**Louisiana Oyster Task Force Meeting**

**Tuesday, July 7, 2020**

**Buras Auditorium**

**35619 Hwy 11, Buras, LA 70041**

**I.** Pledge of Allegiance

**II**. Roll Call

**Voting Members Present:**

Dan Coulon

Jakov Jurisic

Mitch Jurisich

Brad Robin

Brandt Lafrance

John Tesvich

Sam Slavich

Peter Vujnovich

Willie Daisy

Shane Bagala

**Voting Members Absent:**

Tracy Collins

Byron Encalade

Al Sunseri

Shane Bagala

**Non-Voting Members Present:**

Brian Lezina

Harry Vorhoff

Major Edward Skena

Patrick Banks in for Carolina Bourque

Gordon Leblanc in for Justin Gremillion

**Non-Voting Members Absent:**

Karl Morgan

**III.** Peter Vujnovich motioned to approve the March 4, 2020 meeting minutes, 2nd by Willie Daisy. Motion carries.

Jakov Jurisic motioned to amend the agenda and add item D. under New Business, “D. To Discuss Plaquemine’s Parish President Lepine’s Letter Regarding Plaqumines Parish Coastal Restoration and Protection Efforts- CPRA Annual Plan and Diversion Investigations”, 2nd by Brad Robin. Motion carries.

Jakov Jurisic motioned to approve the agenda as amended, 2nd by Peter Vujnovich. Motion carries.

**IV.** Treasury Report

Remaining Fund Balance: $463,761

Remaining Budget Balance: $ 81,980

Peter Vujnovich motioned to approve the treasury report as presented, 2nd by Willie Daisy. Motion carries.

**V. Committee Reports**

1. Public Private Oyster Seed Grounds Committee- no report
2. Enforcement report-

**February 24th-June 26th**

**Region 4** (Iberia)

None

**Region 5** (Calcasieu and Cameron)

1-Violate Calcasieu Lake Oyster Regulations, No harvest permit

1-Violate Commission Action – Log book

1-Fail to display proper number on vessel

1-Poss. Of untagged/improperly tagged oysters 10%+

**10 sacks seized**

**Region 6**: (Terrebonne, Lafourche, Grand Isle)

Terrebonne

1-Take oysters from an unapproved area (polluted)

1-Violate sanitary code (logbook)

1-Fail to tag sacked or containerized oysters

1-Fail to maintain traceable oyster records

1-Violate sanitary code (refrigeration)

1-Dealer cited for 29 counts fail to complete trip tickets (oyster related)

**7 sacks seized**

Lafourche

4-Take or possess commercial fish without commercial license (used drone)

4-Take oysters without oyster harvester license (used drone)

4-Take commercial fish without vessel license (used drone)

4-Violate sanitary code (logbook) (used drone)

4-Violate sanitary code (tarp) (used drone)

4-Fail to display proper numbers on vessel (used drone)

**15 sacks seized**

**Region 8**: (Jefferson, Plaquemines, St. Bernard, Orleans, St. Tammany)

Plaquemines

2-Unlawful removal from a private lease-

2-Failure to have written permission

2-Violate sanitation code (refrigeration)

8-Violate sanitation code (vessel sanitation-waste bucket)

1-Violate sanitation (log book)

4-Fail to display valid number on vessel

**37 sacks seized**

St. Tammany

1-violate interstate commerce

1-sell without a wholesale/retail license

1-failure to properly tag sack oysters

1-illegal shipment of commercial fish (fail to mark shipment)

1. Legislative Committee- no report
2. Legal Committee- no report
3. Research Committee- no report
4. Coastal Restoration- no report
5. Marketing Committee- no report

John Tesvich requested a report on hiring a PR firm to represent the Oyster Task Force. John stated that he would spearhead researching and come up with a list of PR firm proposals to bring back to the task force for consideration

Brandt Lafrance entered at 1:24pm

1. Health Report- no report; Short shut down after tropical system, areas 3,4,and 5 were shut down, sampled, and then reopened
2. Aquaculture Committee- Brandi Shelley provided a brief update on the Triple N Oyster Hatchery- The hatchery is up and running and successfully conditioned broodstock obtained last summer, in 2019 oysters were from Cocodrie, Grand Isle, Sister Lake and Plaquemines. Everything is in isolation from the Gulf of Mexico. Successfully spawned the same broodstock and has a million eggs so far. The successful product produced larvae in a closed seawater system. The next focus is to produce high numbers of larvae for the oyster industry and to condition and ripen oysters for spawning in early January.
3. Joint Task Force Working Group- no report, plans to get the committee together soon

**VI.** New Business

1. Patrick Banks provided the task force with an update and overview on the CARES ACT and the 2019 Fisheries Disaster Funding

**\*DRAFT** CARES ACT Fisheries Funding- Louisiana White Paper **DRAFT\***

**CARES Act Facts**

* $300 million total provided for “Assistance to Fishery Participants” in the U.S.
* Louisiana’s allocation was announced in May by NOAA and equals $14,785,244 (before administrative costs)
* Administered through NOAA Fisheries and payments to fishery participants will come from the Gulf States Marine Fisheries Commission (GSMFC).

**Eligibility Requirements**

The CARES Act and NOAA Fisheries have established the following eligibility requirements:

* “Fishery Participant” – Tribes, persons, fishing communities, aquaculture businesses, processors, or other fisheries related businesses.
  + Gear and vessel suppliers, repair facilities, retailers, restaurants, and bait and tackle operations are not viewed as fisheries related businesses
* Must have incurred economic revenue losses greater than 35% as compared to the prior 5-year average revenue
* Freshwater fisheries, including wild crawfish are ineligible
* Must reside in the state that is providing funding
* New businesses and entrants in 2020 with no prior revenue history are ineligible

Eligible entities must possess a 2020 LDWF license or permit. If the entity is not legally required to have a license or permit, the entity must show proof that the business is currently active. Eligible entities must have reported seafood sales on LDWF trip tickets in 2018 or 2019. If the entity is not legally required to submit trip tickets, the entity must show proof of business activity in 2018 or 2019. These qualifying criteria are intended to capture those individuals that have been directly affected by COVID-19 and not those that have either entered or exited the fishery prior to or after COVID-19, while also taking into consideration the impacts of the 2019 flood disaster.

**Louisiana Spending Plan (IN DEVELOPMENT)**

LDWF submitted a draft plan to Gulf States Marine Fisheries Commission on July 7, 2020, which must be reviewed and approved by NOAA prior to implementation. LDWF is hopeful implementation will begin sometime in August. Below are some highlights from the current draft plan.

* Sector Allocations
  + Will be centered on participant sector (fishermen, dealers, processors, etc.) rather than fishery (crabs, shrimp, oysters, charter, etc.).
  + Will be based on NOAA information they used when allocating between states. LDWF may adjust to account for the size of each sector when determining the allocations.
  + LDWF is prioritizing full-time fishery participants by utilizing certified license endorsements for the commercial fisherman and charter sectors. For the remaining sectors, LDWF will use a comparison of trip ticket landings or revenue compared to other fishery participants in the same sector and fishery.
* Application and Payment Process
  + Identified approximately 12,300 potential applicants
  + Opening date of application period will be dependent upon NOAA approval of the spending plan. However, LDWF intends to have a relatively short application period of six weeks and restrict the application process to a web-based format. LDWF intends to work with a contractor to provide language and application assistance via phone and video chat, or in person.

LDWF intends to implement a two phased payment process that will include an initial minimum payment followed by a second payment, the amount of which will be determined by the amount of funds remaining after all applications have been processed. LDWF intends to withhold a percentage of funding from each sector to ensure funding is available for every eligible applicant.

Peter Vujnovich asked about those industry members who might have already received money under the CARES ACT from other programs like the Payroll Protection Program. If someone has already received funding from the CARES ACT they can still participate in this program but the total of the two amounts of funding can only make individuals up to 100% whole and no more

Sam Slavich asked if the months being considered (March- June) are set-in-stone? Patrick Banks stated that those are the months being considered at this time, but this may be subject to change in the future

**DRAFT** 2019 Fisheries Disaster – Louisiana White Paper **DRAFT\***

**Fisheries Disaster Funding Facts**

* $165 million total appropriated by Congress for declared fisheries disasters in the U.S. during the 2019-2020 federal FY
* Louisiana’s allocation was announced in late May by NOAA and equals approximately $58 million (before administrative costs)
* Administered through NOAA Fisheries with a grant coming directly to LDWF once a grant application and spending plan are approved by NOAA
* Funds cannot be used for activities for which the recipient has already been reimbursed

**Purpose of Fisheries Disaster Funding (as outlined by NOAA)**

* To restore the fishery or prevent a similar fishery disaster in the future and assist fishing communities affected by the fishery disaster
* Programs should strengthen long-term economic and environmental sustainability of the fishery
* May include direct payments to fishery participants, but an economic impact analysis and additional justification must be provided explaining why direct payments, instead of long-term economic and environmental measures, are the best mechanism to address the fishery disaster

**Louisiana Spending Plan**

There is no timeline/deadline for plan development, but LDWF staff will begin focusing on developing this plan once the CARES Act spending plan is submitted and approved. Below are some preliminary ideas for the spending plan. LDWF will work closely with the industry members to develop a final spending plan proposal.

* Potential Allocations Methods
  + Will likely follow the economic impact evaluation conducted by LDWF and NOAA following the 2019 flooding event
  + Based on the percentage each fishery contributed to the overall economic impact evaluation
  + Allocated to different coastal regions of the state based on impacts from flooding in those regions
* Potential Programs
  + Programs and guidance provided by the 2019 Louisiana’s Seafood Future project (<https://www.laseafoodfuture.com/>) for all affected fisheries
  + Direct payments – such payments could be included as a way to assist fishery participants in recovery and expand on CARES Act funding efforts
  + Implementation of parts of the draft Oyster Management and Rehabilitation Strategic Plan currently in preparation by LDWF (cultch planting, spat-on-shell deployment, expanding hatchery seed-production capabilities, etc.)
  + Expand derelict crab trap removal programs
  + Provide reimbursement assistance to fishery participants for activities/initiatives that help them be more efficient in their operations or more resilient to future disasters
  + Provide funding for projects that address low shrimp prices (e.g. increased inspection of shrimp imports, etc.)

Brandi Shelley asked if the funding will be taxed? The income will be subject to taxes and the Gulf States Marine Fisheries Commission will be issuing 1099's.

1. Patrick Banks led discussion on the **DRAFT** Oyster Management and Rehabilitation Strategic Plan

**Overall Needs**

• Increase harvestable oyster resources on public grounds

• Increase oyster resiliency in coastal zone to help resource bounce back from environmental and man-made perturbations

• Decrease spatial conflict between oyster industry and other coastal zone user groups

• Develop full accountability and record-keeping on lease-by-lease basis

• Provide the oyster industry with meaningful options for adapting to coastal changes

• Adequately document hydrologic changes, especially salinity, occurring in the coastal zone

• Restore conducive hydrologic conditions, where feasible

Total Funding Need: **$132 million**

**\* DRAFT\* Management and Rehabilitation Strategic Initiatives**

1. Traditional Cultch Planting and Water-Bottom Mapping ($13.6 million)

2. Cultch Planting with Remote-Set Oysters ($12 million)

3. Development of Spawning Stock Sanctuary Network ($13.8 million)

4. Expansion of Alternative Oyster Aquaculture ($10 million)

5. Private Oyster Lease Rehabilitation (POLR) Program ($12 million)

6. Expansion of Hydrologic Monitoring ($5 million)

7. Non-Renewal of Unproductive Oyster Leases ($5 million)

8. Establishment of Cultivation and Production Requirements on Leases ($5 million)

9. Establishment of New Public Oyster Areas ($5 million)

10. Mississippi River Gulf Outlet Hydrologic Restoration (MRGO) ($1.6 million)

11. Restoration of the Bohemia Spillway water control structure ($24.3 million)

12. Research and Development ($25 million)

Mitch Jurisich expressed concern for the item, “Decrease spatial conflict between oyster industry and other coastal zone user groups.” Concern with taking oyster areas out of use that will once again become productive. Asked that LDWF work with the industry to further discuss and establish parameters surrounding this item

The task force expressed concern with initiatives 7 and 8 (non- renewal of unproductive oyster leases and establishment of new public oyster areas)

Jakov Jurisic stated that initiative 11 (Restoration of the Bohemia Spillway water control structure) should consider and include other areas (Port St. Phillip, Bayou, etc.)

Mitch Jurisich expressed concern with conflicts with people who are not in the oyster industry providing feedback on these items, particularly people who do not have any experience or knowledge of the industry; stated that the oyster industry should have the most input on these initiatives

John Tesvich stated that in looking at the expenditures, there are 12 items, some of them are actual projects, some are more administrative and then some research and development. Looking briefly at initiatives 6, 7, 8, and 12 they are all non-project based items, items that are more r&d and administrative based. So you have a total of around $40 million dollars dedicated of approximately a $132 million budget going towards R&D and administrative costs. John stated that this amount seems extremely high. If you were running a business and you dedicated this amount of your budget to R&D and administrative costs you could not survive. Suggested limiting R&D and administrative items to 10-15% of the budget and spending the majority of the money on the meat and potatoes and what it takes to rebuild the industry. Also maybe the funding for hydrological monitoring can go to another department and not fall under the oyster industry. Suggested more meat and potatoes like initiatives 1, 2, and 3 and closing Mardi Gras Pass. Patrick Banks stated the numbers dedicated to R&D and administrative costs are an extreme estimate as these costs cannot be exactly predicted at this time

**Funding Sources**

|  |  |
| --- | --- |
| **\*DRAFT\* Funding commitments currently in place to implement initiatives of the Oyster Strategic Plan over the next five years** | |
| **Funding Source** | Funding Level |
| **LDWF -Seed Ground Development Account** | $3,000,000 |
| **LDWF -Artificial Reef Fund** | $3,000,000 |
| **NOAA -2019 Federal Fisheries Disaster** | $10,000,000 |
| **DWH -Louisiana Oyster Trustee Implementation Group (TIG)** | $26,000,000 |
| **CPRA/NFWF -Hydrologic Pre-Monitoring of Breton Sound Sediment Diversion** | $2,000,000 |
| **DWH -Adaptive Management TIG** | $15,000,000 |
| **Total** | $59,000,000 |

The task force requested to send the draft Management and Rehabilitation Strategic Initiatives to the Public-Private Oyster Seed Grounds Committee to work further with LDWF on establishing parameters for each of these proposed items

1. Mitch Jurisich led discussion on HB 433 (Reduces the Oyster Seed Ground Vessel Permit Fee and Creates Associated Gear Fees)

Mitch Jurisich stated that Representative Mack Cormier sponsored HB 433 for the oyster industry. The intent of the bill was not to do away with the Oyster Seed Ground Vessel Permit fee but to rather provide another option for a $50 annual retention fee. Sad to say that the bill had to be voluntarily deferred as it was not going to pass the House Natural Resources Committee. This bill was very important to the oyster industry as it provided options to those in areas of the seed grounds that are not currently workable. People in these areas are currently required to buy a $250 or $500 license each year so that they do not lose their license, even if they are not going to be able to harvest off of the area that year. The legislature does not realize what it did to the oyster farmers by not passing this bill. Wanted to notify the industry that they should be prepared to pay full license fees this year. Hoping that Representative Mack Cormier can get back on the House Natural Resources Committee.

1. John Helmer with Plaquemines Parish Coastal Zone Management led discussion on Plaquemine’s Parish President Lepine’s letter regarding Plaqumines Parish Coastal Restoration and Protection efforts- CPRA Annual Plan and Diversion Investigations

John Helmer stated that we are not going to be inactive. We are going to be participating in HB 19. Stated that Plaquemines parish stands with the oyster industry but would like to see what the environmental impact statement says and go from there

Jakov Jurisic stated that what further information does Plaquemines Parish need to see from the Environmental Impact Statement? We can already see what fresh water will do to our industry with Mardi Gras Pass and in Black Bay/ Lake Borgne from the Bonnet Carre Spillway opening. There is no need to wait for the EIS, we can see what is going to happen today by what is currently going on due to freshwater

Mitch Jurisich stated that the industry is asking for more of an open ear from representatives and the Parish and open participation, work with the industry to

John Tesvich stated that the oyster industry has been dealing with the plans for a freshwater diversion for a long time, even before CPRA got started, and have seen it evolve. The EIS process sounds good, the environmental study that the Corps is supposed to doing. We also know of a lot of intricate things that are happening behind the scenes, political things that are happening that affect the project. So one of the things happening, for example, is one of the main tenants of the environment is the protection of mammals. We have had a Marine Mammal Protection Act for years and years. Does anyone know how long we have had it? It protects dolphins, whales, and marine mammals. We learned a couple of years ago that the efforts of the pro-diversion saw the Marine Mammal Protection Act as an impediment, so they had it bypassed for a Plaquemines Parish project. So our project will most probably wipe out the Barataria dolphin. The Marine Mammal Protection Act has killed billion dollar projects before, but now we don’t have that protection. The other issue is with essential fish habitat. The essential fish habitat in the estuary or certain bottom structure in the estuary that are very important to the fish species and everything that follows from the minute little organism. I am not a marine biologist but central fish habitats like oyster reefs, grass beds, and areas that are conducive for the productivity of that estuary. Essential fish habitat are also going to be seriously threatened if not completely wiped out in a large portion of Barataria Bay because of the plans of the project. Now the powers that be that are pushing for this project are seeing that they need an exemption for essential fish habitat. Those are the key fundamentals of environmental protection in our estuaries. This is something that is currently being worked on. If we take those key tenants away (protection for our estuaries and marine mammals) then the EIS will state that the problem is not a problem anymore.

Brian Lezina stated that the protection was not bypassed, there was a waiver provision in that law, a law that protects habitat and the long term viability. Congress read that and that was a decision Congress made

John Helmer stated that one piece of good news is, this January we did a lot of lobbying in Washington, D.C. and we will take $39 million to dredge South Pass and then to take care of Tiger Pass. South Pass should have a dredge in it by August 1st.

Brad Robin stated that he would like touch on Mardi Gras Pass. St. Bernard made a declaration of emergency to close Mardi Gras Pass and Plaquemines stood not saying much. When the OTF was in D.C. we discussed all of the food resources that are a part of the MS River, if there was a breech in the river anywhere along the river affecting the food resources something would be done immediately. Meanwhile we are still talking about Mardi Gras Pass and nothing has been done

George Ricks expressed concern with inaction, should be more action from the administration to lobby against diversions

1. Willie Daisy led discussion on the current regulations and penalties associated with oyster trip tickets and log sheets

The task force moved this item to the Legislative Committee for further discussion

Items to discuss further included: redesigning trip tickets/ dual trip tickets, look into removing barrels and adding mini-sack/ half sacks, electronic trip tickets, look into the protocol, currently trip tickets must be done at point of sale or transfer; this change would require a change in statute, also look into trip ticket penalties related to filling out trip tickets at POS

1. The task force considered funding to Hire Oyster Task Force legal counsel

Jakov Jurisic motioned to allocate $30,000 to hire Oyster Task Force legal counsel, 2nd by Brad Robin. Motion carries.

1. The task force considered designating and hiring legal counsel to represent the Oyster Task Force

Jakov Jurisic motioned that the task force contract Joe Piacun as the OTF legal counsel, 2nd by Sam Slavich. Motion carries.

1. Jakov Jurisic motioned to add to the agenda item H. under new business, “To Discuss Adopting a resolution regarding Oyster Task Force non-representation notices,2nd by Brad Robin. Motion passes unanimously.

Brad Robin motioned to pass a resolution that Mr. John Zach Lea is not a representative or agent authorized to speak on behalf of the task force and is not an elected member of the board. This resolution should be sent to all organizations and agencies who Mr. Lea contacted in this regard, 2nd by Shane Bagala. Motion carries.

VII. Public Comment

Brian Lezina stated that the Corps of Engineers will be accepting scoping comments through August 16. Holding virtual meetings next week, don’t have to attend meetings comments can be submitted through email, mail or over the phone

John Tesvich stated that he would draft a comment letter on behalf of the Oyster Task Force and submit to Corps

George Ricks stated that virtual scoping meetings should be postponed until we are able to have in person meetings, certain stakeholders are at a disadvantage if they do not have access

Dan stated that a lot of oysters are coming into the state this year and being turned into a white tag and sold as a Louisiana product; large sacks being broken down in trailers

VIII. Next meeting set for ~~Tuesday, August 4, 2020 at 1:00pm at the St. Bernard Port~~ meeting was postponed to Tuesday, August 25, 2020 for 1:00pm at the New Orleans Lakefront Airport

IX. Jakov Jurisic motioned to adjourn, 2nd by Brad Robin. Motion carries.

