LOUISIANA SHRIMP HARVESTER ADVISORY PANEL

MINUTES

January 6, 2010

LOUISIANA ROOM
LOUISIANA DEPARTMENT OF WILDLIFE & FISHERIES
2000 QUAIL DRIVE
BATON ROUGE, LOUISIANA

AGENDA

I. Call to Order
II. Roll Call
III. Approval of Agenda
IV. Approval of October 26, 2009 Minutes
V. Review of Draft Shrimp Task Force Bill
VI. Review of Shrimp Packaging Notice of Intent
VII. Presentation on Texas Buy-Back/Limited Entry Program
VIII. Election of Alternate Representative to the Shrimp Task Force
IX. Set Next Meeting Date and New Agenda Items
X. Receive Public Comment
XI. Adjourn

MINUTES OF THE MEETING

OF

THE LOUISIANA SHRIMP HARVESTER ADVISORY PANEL

Wednesday, January 6, 2010, 9:30 AM

Martin Bourgeois, Louisiana Department of Wildlife & Fisheries, presiding.

In Attendance:
Ronnie Anderson
Acy Cooper
Pete Gerica
Clint Guidry

Scott St. Pierre
Timmy Truong
Lance Nacio
Tommy Cheramie

Absences:
George Barisich
A.J. Fabre
Nicholas Alfonso
Bryan Crawford
Jerome Jones

Marty Bourgeois called the meeting to order.

Roll was called and five absences were noted; however, a quorum was present.

A motion to approve the meeting agenda was made by Pete Gerica. The motion was seconded by Clint Guidry. The motion carried unanimously.

A motion was made by Pete Gerica to approve the minutes of the previous meeting. The motion was seconded by Lance Nacio. The motion carried unanimously

Clint Guidry asked the members of the Advisory Panel to provide him with their email addresses if they have not done so already.

Mr. Bourgeois asked the Panel to review the draft bill for the creation of a Shrimp Task Force that would be based on the model of the current Oyster Task Force.

Ronnie Anderson asked about the definition of a class 2 violation.

Mr. Bourgeois detailed the fines and jail time that an offender could face including possible forfeiture of materials with the third offense. He also explained the rationale behind the punishment not being too severe, that a judge may feel the defendant does not deserve as severe of a fine or as long of time in jail.

Mr. Anderson said that he believed punishment for a first offense should be more severe. He also stated that he would rather take the chance on the judge's verdict instead of enforcement.
Mr. Guidry said that the new Task Force should be made up of people from Louisiana only. The Governor may appoint someone from a Federal agency but he doesn't want the law to state that someone from the Southern Shrimp Alliance (SSA) for example must be on the Task Force. He also mentioned that those who sit on the Task Force may be compensated for their travel at the rates available to state employees.

Mr. Bourgeois clarified that this bill would create an additional task force and does not replace the current Governor's task force. The intention is to involve all segments of the shrimp industry and give the shrimp industry a voice over how funds in the shrimp marketing and development account may be used, as the Oyster Task Force does for the oyster industry. He also stated that the new shrimp task force may call meetings as often as they choose.

Pete Gerica said he is worried that (shrimp industry) seats on the board (LA Seafood Promotion and Marketing Board) may be lost, at present they hold three.

Acy Cooper explained that they stopped mullet fishing because the price went so low and commented that the mullet task force is no longer meeting.

Mr. Gerica pointed out that the Oyster Task Force funds their fights with the money received from a portion of oyster tag sales. This allows them to go to Washington and lobby for Federal aid. He feels that the shrimp task force doesn't fight to protect the shrimp industry but the harvesters are committed to fighting for their cause.

Mr. Bourgeois called attention to the section of the draft bill on page 4, line 12 allowing participants to be eligible to receive mileage compensation of about 44 cents per mile. He also explained that the shrimp industry appointments are made by the Governor. He also commented on appointments made to the LA Crab Task Force and indicated that Pete Gerica sits on the Crab Task Force. Appointments to the Crab Task Force were originally made by the Governor but in recognition of the time lag in replacing appointees through this process the Crab Task Force was successful in amending the original legislation and appointments are now made by the Secretary of LDWF.

Mr. Anderson asked about the Panel having phone conferences and sending email. He wanted to know if they could do this in lieu of having formal meetings. He doesn't see processors getting on board with the harvesters in regards to imports and feels separate meetings are not accomplishing important issues.

Mr. Bourgeois explained that the members of the panel may certainly speak to each other but that they cannot conduct official business (i.e. adopt motions) without conducting a public meeting.

Mr. Gerica said that this bill creates a way for fishers and processors to work together.

Mr. Cooper said that he feels harvesters will stop coming to public meetings because no progress is being made.

Mr. Guidry said that it may be illegal to not have public meetings if you are a State entity and stated to Mr. Bourgeois that we need to further investigate this matter.

A motion was made by Acy Cooper to request that a NMFS enforcement representative, with permission from the Southeast Regional Director, be included on the draft Shrimp Task Force Bill. The motion was seconded by Pete Gerica. The motion carried unanimousl

A motion was made by Acy Cooper to remove language from the draft bill naming an SSA representative seat. The motion was seconded by Pete Gerica. The motion carried unanimously.

Mr. Guidry stated that he can't figure out how to become a certified fisherman and has tried several times. He doesn't understand the process.

Mr. Bourgeois mentioned that certification is tied to the Department of Revenue and state sales tax exemption but Mr. Guidry disagreed. Mr. Bourgeois acknowledged his mistake after reading aloud the statute which establishes new criteria for the meaning of a certified commercial fisherman.

A motion was made by Clint Guidry to substitute language in the draft bill requiring participants to be certified commercial fishermen. The motion was seconded by Ronnie Anderson. The motion carried unanimously.

Mr. Guidry explained that the new task force leaves out seats for the Attorney General's office, the Louisiana Recovery Authority, the Louisiana Workforce Commission, and the Department of Economic Development.

Mr. Bourgeois asked if the panel felt a need for other state agency or technical representatives to be included on the new task force.

Mr. Guidry asked who the task force should go to when they want to do something that requires legislation.

Mr. Gerica explained that first you go to a bill writer to be sure the bill is drafted properly and then you find a bill author or authors. He mentioned that more authors are better.

Mr. Anderson asked if the number of seats to reach a quorum should be lower.

Mr. Bourgeois asked the Panel to turn their attention to the Shrimp Packaging Notice of Intent. He said that it came out of the Shrimp Task Force and that LDWF was asked to move forward with rule making on shrimp packaging regulations. Definitions are provided for Gulf, Louisiana, Shrimp, and United States. He stated that the Notice of Intent is currently going through the process of being published in state register and goes out for public comment for 120 days. After this period all public comments received are summarized and forwarded to the the Chairman of the House and Senate Natural Resource Committees who either approve the rule or deny it. He explained that it can't be modified.

After much discussion concerning penalties associated with violations of the proposed shrimp packaging regulations, Lt. ColJeff Mayne explained that the class 2 violation named earlier is just a starting point that can scale up depending upon the size of the transaction. It could scale up to a class 6 violation or higher to a federal Lacey Act issue if warranted.

Mr. Bourgeois introduced Robin Reichers from Texas Parks and Wildlife Department who presented information on the Texas shrimp license buy-back program.

Mr. Reichers detailed Parks and Wildlife's license buy-back and limited entry program. The focus is on Inshore Shrimp License Management. Buy-back program is voluntary and the program is geared to reduce the number of commercial licenses sold, reduce fishing effort to earlier levels and minimize social and economic disruption. Program funding comes from license fee increases, federal disaster relief, a $3 increase in the recreational fishing license, and

donations from various organizations. The program's long time goal is to stabilize the fishery, increase profits to commercial fishermen and long term resource conservation.

Mr. Guidry asked when the program would accomplish its goal.

Mr. Reichers said that there is no specific goal other than to reach the correct capacity for the Texas shrimp industry.

Mr. Guidry asked about dockside issues.

Mr. Reichers said there is a provision to auction off licenses if an area is hurt and bait is limited.

Mr. Guidry said he appreciates the information but doesn't think it would work for Louisiana harvesters.

Mr. Reichers explained that there is less to offer for buying back licenses than previous years due to the economy.

Mr. Guidry asked about what happens to the boats.

Mr. Reichers said that the boats may be used for another kind of fishing, such as oyster, they may be sold to another fisherman, or they may be parted out. He then went on to explain that since the program started, catch per unit effort has increased three-fold.

Mr. Reichers explained the difference between bay and bait license. Bay license has gear restriction and are limited to certain catch amounts in fall and spring shrimp season. Bait license are for harvesting shrimp any time with a 200 pound daily limit.

Dr. Rex Caffey from the audience asked if anyone is forced to sell their licenses.

Mr. Reichers said that no one is forced to sell, the program is voluntary.

Timmy Truong asked if there was a way to get back in if you miss purchasing a license in a year.

Mr. Reichers said that yes, since you may come to the appeals board and present documentation.

Mr. Truong asked about those who carry Texas and Louisiana licenses, how many review cases are there?

Mr. Reichers said that in the first year there were a lot of review cases but now that number has trickled down.

Mr. Gerica asked if license holders must have trip tickets every year to retain their license.

Mr. Reichers replied that no, they just have to buy the license each year.

Mr. Guidry asked if the license is transferrable.

Mr. Reichers said that yes, it is.

Mr. Bourgeois asked the Panel for nominations to serve as an alternate representative to the Shrimp Task Force.

A motion was made by Acy Cooper to nominate Ronnie Anderson as the alternate harvester advisory panel representative to the Shrimp Task Force. The motion was seconded by Clint Guidry. The motion carried unanimously.

Mr. Anderson stated that he wants a freeze on licenses in order to lower the number of shrimpers.

Mr. Bourgeois asked about agenda items for the next meeting.

Members of the Panel suggested limited entry, experimental gear, the food science issue of tri poly, and the Thai settlement as agenda items for the next meeting.

Mr. Bourgeois asked the Panel to set a date for their next meeting.

The Panel indicated that they'd like to wait until a date is set for the next Shrimp Task Force meeting.

A motion to adjourn was made by Clint Guidry. The motion was seconded by Ronnie Anderson. The motion carried unanimously.