

PUBLIC OYSTER SEED GROUND VESSEL PERMIT APPEALS BOARD

MINUTES

May 23, 2013

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 maintained by the
Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808.

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

May 23, 2013 – 9:30 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. Dan Coulon
4. Byron Encalade
5. Brad Robin
6. Peter Vujnovich, Jr.

Board Members Absent:

1. Wilbert Collins
2. Buddy Daisy
3. Rodney Fox

Meeting called to order by Chairman Jurisic at approximately 9:39am.

AGENDA

- I. Approval of Minutes from Meeting of December 4, 2012
 - Vujnovich – Motion to Approve
 - Coulon – Seconded
 - MOTION CARRIED (unanimous)

- II. Hearing of Deferred Appeals
 1. Mark Tayamen (not attending)
 - Ty Lindsey, Louisiana Department of Wildlife and Fisheries (LDWF) Biologist 3, explained that Tayamen’s appeal was deferred at the previous meeting of December 4, 2012 to await a decision by LDWF as to whether or not an applicant could apply for a permit for a qualifying vessel, get the permit, transfer the permit to a non-qualifying vessel, and then reapply for a second permit on the same qualifying vessel.
 - The decision of LDWF was to disallow such actions.
 - As a result of LDWF’s decision, Tayamen’s appeal case came back to the Board for a recommendation.
 - Vujnovich – Motion to deny permit due to a lack of sufficient evidence to recommend issuance of a permit.
 - Robin – Seconded
 - MOTION CARRIED (unanimous)

III. Hearing of New Permit Appeals

A. Brett Johnson (attending)

- Lindsey stated that Johnson was denied a permit on a non-qualifying vessel.
- Appeal form did not indicate under what option Johnson was appealing
- Had Johnson filed under hardship, he would satisfy the licensing requirement, but not the trip ticket requirement of having legally harvested oysters from the public oyster seed grounds in two years between 2004 and 2009. He did not have any trip ticket recorded landings in any of those years.
 - Johnson said he did not fish oysters, because oysters were not profitable because of Hurricane Katrina and other factors.
- Robin said Johnson should “fit,” because he maintained his licenses.
- Jurisic suggested Johnson change his appeal to hardship and obtain the required notarized statements in lieu of trip tickets.
- Vujnovich – Motion to defer
 - Coulon – Seconded
 - MOTION CARRIED (unanimous)

B. Marty Melerine (not attending)

- Lindsey stated Melerine was not able to attend today’s meeting and had requested the Board defer his appeal to the next meeting.
- Vujnovich – Motion to defer
 - Bagala – Seconded
 - MOTION CARRIED (unanimous)

C. Vlaho Mjehovich (attending)

- Lindsey stated Mjehovich was denied a permit on a non-qualifying vessel.
- Mjehovich filed an appeal under the hardship option.
- Mjehovich claims the vessel was damaged by Hurricane Katrina and that is why the vessel does not have trip ticket recorded landings as required for eligibility.
- Lindsey said Mjehovich satisfies all license and trip ticket requirements for hardship.
- Vujnovich said the Board needs to see proof of damage before a recommendation can be made.
- Mjehovich declared that he had photos, receipts, etc. that would prove damage to the vessel.
- Coulon – Motion to defer
 - Encalade – Seconded
 - MOTION CARRIED (unanimous)

D. Raymond Nehlig (attending)

- Lindsey explained that Nehlig applied for a permit for vessel LA2251AT (incorrectly listed as LA2215AT on appeal form), which is a qualifying vessel, but was denied due to the vessel having had a permit issued on it under the previous owner, Caywood Seafood. Caywood Seafood retained the permit when it sold the vessel to Nehlig. It was LDWF's opinion that a second permit could not be issued on the vessel.
- Lindsey stated the Nehlig owned another qualifying vessel, LA2008BJ, which, according to his research, had never held a permit under any owner. Lindsey suspected Nehlig did not apply for a permit on that vessel because Nehlig did not know it qualified.
- Lindsey did not believe LDWF had performed due diligence in assisting Nehlig with obtaining a permit and, therefore, incorrectly determined Mr. Nehlig's eligibility for a permit
- Vujnovich – Motion to recommend permit issuance
 - Robin – Seconded
 - MOTION CARRIED (unanimous)

IV. Hearing of Renewal Permit Appeals

A. Catfish Lake Oyster Co., LLC (Robert Theriot attending)

- Lindsey stated that Catfish Lake Oyster failed to renew a 2011 permit by December 31, 2012 at which point the permit expired and was no longer eligible for renewal.
- Theriot said he mailed in renewal paperwork for two permitted vessels, but received only one permit.
- Robin believed this case is similar to a previous case, that of Henry Martin and that a renewal permit should be issued.
- Robin – Motion to recommend renewal permit issuance
 - Vujnovich – Seconded
 - MOTION CARRIED (unanimous)

B. Kerry Cosse' (not attending)

- Cosse' contacted LDWF prior to the meeting and asked that his case be deferred to the next meeting.
- Vujnovich – Motion to defer
 - Coulon – Seconded
 - MOTION CARRIED (unanimous)

V. Set next meeting date

- Vujnovich – Motion to set next meeting date in conjunction with the next OTF meeting.*
 - Coulon – Seconded
 - MOTION CARRIED (unanimous)

VI. Receive Public Comments

- Lindsey told the Board that wording would be added to the permit printout informing the holder that the permit is subject to expiration if not renewed yearly.
- Lindsey informed the Board the House Bill 345 of the 2013 Regular Legislative Session would extend the requirement of a Public Oyster Seed Ground Vessel Permit and therefore necessitate the need for the Board through November 2016.
- Lindsey provided the Board with copies of an email LDWF received from Board member Rodney Fox in which Fox indirectly asked to be replaced. Lindsey will forward the email to Fox's appointing organization, the Louisiana Oyster Dealers and Growers Association. Jurisic said he would speak with that organization's president Buddy Pausina.
- Banks told the Board that LDWF had received an email from the Ethics Board concerning financial disclosures for Board members and that he had responded to the Ethics Board. In the email response, Banks explained that Board members receive no compensation for performing their duties and have no authority to expend monies, therefore are not required to file financial disclosure.
 - Jurisic asked Banks to forward the email to him.

VII. Adjournment

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

Meeting adjourned at approximately 11:00am; Duration of Meeting: approximately 1 hr. 30 min.

Minutes submitted by Ty Lindsey, LDWF Biologist

**The OTF met later the same day as scheduled and tentatively set Tuesday, July 30, 2013 as their next meeting date. Therefore, the next Public Oyster Seed Ground Vessel Permit Appeals Board meeting is scheduled for 9:30am on Tuesday, July 30, 2013 at the LDWF offices on the UNO campus.*