lindsey, LDWF Biologist

**The OTF met later the same day as scheduled and set Tuesday, September 25, 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, September 25, 2012 at the LDWF offices on the UNO campus.*