

Oyster Task Force Meeting
Tuesday, January 5, 2015
2021 Lakeshore Dr.
New Orleans, 1P.M.

Meeting called to order at 1:10pm
Allison West called roll

Voting Members Present:

Shane Bagala
Leo Dyson
Byron Encalade
Jakov Jurisic
Mitch Jurisich
Brad Robin
Brandt LaFrance
John Tesvich
Sam Slavich
Peter Vujnovich, Jr.
Willie Daisy
Al Sunseri

Voting Members Absent:

Wilbert Collins
Dan Coulon

Non-Voting Members Present:

Mark Schexnayder
Steve McManus in for Capt. Chad Hebert
Karl Morgan
Gordon Leblanc in for Lance Broussard

Non-Voting Members Absent:

Chip Kline
Kyle Graham

Motion to approve the November 10, 2015 minutes by Peter Vujnovich, 2nd by Jakov Jurisich. Motion approved

Jakov Jurisic made a motion to approve the agenda, 2nd by Peter Vujnovich

Leo Dyson made a motion to amend the agenda and add "Discussion of opening the East side of Calcasieu Lake", 2nd by Peter Vujnovich. Motion carries

Gordon Leblanc asked to move the Health Committee Report to the beginning of the agenda committee reports

Total Tag Sales as of November 2015 were 282, 450

Motion to approve financial report by Peter Vujnovich, 2nd by Jakov Jurisic. Motion carries

Health Report: Gordon Leblanc from the DHH briefed the TF on the health report, Red Tide. DHH has been sampling in areas 5, 6, and 7 and hope to get results soon to reopen some areas. Areas 2, 3, and 4 will remain closed for now due to Red Tide.

Mark Schexnayder came in at 1:15pm

Al Sunseri came in at 1:31pm

John Tesvich made a request from Dr. Guidry and LDWF Secretary to set up a meeting to discuss setting up a relay

Enforcement Report: Steve McManus went over enforcement cases by parish for November and December.

Public/ Private Oyster Grounds Committee: Mitch Jurisich reported on the Public/ Private Seed Grounds Committee. It was by recommendation of the committee to change the requirements on gear used on the public seed grounds. The law right now calls for a dredge no greater than 6 feet in length on the tooth bar width with a maximum of 5-inch teeth with 7 dredges per vessel. It was the committee's recommendation to leave the 5-inch teeth but to change the amount of active dredges allowed from 7 to 2 on the public seed ground and to change the width requirement from 6 feet to 4 feet and allow no more than 20 teeth on the tooth bar with a minimal tooth spacing of 2 ¼ inch from center to center. Consensus of the committee was to do away with diving boards on dredges on public seed grounds and to change the mesh size limit on oyster bags, agreed to 1 single bag and not a bag inside of a bag. The last recommendation was to propose a 5-day a week season (Monday sunrise- Friday Sunset) with a 2-day possession limit.

Byron Encalade made a motion to accept the recommendations and committee report, 2nd by Brad Robin. Motion adopted with two substitutes, 1 opposed

Byron Encalade made a substitute motion to change the 5-day workweek from Tuesday-Saturday, 2nd by Brad Robin

Al Sunseri made a substitute motion to table the 5-day workweek from the recommendations and bring it back when setting seasons, 2nd by Sam Slavich. Motion adopted.

Sam Slavich made a substitute motion to amend the recommendations from 48" to using 60" tooth bar on the dredge, 2nd by Jakov Jurisich. Motion did not carry due to vote

Jakov Jurisich recommended going to the public- industry members/ local organizations and discussing the committee recommendations and coming back to the TF with feedback

Legislative Report: the harvester education course is now mandatory in the NSSC and now needs to go through legislation; this is something that the industry has supported.

Research Report: no report at this time

Coastal Restoration: no report at this time

Marketing Report: Anne Dugas with LA SEA GRANT – requested \$3000 of funding from the TF for the Fisheries Forward Summit

Jakov Jurisic made a motion to fund \$3000 to sponsor LFF Summit, 2nd by Willie Daisy. Motion adopted

Sustainability Report: Damon Morris stated that the TF is continuing to work with the Audubon Nature Institute, and it can be expected that the oyster fishery will go through the certification process in the spring. Patrick Banks and Steven Beck are still working on the Fisheries Management Program and look forward to being fisheries certified by summer

Professionalism Report: Darren Bourgeois reminded the Task Force that the Louisiana Fisheries Forward Summit will be on March 1, 2016 at the Pontchartrain Center from 8:30am-4:00pm

Aquaculture: No report at this time

OLMLC: John Tesvich reviewed the OLMLC 9 recommendations, there is a timeline and task list being made in conjunction with WLF

Oyster Lease Moratorium Lifting Recommendations

Recommendation 1: Change requirements for oyster lease bottom assessments conducted for Coastal Use Permit applications to keep them current; requiring re-assessments within 2 years or upon request by oyster lease owner with substantiation.

Recommendation 2a: New oyster applications are to be posted on a public website. Allow landowners 90 days to protest the issuance of a new oyster lease application during which time the Office of State Lands would reevaluate ownership upon protest. After 90 days, and/or approval by State Lands after protest, the application would be processed by LDWF and oyster lease issued.

Recommendation 2b: Allow oyster lease applicant 120 days after the website posting, or 30 days after resolution from the State Lands Administrator, to withdraw his application and receive a full refund.

Recommendation 3: Oyster leases cancelled due to non-payment shall be removed from the record and the area of water bottoms will become available for a new lease application.

Recommendation 4: Amend statute to exempt oil and gas operator from damage liability if oil and gas CUP predates new oyster lease applications, provided that the operator does not violate the prescriptions in the CUP. And provide for limited liability for oil and gas assets that predate the oyster lease application within prescribed buffer zones and access channels where applicable. Leases reissued prior to this statutory change and those pursuant to section 2.B of Act 808 would not be subject to this provision.

Recommendation 5: Before general lifting of the moratorium to allow pre-existing lease-owners to expand their leases up to 500 feet in cases where a lease formerly abutted a shoreline and the shoreline has receded over time. Also, in cases where there is 500 feet or less between two or more oyster leases, the lease-owners will be allowed to take up additional area by agreeing to split the distance equally, or if one lease-owner declines the other(s) may take up the area. The newly added water-bottom would be subject to the provisions of Recommendation 4.

Recommendation 6: Initial applications for oyster leases post moratorium shall be by appointments assigned via lottery system developed by LDWF. (Each appointment = one application within the current rules for oyster leases applications)

Recommendation 7: Request that the CPRA annually provide updated maps to the DWF and the LOTF, for reference purposes only, that will depict areas of coastal water-bottoms where projected salinity changes due to coastal restoration projects will likely negatively impact the cultivation of oysters. This would apply to the cumulative effects of all existing river diversions and planned river diversions in a five, ten, and twenty-year time frame.

Recommendation 8 (a): In reference to the issue of dual-claimed water-bottoms of the State, it is the general position of the committee that lifting the moratorium should not be held up because of this issue. Dual-claimed water-bottoms are a legal issue with prescriptions for adjudication already provided for, and suggesting to change anything with that is beyond the scope of this committee.

Recommendation 8 (b) The committee recommends that prior to implementing the lottery phase, private landowners or their agent(s) would have first right of refusal to apply for an oyster lease in cases where they have actively engaged in the cultivation and legal harvest of oysters on what was initially private property, and which subsequently was deemed by the State lands Office to be state owned water-bottoms. The private oyster lessee shall be required to have had a valid private oyster lease recorded with the Clerk of Courts in the appropriate jurisdiction prior to July 1, 2015. Provisions prescribed under Recommendation 5 would supersede this provision.

Recommendation 9: Oyster lease owners that had leases cancelled by the state due to coastal restoration projects shall have first right of refusal in cases where the previously leased area is determined to be currently leasable. The lease-owners that had dropped their leases due to the lawsuits surrounding the freshwater impacts of the Caernarvon Diversion, and other coastal restoration projects shall have the first right of refusal to reapply for their

original water-bottom of the pre-existing lease. These leases shall not be subject to provisions under Recommendation 4.

Al Sunseri made a motion to accept the amended committee report, 2nd by Mitch Jurisich. Motion adopted

John Tesvich addressed the TF on the Seed Ground Permit Program that is due to expire this year and if the TF wants the program to continue there needs to be legislation in place to continue

Ty Lindsey addressed the TF with the SGP numbers: in the 2015 license year there were a total of 697 permits fishing, when the program was first initiated in 2009 there were 791 permits fishing.

Jakov Jurisic made a motion to continue the Seed Ground Permit Program, 2nd by Peter Vujnovich

Al Sunseri suggested revising the legislation regarding acquiring a permit

Mitch Jurisich made a substitute motion to continue the SGP, but raise the price of the permit to \$500 resident and \$2000 non-resident and allow open enrollment period and the additional funds would be earmarked for the public grounds- Oyster Reef Development account, 2nd Sam Slavich

Peter Vujnovich made a subsequent substitute motion to send this issue to Public/Private Oyster Seed Grounds Committee for discussion before submitting this recommendation to the Task Force, 2nd Al Sunseri. Motion adopted

Leo Dyson requested that the TF send a letter recommending opening the east Side of Calcasieu Lake to the commission

Commission recommendation to close the east side of the Lake due to lack of resource there is a new cultch plant in their and

Leo Dyson made a motion requesting that the OTF write a letter to the WLF Commission to recommend reopening the east side of Lake Calcasieu for 6 weeks, 2nd by Al Sunseri. Motion adopted

John Tesvich encouraged Leo Dyson to get letters from the local government, representatives to the Commission stating their stance on reopening the east side of Lake Calcasieu as well

Al Sunseri requested that WLF survey/ sample the east side of Calcasieu Lake this month to have some feedback on this by the February Commission meeting

John Tesvich suggested sending the red line issue to the Public/ Private Seed Grounds committee to start looking at maps and begin putting proposals together to bring back to the TF

Al Sunseri made a motion to support sending the “Red Line” issue to committee, 2nd by Brad Robin. Motion adopted

John Tesvich went over the proposal to update the severance tax on oysters; this would be another vehicle that could be used to help fund the Seed Ground Development Account

Motion to send the severance tax proposal to the Legislative Committee by Al Sunseri, 2nd by Pete Vujnovich. Motion adopted

Al Sunseri would like to replace the term “dredge” with “scrapers” proposed making this an item on the next meeting’s agenda

Al Sunseri nominated John Tesvich to remain Chairman and Dan Coulon to remain as Vice-chair, 2nd by Brad Robin. Motion adopted.

Next Oyster Task Force meeting set for February 2 at 1pm in New Orleans

Al Sunseri made a motion to adjourn, 2nd by Brad Robin.

Meeting adjourned at 4:10pm