



Louisiana Oyster Task Force

**LOTF MEETING NOTICE**

**Tuesday, April 7, 2009**

**1:00 p.m.**

**UNO Advanced Technology Center**

**2021 Lakeshore Drive, Suite 300**

**New Orleans, La. 70122**

**Agenda**

- I. ROLL CALL
- II. APPROVAL of February 3, 2009 MINUTES
- III. Louisiana State Board of Ethics- (Michael Dupre)
- IV. Oyster development Account Balance
  - a. Oyster Tag Sales- (LSPMB Staff)
  - b. LOTF Financial Report-(LSPMB Staff)
- V. COMMITTEE REPORTS
  - Finance (Mike Voisin)
  - Health (David Guilbeau)
    - a. Update on March 24,2009 Health Committee Meeting Regarding DHH Logs and LDWF Trip Tickets – DHH and LDWF
    - b. Washington State Health Dept. Harvest Exemptions for V.p. Refrigeration Requirements-Possibility for Louisiana Health Dept. to do similar harvest refrigeration exemptions
    - c. Tag Changes
  - Enforcement (Keith Lacaze)
  - Public & Private Oyster Grounds Committee (Buddy Pausina)
    - a. Seed Ground Permit Appeal Board Appointments (John Tesvich)
    - b. Permit Fees (DWF)
    - c. Rule to require Biological surveys following permitted coastal activities(Jakov Jurisic)
  - Research (John Supan)
  - Legal (Buddy Pausina)
  - Legislative (Mike Voisin)
  - Coastal Restoration (Jerome Zeringue)
  - Oyster Resource Advisory Committee (Mike Voisin)
  - Marketing (Mike Voisin)
- VI. Old Business
  - A. LOTF Briefing Book Update (LSPMB)
  - B. Department of Health and Hospitals
    - a. March 2009 Oyster Relay Report – David Guilbeau and Patrick Banks
    - b. DHH report on 800 number oyster harvest area closure information (David Guilbeau)
    - c. Update on Sabine Lake (David Guilbeau)

- C. Department of Wildlife and Fisheries
  - a. Overview of cultch planting locations and details – Patrick Banks
  - b. Update on Seed Ground Vessel Permit Appeals Board – Patrick Banks
  - c. Update on Private Oyster Lease Rehabilitation (POLR) Program – Patrick Banks
  - d. Update on 2008 Act 808 & the Scheduled Special Committee Meeting – Karen Foote
  - e. Report on letter sent about Hurricane Disaster Funds
- D. Department of Natural Resources/Governor's Office of Coastal Affairs
  - a. Update on concrete mat permits- (Jerome Zeringue)
  - b. Current Davis Pond and Caernarvon Freshwater Diversions operation based on salinities (Jerome Zeringue)
  - c. Ostrica Locks update (Jerome Zeringue)
- VI. NEW BUSINESS
  - a. LOTF Travel & Expense Reimbursement Policy (Ewell Smith)
  - b. LSPMB Report on LOTF Budget and Work Summary (John Tesvich)
  - c. LSPMB Staff Responsibilities for LOTF including Task List and Follow-up (John Tesvich)
  - d. Law change to require oyster harvesters to be responsible for sending the DWF trip ticket information and have Dealers retain information for DWF verification (Al Sunseri)
  - e. Law change and rule change to allow oyster harvesters and dealers to apply for an exemption from *V.p.* 5 hour refrigeration requirement and *V.n.* Post-Harvest Processing requirement set by the ISSC in the NSSP if not implicated in *V.p.* or *V.v.* illness case in past 10 years. (Al Sunseri)
- VII. ADJOURN

Public & Private Grounds Management Plan Committee

Report of March 16, 2009 Meeting

Agenda Item A

Reconsider option of increasing fees for Gear & Harvesting Licenses.

Recommendation:

- 1- Check on the fees charged by Miss and Texas
- 2- Make our fees equal to those other states.

Agenda Item B

Impact of Freshwater Diversions on Leased Areas.

Recommendation:

- 1- Replace near Diversion Leases with other acreage.
- 2- OTF draft letter to DWF requesting this procedure. Correspondence to include maps or description of areas to use for this exchange.
- 3- Ask DWF to survey possible areas to determine bottom types.
- 4- Establish a pilot program to check feasibility of this concept.

Agenda Item C

Propose new rules requiring Biological Survey on Private grounds.

Recommendation:

- 1- If permitted work does not begin within six (6) from date leaseholder grants biologist permission to do lease survey, a new bio survey should be required.
- 2- Each leaseholder should request that the Biologist include a hold harmless clause in there request for permission.
- 3- Each leaseholder should be entitled to a fee for granting permission for the biological study. This fee is to be deducted from any settlement.
- 4- Have an est project time frame included in permission request or in any offers make with respect to a project. This ls to include an est start and an end date.
- 5- Have OTF develop a standard form for these purposes where DWF's responsibility cannot address.

## Agenda Item D

Designate certain areas of the Public Seed Grounds FOR bedding only

Recommendation:

- 1- No recommendation

This was addressed with the bill setting opening and closing seasons.

DWF always has the responsibility and authority to adjust open and closed areas

- and also types of use as a conservation measure.

## Agenda Item E

Address Non-Renewal policy of leases within public areas and also Management areas

Recommendation: Public areas

Committee requested a copy of letter from DWF responding to OTF request for the policy to be rescinded. The response sites the need for continuing the policy as a need for Sound Business Practices for Conservation of Fish & Wildlife Resources.

The response goes on to suggest that the Dept is open to discussion of its rational.

- 1- Rescind this policy
- 2- Exchange non renewing lease for other acreage
- 3- Look at original shoreline configuration and any Red Line adjustments. This type of lease (part of lease boundary borders a prior or present shoreline) should not fall within the non-renewal policy.
- 4- If lease predated the Red Line it should be grandfathered.
- 5- ID the exact original Red Line and its present configuration.
- 6- If the policy is rescinded or adjusted those leases already non renewed should be reinstated or substituted with other acreage.
- 7- Temporary hold on policy until we resolve the issue

Recommendation: Management Areas

- 1- Question – Does the state own the oysters?  
Answer – from DWF, oysters growing naturally on private-owned water bottoms are public.
- 2- Obtain a copy of a Management Area Lease for information purposes.  
We obtained a copy of Biloxi Management Area Lease.
- 3- Have DWF issue One Year Leases in these questionable areas until we have an opportunity to get proper advise on a course of action.
- 4- Request aid from Sea Grant Legal.
- 5- If the issue is resolved, have any non-renewed leases reinstated as to the resolution.
- 6- Obtain a copy of the map/chart of water bottom ownership claims for OTF information.



#### Agenda Item F

Add LAT/LONG grid to DHH and DWF zone maps

Recommendation:

- 1- Ask DWF to overlay LAT/LONG grid on its zone charts
- 2- Ask DHH to overlay LAT/LONG grid on its zone charts
- 3- Ask DWF to work with the State of Mississippi to physically mark the boundary between the States.

#### Agenda Item G

Look at Bedding Only part of present management plan to help enforcement.

(Season opening and Closing Policy/Laws)

Recommendation:

- 1- No sacks/containers on board vessel during Bedding Only portion of opening.
- 2- All oysters on board vessel in SG during Bedding Only Portion should be determined to have been taken from SG.
- 3- A vessel bedding should not have a record of a sale on that same day.

**Oyster Tag Sales By Type**  
**07/01/08 - 02/28/09**

Generic	314,600
Shucking	500
Computer	245,000
Post Harvest (Blue)	102,500
Personalized Regular	740,000
Personalized Green	40,000
Personalized Post Harvest(Blue)	140,000
Yellow	10,000
For Cooking Only	31,500
Personalized For Cooking Only	180,000
<b>Total</b>	<b>1,489,500</b>
	X
	<u>0.05</u>
	<u><u>74,475</u></u>

State Oyster RC 2005

7/1/2008 through 3/31/2009 (Accrual Basis)

Date	Description	Memo	Amount
<b>EXPENSES</b>			<b>-93,471.30</b>
	A (SALARIES) ***OBJ 2100-2150		-38,703.50
	C (RELATED BENEFITS) RC 2300 - 2410		-10,860.70
	D (TRAVEL) OBJ 2500 -2690		-18,127.01
	E (OPERATING SERVICES) OBJ 2700 - 3091		-10,762.74
	F (SUPPLIES) RC 3100- 3320		-3,090.73
	G (PROFESSIONAL SVCS.) RC 3400 - 3460		-10,520.00
	J (Accounting Use Only)		-862.95
	K (INTERAGENCY TRANSFERS)		-543.67
<b>OVERALL TOTAL</b>			<b>-93,471.30</b>

State Oyster RC 2005:

7/1/2008 through 3/31/2009 (Accrual Basis)

3/31/2009

Date	Description	Memo	Amount
	<b>EXPENSES</b>		<b>-93,471.30</b>
	<b>A (SALARIES) ***OBJ 2100-2150</b>		<b>-38,703.50</b>
	***2100*** CLASSIFIED SALARIES		-1,187.84
7/1/2008	CLASSIFIED EMPLOYEE SALARIES	YTD	-1,187.84
	***2130*** UNCLASSIFIED SALARIES		<b>-37,515.66</b>
7/1/2008	UNCLASSIFIED EMPLOYEE SALARIES	YTD	-37,515.66
	<b>C (RELATED BENEFITS) RC 2300 - 2410</b>		<b>-10,860.70</b>
	Other C (RELATED BENEFITS) RC 2300 - 2410		-10,860.70
7/1/2008	RELATED BENEFITS	YTD	-10,860.70
	<b>D (TRAVEL) OBJ 2500 -2690</b>		<b>-18,127.01</b>
	***2610*** OUT OF STATE		-3,182.49
2/28/2009	BANK OF AMERICA	Airline Tickets 2009 LA Alive (Chefs)	-3,182.49
	***2630*** BOARD MEMBERS		<b>-14,944.52</b>
7/1/2008	TRAVEL CARRY-OVER FROM PREVIOUS ...	YTD Carry-over	-5,520.37
8/30/2008	BANK OF AMERICA	NFI Conference Registration - Mike Voisin	-775.00
9/30/2008	BANK OF AMERICA	Airline Ticket - Mike Voisin - Washington, DC	-611.99
10/15/2008	AL SUNSERI	2008 ISSC Conference, Olive Branch, MS	-298.48
10/15/2008	WILBERT COLLINS	2008 ISSC Conference, Olive Branch, MS	-823.96
10/15/2008	MIKE VOISIN	NFI Annual Meeting - Las Vegas, NV	-1,638.00
1/30/2009	BANK OF AMERICA	Airline Tickets (Mike & Wilbert, 2009 LA Alive)	-1,053.00
2/28/2009	BANK OF AMERICA	Flight for Mike Voisin	-314.22
2/28/2009	MIKE VOISIN	2009 LA Alive Travel Expenses - Washington, DC	-1,952.70
2/28/2009	AL SUNSERI	2009 LA Alive Travel Expenses - Washington, DC	-1,806.80
3/31/2009	BANK OF AMERICA	Airline Ticket Adjustment -Mike Voisin - 2009 LA Alive	-150.00
	<b>E (OPERATING SERVICES) OBJ 2700 - 3091</b>		<b>-10,762.74</b>
	***2710*** PRINTING		-414.80
2/28/2009	BANK OF AMERICA	Victoria (Banners for 2009 LA Alive)	-414.80
	***2870*** OTHER RENTALS		<b>-7,500.00</b>
8/14/2008	LA ALIVE	2009 LOUISIANA ALIVE BOOTH SPACE RENTAL	-7,500.00
	***2900*** POSTAGE, MAIL, DELIVERY		<b>-224.42</b>
2/28/2009	BANK OF AMERICA	Victoria (FEDEX Shipping/2009 LA Alive-Washington, DC)	-224.42
	***3000*** OTHER OPERATING SERVICES		<b>-2,623.52</b>
12/31/2008	EWELL SMITH	2008 Oyster Education Day	-2,623.52
	<b>F (SUPPLIES) RC 3100- 3320</b>		<b>-3,090.73</b>
	***3100*** OFFICE SUPPLIES		-65.11
2/28/2009	BANK OF AMERICA	Ashley (Supplies for LA Alive)	-65.11
	***3160*** FOOD		<b>-2,905.42</b>



State Oyster RC 2005:

7/1/2008 through 3/31/2009 (Accrual Basis)

3/31/2009

Date	Description	Memo	Amount
8/14/2008	ZEA 1 LLC DBA ZEA CAFE	2008 LA ALIVE, WASHINGTON, DC, CONCESSIONS & CATERI...	-1,990.67
2/28/2009	GALATOIRE'S RESTAURANT INC	2009 LA Alive/Oyster Rockefeller/Thursday Event	-914.75
***3220***	PROMOTIONAL ITEMS		-120.20
2/28/2009	BANK OF AMERICA	Victoria (Oyster Pearl Beads/2009 LA Alive)	-120.20
G (PROFESSIONAL SVCS.) RC 3400 - 3460			-10,520.00
***3430***	LEGAL		-5,000.00
10/31/2008	REDMON, PEYTON & BRASWELL		-5,000.00
***3460***	OTHER		-5,520.00
8/14/2008	DR. THOMAS SONIAT	SUMMER 2008 DERMO STUDY	-1,975.00
9/30/2008	TORRES REPORTING & ASSOCIATES, INC. Transcribe OTF Meeting 07/28/08		-545.00
2/28/2009	CHESAPEAKE GROUP LLC	Professional Services	-3,000.00
J (Accounting Use Only)			-862.95
***3750	Accounting Use Only		-862.95
1/30/2009	RAWBAR INC DBA ACME OYSTER HOUSE 2008 Oyster Education Day Catering		-862.95
K (INTERAGENCY TRANSFERS)			-543.67
***4980***	IAT INSURANCE		-543.67
12/30/2008	Inter-agency Transfers	YTD	-543.67

OVERALL TOTAL -93,471.30

**SEAFOOD PROMOTION AND MARKETING BOARD**  
**STATUTORY DEDICATION FUND CASH STATUS**  
**FISCAL YEAR 2008-2009**  
**AS OF MARCH 9, 2009**

	(W02) SPMF	(W18) OYSTER DEVELOPMENT	(W22) SHRIMP MKT	(W33) CRAB PROMOTION	(W31) SHRIMP TRADE	(W09) ALLIGATOR
Beginning Fund Balance	160,199.09	59,378.69	226,336.73	47,146.00	397,422.50	50,000.00
Add: Revenue to date	245,639.00	86,274.00	40,899.00	14,015.00	5,503.00	
Less: Expenditure/encumbrances to date	231,664.72	137,964.07	85,012.61	662.10	0.00	11,730.74
Less: Budget Cut	17,113.00	9,185.00	9,256.00	250.00	13,400.00	2,500.00
Less: 511 OMF Portion of Seafood Promotion Fund	25,716.00					
Current Cash balance	131,344.37	1,496.38	172,967.12	60,248.90	389,525.50	35,769.26

**SEAFOOD PROMOTION AND MARKETING BOARD  
FINANCIAL REPORT OYSTER DEVELOPMENT ACCOUNT  
FISCAL YEAR 2008-2009  
AS OF MARCH 9, 2009**

Reporting Category - 2005	BUDGET	EXPENDED	ENCUMBERED	PRE ENCUMBERED	REMAINING BALANCE
<b>EXPENDITURE CATEGORIES:</b>					
Salaries	43,215.00	38,703.50			4,511.50
Other Compensation					-
Related Benefits	13,028.00	10,860.70			2,167.30
Travel	18,721.00	18,099.78			621.22
Operating Services	39,559.00	10,762.74	3,020.00		25,776.26
Supplies	11,308.00	3,038.93	914.75		7,354.32
Professional Services	40,347.00	10,520.00	3,000.00	33,500.00	(6,673.00)
Other Charges			5,000.00		(5,000.00)
Acquisitions	152.00				152.00
Interagency Transfers	6,840.00	543.67			6,296.33
<b>Total</b>	<b>173,170.00</b>	<b>92,529.32</b>	<b>11,934.75</b>	<b>33,500.00</b>	<b>35,205.93</b>
<b>Fund Balance Available</b>					<b>(1,496.38)</b>

Regular Session, 2009

HOUSE BILL NO.

BY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/OYSTERS: Provides relative to the membership of the Louisiana Oyster Task Force

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AN ACT

To amend and reenact R.S. 56:421(B)(introductory paragraph) and (D), and to enact R.S. 56:421(B)(13), relative to the Oyster Task Force; to increase the membership; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:421(B)(introductory paragraph) and (D) are hereby amended and reenacted and R.S. 56:421(B)(13) is hereby enacted to read as follows:

SUBPART D. OYSTERS AND OYSTER INDUSTRIES

§421. Oyster Task Force

\* \* \*

B. The task force shall be ~~composed of eighteen members to be~~ appointed as follows:

\* \* \*

(13) One member appointed by the Louisiana Oystermen Association representing Plaquemines Parish east of the Mississippi River.

\* \* \*

D. The task force shall adopt bylaws under which it shall operate, and ~~seven~~ eight members of the task force shall constitute a quorum sufficient to conduct meetings and business of the task force. The task force shall elect a chairman from its membership and may seek and receive assistance from universities within the



1 state in the development of methods to increase production and marketability of  
2 molluscan shellfish. The members of the task force shall serve without  
3 compensation; however, the task force may receive the same reimbursement of travel  
4 expenses for attending the meetings as is allowed for other state employees' travel.

5 \* \* \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB No.

**Abstract:** Adds one member to the Oyster Task Force.

Present law creates the Oyster Task Force consisting of 18 members appointed by certain entities and specifies their responsibilities. Provides that seven members constitute a quorum to conduct meetings and business of the task force.

Proposed law retains present law and adds one member appointed by the Louisiana Oystermen Association representing Plaquemines Parish east of the Mississippi River. Increases from seven to eight the number of members required to constitute a quorum to conduct meetings and business of the task force.

(Amends R.S. 56:421(B)(introductory paragraph) and (D); Adds R.S. 56:421(B)(13))

Regular Session, 2009

HOUSE BILL NO.

BY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/OYSTERS: To require the Louisiana Wildlife and Fisheries Commission to consult with the Louisiana Oyster Task Force prior to closing oyster harvest from the public seed grounds

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AN ACT

2

To amend and reenact R.S. 56:433(E), relative to taking oysters from the natural reefs; to

3

require the Wildlife and Fisheries Commission to consult with the Louisiana Oyster

4

Task Force when closing all or a portion of the natural reefs to harvest; and to

5

provide for related matters.

6

Be it enacted by the Legislature of Louisiana:

7

Section 1. R.S. 56:433(E) is hereby amended and reenacted to read as follows:

8

§433. Culling oysters taken from natural reefs; size limits

9

\* \* \*

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E. The ~~department~~ commission, at one of its regular meetings, in the exercise

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of its duties to improve, enlarge, and protect the state-owned natural reefs of this

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state, and after affording industry, department personnel, and interested parties an

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opportunity to be heard, shall have the option, between January first and the last day

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of the season of each year, of closing any portion or all of the natural oyster reefs of

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this state to the harvest of oysters, ~~and/or~~ or of setting harvesting size limits on any

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portion or all of the natural oyster reefs of this state, as expected conditions warrant.

17

The ~~department~~ commission shall consult with the Louisiana Oyster Task Force prior

18

to closing any portion of the natural reefs and shall notify the oyster industry of its

19

determination by filing the information in the office of the secretary, and by notice

1           once weekly for two weeks prior to implementation, in the newspapers of general  
2           circulation in the coastal zone.

3   \*    \*    \*

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HB No.

**Abstract:** Requires the Wildlife and Fisheries Commission to consult with the Louisiana Oyster Task Force prior to closing any portion of the natural reefs.

Present law authorizes the Wildlife and Fisheries Commission to close all or any portion of the public seed grounds to the harvest of oysters or the setting of harvest size limits.

Proposed law requires the Wildlife and Fisheries Commission to consult with the Louisiana Oyster Task Force prior to closing any portion of the natural reefs.

(Amends R.S. 56:433(E))

Regular Session, 2009

HOUSE BILL NO.

BY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/COMMERCIAL: Allow purchase of commercial licenses with credit cards and  
business checks

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AN ACT

To amend and reenact R.S. 56:642 and to enact R.S. 56:642(C), relative to certain commercial licenses and permits issued by the Department of Wildlife and Fisheries; to provide for payment methods; to provide for rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:642(C) is hereby enacted to read as follows:

§642. Credit card or business check purchases

\* \* \*

C. The department shall adopt rules allowing the use of a credit card or business check to purchase commercial licenses or permits and for the purchase of oyster tags. The rules shall include the criteria the purchaser and the credit card or business check must meet in order to qualify for use.

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HB No.

**Abstract:** Allows for the purchase by credit card or business check of commercial licenses or permits and for purchase of oyster tags.



Present law authorizes the purchase of hunting, recreational fishing and recreational gear licenses, duck licenses, combination or universal licenses, and Wild Louisiana Stamps by use of a credit card. Provides that the department may make available a "900" number that any purchaser may call in order to purchase such licenses by credit card. Allows the department to impose an additional fee for the use of a credit card to purchase the licenses.

Proposed law retains present law and adds the purchase by credit card or business check of commercial licenses or permits and the purchase of oyster tags. Requires DWF to adopt rules, which are to include criteria that must be met to qualify for the use of a credit card or business check to purchase commercial licenses or permits.

(Amends R.S. 56:642; Adds R.S. 56:642(C))

Regular Session, 2009

HOUSE BILL NO.

BY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/OYSTERS: Provides relative to daily take limits for the harvest of oysters in Calcasieu Lake

1 AN ACT

2 To amend and reenact R.S. 56:435.1.1(D), relative to oyster harvest limits; to provide for a

3 daily harvest limit in Calcasieu Lake; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 56:435.1.1(D) is hereby amended to read as follows:

6 §435.1.1. Oyster harvest in Calcasieu Lake

7 \* \* \*

8 D. Harvest limits shall be set by the commission not to exceed twenty-five

9 sacks of oysters per day per licensed ~~vessel~~ harvester after consideration of

10 recommendations by the Louisiana Oyster Task Force. In addition, recreational

11 fishermen may harvest oysters as provided in R.S. 56:424(C).

12 \* \* \*

13 Section 2. This Act shall become effective upon signature by the governor or, if not

14 signed by the governor, upon expiration of the time for bills to become law without signature

15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

16 vetoed by the governor and subsequently approved by the legislature, this Act shall become

17 effective on the day following such approval.

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HB No.

**Abstract:** Provides for a daily harvest limit for oysters taken from Calcasieu Lake.

Present law provides relative to oyster harvest from Calcasieu Lake. Authorizes the Wildlife and Fisheries Commission to set harvest limits not to exceed 25 sacks of oysters per day per licensed vessel.

Proposed law would make the daily harvest limit of 25 sacks applicable to an individual harvester rather than to a vessel.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 56:435.1.1(D))

Agenda Item A

Check fees in other states –

Miss – Dredging and Captain License	\$1,110.00
Tonging License	\$1,110.00
Additional Captain License	\$100.00
Texas – Boat License	\$1,680.00
Captain License	\$120.00
LA – Commercial fisherman License	\$460.00
Harvester License	\$400.00
Vessel License	\$60.00
Gear License	\$25.00 each
Total	\$970.00

Motion A-2

Make LA non resident fees the same as Miss and Texas.



**Agenda Item B**

**Motion B-1**

Recommend that DWF replace leases adversely affected by any Fresh Water Diversion with equal acreage in a designated area. Also to advise OTF of any action required to accomplish this replacement.

**Motion B-2**

Ask DWF to survey possible areas to use for lease replacement by bottom type and historic productivity.

**Motion B-3**

Ask DWF to develop a pilot program to study the feasibility of this replacement concept.

## Agenda Item C

### Motion C-1

Request DWF to adopt policy to require a new biological survey to be made if permitted project does not begin within six (6) months from date leaseholder granted biologist permission to do the original lease survey.

### Motion C-2

OTF should notify all leaseholders to include a HOLD HARMLESS clause in any permission granted to biologist for biological surveys.

### Motion C-3

OTF should notify all leaseholders to require a fee to be paid at the granting of the biological survey permission. This fee is to be deducted from any settlement. OTF should determine a fair fee.

### Motion C-4

OTF should notify all leaseholders to have company include an estimated project start date and an estimated project end date in the permission for a biological survey and/or in any offers made with respect to a project

### Motion C-5

OTF should develop a standard form for the purposes of motions 2, 3, and 4.

Agenda Item E

Motion E-1

Request DWF to rescind the non renewal policy in public seed grounds

Motion E-2

Request DWF to develop program to exchange non-renewing leases for other acreage.

Pilot Program discussed in motion B-3

Motion E-4

Ask DWF to grandfather any lease within the red line area which pre-dated the establishment of the formal public seed ground designation.

Motion E-6

Ask DWF to reinstate or substitute with other acreage any lease that has not been renewed under the non-renewal policy if the policy is rescinded or a substitute policy is put in place.

Motion E-7

Ask DWF to put a temporary hold on the non renewal policy until the issue is resolved.

Motion E-5

Ask DWF to develop a chart showing the red line as originally adopted and its present configuration for the OTF.

## Agenda Item E

### Motion Management E-1

Request aid from Sea Grant Legal as to whether or not Biloxi Marsh Lands Corporation has

- A- A legal right to harvest oysters from leased areas.
- B- A legal right to lease water bottom
- C- A legal right to allow anyone to harvest oysters on the leased lands.

### Motion Management E-2

Request DWF to renew expiring leases in the Biloxi Management Area using one(1) year leases until the OTF has ample time to get proper legal advise on a course of action.

### Motion Management E-3

Request to the DWF. If the issue is resolved, have any non-renewed leases reinstated as the conditions of the resolution dictate.

**Agenda Item F**

**Motion F-1**

**Request DWF to overlay LAT/LONG grid on its zone charts**

**Motion F-2**

**Request DHH to overlay LAT/LONG grid on its zone charts**

**Motion F-3**

**Request DWF Enforcement to provide OTF and any properly licensed harvester a copy of their LA/MISS boundary line.**



## Agenda Item G

### Motion G-1

Request DWF and OTF work together to develop laws and/or rules which will preclude any vessel operating on the public seed grounds during the portion of open season for bedding only not to have sacks or containers which can contain oysters on board the vessel.

### Motion G-2

Request DWF and OTF work together to develop laws and/or rules to make a determination that any oysters on board a vessel within a Public Seed Ground during Bedding Only Portion of the Open Season shall be determined to have been taken from the Public Seed Ground.

### Motion G-3

Request DWF and OTF work together to develop laws and/or rules to establish language to the affect that a vessel that in harvesting oysters during the Bedding Only Portion of the Open Season on a Public Seed Ground shall not have a record of a sale on that same day.

AMENDATORY SECTION (Amending WSR 08-11-051, filed 5/15/08, effective 5/19/08)

**WAC 246-282-006 Washington state *Vibrio parahaemolyticus* control plan.** (1) The Washington state *Vibrio parahaemolyticus* control plan, also known as the control plan, establishes harvest, temperature control, and ((transport)) transportation requirements for oysters intended for raw consumption during the months of May through September. This section does not apply to shucked oyster meats labeled "for cooking only." The requirements of this section are in addition to Chapter VIII of the ((2005)) 2007 National Shellfish Sanitation Program Model Ordinance (NSSP), Requirements for Harvesters, .03 Shellfish Temperature, Control Option 2; and consists of:

- (a) Time((-)) of harvest to((-)) temperature control((s)) based on the growing area and month of the year;
- (b) Harvest record requirements;
- (c) *Vibrio* illness response requirements;
- (d) Training requirements; and
- (e) Hazard Analysis Critical Control Point (HACCP) plan and harvest checklist requirements.

(2) All Puget Sound growing areas, including the Strait of Juan de Fuca, are subject to the requirements of this section. Growing areas in Grays Harbor and Willapa Bay where oysters have been epidemiologically associated (((linked))) as the source of any *Vibrio parahaemolyticus*((-associated)) illness are also subject to the requirements of this section.

(3) The department may grant an annual exemption to the control plan for Puget Sound growing areas, including the Strait of Juan de Fuca, where there has been no epidemiologically associated (((linked))) *Vibrio parahaemolyticus*((-associated)) illness ((if the licensed harvester or dealer can demonstrate safe and effective harvest and transportation methods, as developed in a written agreement)) after review and approval of a written exemption request.

- (a) The written exemption request must include the following



information:

- (i) Name of the growing area;
  - (ii) Description of the harvesting methods;
  - (iii) Description of the temperature control methods; and
  - (iv) Description of the transportation methods.
- (b) The department shall review the exemption request within five business days of submittal.
- (c) If approved, the licensed harvester or dealer shall comply with the department-approved exemption.
- (d) The department-approved exemption expires October 1 of the calendar year for which it is approved. If the growing area is

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epidemiologically associated as the source of a *Vibrio parahaemolyticus* illness at any time after approval of the exemption, the department shall issue an order revoking the exemption.

(4) Time((-) of harvest to((-) temperature controls are:

**Table 1**

**Puget Sound Growing Areas**

**(including the Strait of Juan de Fuca):**

**Months of Control**

**Time((-) of harvest to((-)**

**Temperature Control**

May Twelve hours

June and September Five hours

July and August Four hours

**Table 2**

**Coastal Growing Areas:**

**Months of Control**

**Time((-) of harvest to((-)**

**Temperature Control**

**July and August Ten hours**

(5) Licensed dealers and harvesters shall maintain harvest records showing the time of harvest ((to assure compliance with the control plan)) and the time oysters are placed under temperature

control to demonstrate compliance with the control plan. If ownership of oysters is transferred prior to the time that time of harvest to temperature control requirements must be met, the licensed dealer or harvester shall include in the harvest record date, time, and person or entity to whom the oysters were transferred. If the new owner is a licensed dealer, the dealer shall meet the time of harvest to temperature control requirements established in this section. The harvest times begin as follows:

(a) Intertidal (exposed) time of harvest((- Time must))

begins after the first oysters to be harvested are exposed to the air by the receding tide.

(b) Submerged time of harvest((- Time must)) begins after the first oysters harvested are exposed to the air and have been placed onto a conveyance, such as a barge or boat. Submerged harvest includes dredge harvesting or retrieval of harvest tubs, bags, baskets, or other containers of oysters previously filled which have been under water for a minimum of one hour for coastal areas and four hours for Puget Sound growing areas.

(c) Temperature control is achieved when harvested oysters are placed in a controlled environment with an ambient temperature of 45EF (7.2EC) or less.

(6) ((In the event of two sporadic *Vibrio parahaemolyticus* associated illnesses within thirty days where oysters from a single growing area are epidemiologically associated (linked) as the source, all licensed harvesters and dealers in the implicated growing area shall reduce the time-to-temperature control by one hour. The implicated growing area shall remain under the reduced time-to-temperature control throughout the control months for that

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area as defined in Table 1 or 2 of subsection (4) of this section.

(7) In the event of two additional sporadic *Vibrio parahaemolyticus*-associated illnesses within thirty days under the one hour reduced time-to-temperature control where oysters from a single growing area are epidemiologically associated (linked) as the source, the growing area shall be closed to harvest and



shipment of oysters intended for raw consumption throughout the control months as defined in Table 1 or 2 of subsection (4) of this section. If the two additional *Vibrio parahaemolyticus*-associated illnesses are attributed to the same licensed harvester or dealer as the first two illnesses, the department shall conduct an investigation in accordance with the requirements as stated in the 2005 NSSP, Chapter II, Risk Assessment and Risk Management, to determine if the illnesses resulted from dealer practices or the growing area.

(8) An exemption to closure identified in subsection (7) of this section may be granted if the licensed harvester or dealer can demonstrate to the department, as developed in a written agreement, that an additional one hour reduction in time-to-temperature controls can be successfully implemented. If approved, the licensed harvester or dealer shall remain under the reduced timeto-temperature control throughout the control months for that area as defined in Table 1 or 2 of subsection (4) of this section.

(9)) All licensed harvesters and dealers in a growing area shall reduce the time of harvest to temperature control as defined in Table 1 or 2 of subsection (4) of this section by one hour if oysters from the growing area:

- (a) Are epidemiologically associated as the probable source of two sporadic *Vibrio parahaemolyticus* illnesses; and
- (b) Were harvested within thirty days of each other.

(7) A growing area shall be closed to harvest and shipment of oysters intended for raw consumption throughout the remainder of the control months for the calendar year when the following conditions are met:

(a) Oysters from the growing area are epidemiologically associated as the probable source of two additional sporadic *Vibrio parahaemolyticus* illnesses;

(b) Oysters from the growing area were harvested in compliance with the reduced time of harvest to temperature control provisions of subsection (6) of this section; and

(c) Oysters from the growing area were harvested within thirty



days of the previous illnesses.

(8) If the two additional *Vibrio parahaemolyticus* illnesses specified in subsection (7) of this section are attributed to the same licensed harvester or dealer as the first two illnesses, the department shall conduct an investigation in accordance with the requirements as stated in the 2007 NSSP, Chapter II, Risk Assessment and Risk Management, to determine if the illnesses are the result of harvester or dealer practices or are linked to the growing area as the probable source. If the harvester or dealer practices are reasonably likely to have caused the illnesses:

(a) The harvester or dealer shall retake the training

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identified in subsection (12) of this section prior to renewal of their next year's license;

(b) The department may take disciplinary action against the harvester or dealer license; and

(c) The department will evaluate whether to associate the illnesses with the growing area.

(9)(a) The department may grant an exemption to closure identified in subsection (7) of this section if the licensed harvester or dealer can demonstrate in a written exemption request that an additional one hour reduction in the time of harvest to temperature control as identified in subsection (6) of this section can be successfully implemented. The written exemption request must include the following information:

(i) Name of the growing area;

(ii) Description of the harvesting methods;

(iii) Description of the temperature control methods; and

(iv) Description of the transportation methods.

(b) The department shall review the request within five business days of submittal.

(c) If approved, the licensed harvester or dealer shall comply with the requirements of the department-approved exemption throughout the remainder of the applicable control months for the particular growing area.



(10)(a) If the required time((-) of harvest to((-) temperature control period is not met, the licensed harvester or dealer shall either:

((a)) (i) Destroy the oysters; or

((b)) (ii) Remove all oysters from containers, disperse them within the original growing area, and allow a minimum of twentyfour hours for purging before reharvesting.

((10)) (b) If the required time of harvest to temperature control period is not met, the licensed harvester or dealer shall record the disposition of the oysters on the harvest record.

(11) In the event of a *Vibrio parahaemolyticus*((-associated)) illness outbreak where oysters from a ((particular)) growing area are epidemiologically associated (((linked))) as the source, the requirements as stated in the ((2005)) 2007 NSSP, Chapter II, Risk Assessment and Risk Management, shall apply.

((11)) (12) All licensed harvesters and dealers shall complete an initial department-approved training specific to the ((control plan)) requirements of this section prior to harvesting or shipping oysters intended for raw consumption during the months of May through September. All licensed harvesters and dealers shall complete department-approved refresher training following any revision of this section considered significant under RCW 34.05.328. Licensed harvesters and dealers who complete the training shall provide the training to those responsible for the on-site management of harvest activities for their operation, and document the training for responsible employees in their operational records.

((12)) (13) Following completion of the training required in subsection ((11)) (12) of this section((,)):

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(a) All licensed harvesters ((intending)) planning to harvest oysters intended for raw consumption from May through September shall develop a harvest plan ((and checklist)) that ((defines)) describes the harvest ((protocols)), temperature control, and transportation methods that ((will be employed to assure oysters

are placed under temperature control as defined in Table 1 or 2)) meet the requirements of subsections (4) ((of this section,)) and ((subsection)) (6) of this section. Licensed harvesters shall obtain department approval of the harvest plan prior to harvesting oysters for raw consumption.

(b) All licensed dealers (((other than harvesters))) planning to harvest oysters intended for raw consumption from May through September shall amend their Hazard Analysis Critical Control Point (HACCP) plans to define ((what)) the harvest ((protocols will be employed to assure oysters are placed under temperature control as defined in Table 1 or 2)), temperature control, and transportation methods that meet the requirements of subsections (4) ((of this section,)) and ((subsection)) (6) of this section. Licensed dealers shall obtain department approval of the amended HACCP plan prior to harvesting oysters for raw consumption. [ 5 ] OTS-2107.5 [ 5 ] OTS-2107.5



**PERSONAL FINANCIAL DISCLOSURE**  
**"TIER 2.1"**  
**LSA-R.S. 42:1124.2.1**

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This form applies only to:

- (1) Each member and designee of a board or commission (see definition below) with the authority to expend, disburse, or invest \$10,000 in a fiscal year.
  - (2) Civil Service Commission members
  - (3) Stadium and Exposition District commissioners
- 

**DUE ANNUALLY BY MAY 15<sup>TH</sup>**

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**INSTRUCTIONS**

Use as many pages of each section of the form as are required. Machine copies of the form's pages may be used. Complete all sections (if not applicable, so indicate). Please type or print. Use blue or black ink.

Please file the completed form with the Louisiana Board of Ethics by mail or facsimile at:

**P.O. Box 4368                              or                              (225) 381-7271**  
**Baton Rouge, LA 70821**

The report shall reflect income, amounts, and values for the activities with respect to employment, transactions, liabilities, etc. for the prior calendar year.

**If you hold more than one office that requires the filing of a financial disclosure statement, please note that only one financial disclosure report shall be filed by the filer. Such report shall be filed under the highest Tier (with Tier 1 being the highest, then Tier 2, then Tier 2.1 and Tier 3 being the lowest).**

For the purposes of this form, the following definitions apply:

- **"Board or commission"** shall mean:
  - Each board, commission, and like entity created by law or executive order that is made a part of the executive branch, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of state government.
  - Each board, commission, and like entity created by the constitution, by law, by a political subdivision, or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or local government.
- **"Board or commission"** shall NOT mean:
  - The governing authority of a parish
  - Any board or commission that governs a political subdivision created by a single parish governing authority of a parish with a population of 200,000 or less, or any subdistrict of such a political subdivision.
  - The governing authority of a municipality

INSTRUCTIONS (continued):

- Any board or commission that governs a political subdivision created by a single municipal governing authority of a municipality with a population of 25,000 or less, or any subdistrict of such a political subdivision.
- A board of directors of a private nonprofit corporation that is not created by law.
- “**Business**” means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.
- “**Income**” for a business means gross income less (i) costs of goods sold, and (ii) operating expenses.
- “**Income**” for an individual means taxable income and shall not include any income received pursuant to a life insurance policy.
- “**Public office**” means any state, parish, municipal, ward, district, or other office or position that is filled by election of the voters, except the president or vice president of the United States, presidential elector, delegate to the political party convention, US Senator, US congressman, or political party office.
- **LSA-R.S. 18:1505.2(L)(3)(a)** refers to (i) any person who holds a license or permit as a distributor of gaming devices, who holds a license or permit as a manufacturer of gaming devices, who holds a license or permit as a device service entity, and any person who owns a truck stop or a licensed pari-mutuel or off-track wagering facility which is a licensed device establishment, all pursuant to the Video Draw Poker Devices Control Law; (ii) any person who holds a license to conduct gaming activities on a riverboat, who holds a license or permit as a distributor or supplier of gaming devices or gaming equipment including slot machines, or who holds a license or permit as a manufacturer of gaming devices or gaming equipment including slot machines issued pursuant to the Louisiana Riverboat Economic Development and Gaming Control Act, and any person who owns a riverboat upon which gaming activities are licensed to be conducted, and (iii) any person who holds a license or entered into a contract for the conduct of casino gaming operations, who holds a license or permit as a distributor of gaming devices or gaming equipment including slot machines, or who holds a license or permit as a manufacturer of gaming devices or gaming equipment including slot machines issued pursuant to the Louisiana Economic Development and Gaming Corporation Act, and any person who owns a casino where such gaming operations are licensed.



**PERSONAL FINANCIAL DISCLOSURE**  
**"TIER 2.1"**  
**LSA-R.S. 42:1124.2.1**

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ORIGINAL REPORT

AMENDED REPORT

This Report Covers Calendar Year \_\_\_\_\_

Name of Board or Commission \_\_\_\_\_

Full Name of Filer: \_\_\_\_\_

Full Name of Spouse: \_\_\_\_\_

Mailing Address:

Street \_\_\_\_\_ Apt. # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Spouse's Occupation: \_\_\_\_\_

Spouse's Principal Business Address, if any:

Street \_\_\_\_\_ Suite # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

(A) I certify that I have filed my federal income tax return for the previous year.

(B) I certify that I have filed my state income tax return for the previous year.

or

(A) I certify that I have filed for an extension of my federal income tax return for the previous year.

(B) I certify that I have filed for an extension of my state income tax return for the previous year.

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I do hereby certify that neither I nor any member of my immediate family has a personal or financial interest in any entity, contract, or business, or a personal or financial relationship, that in any way poses a conflict of interest, which would affect the impartial performance of my duties.

OR

I have attached a statement describing each conflict and action I am taking to resolve or avoid this conflict.

**[CERTIFICATION OF ACCURACY ON FOLLOWING PAGE]**

**CERTIFICATION OF ACCURACY**

**I do hereby certify that the information contained in this personal financial disclosure form is true and correct to the best of my knowledge and belief.**

\_\_\_\_\_  
Signature of Filer

**SCHEDULE A**  
**EMPLOYMENT INFORMATION**

Please disclose the name of the employer, job title, a brief description of the job description for each full-time or part-time employment position held by the individual or spouse.

Filer  Spouse  Full-time  Part-time

Employer Name \_\_\_\_\_ Job Title \_\_\_\_\_

Job Description \_\_\_\_\_  
\_\_\_\_\_

Filer  Spouse  Full-time  Part-time

Employer Name \_\_\_\_\_ Job Title \_\_\_\_\_

Job Description \_\_\_\_\_  
\_\_\_\_\_

Filer  Spouse  Full-time  Part-time

Employer Name \_\_\_\_\_ Job Title \_\_\_\_\_

Job Description \_\_\_\_\_  
\_\_\_\_\_

Filer  Spouse  Full-time  Part-time

Employer Name \_\_\_\_\_ Job Title \_\_\_\_\_

Job Description \_\_\_\_\_  
\_\_\_\_\_

Filer  Spouse  Full-time  Part-time

Employer Name \_\_\_\_\_ Job Title \_\_\_\_\_

Job Description \_\_\_\_\_  
\_\_\_\_\_

Filer  Spouse  Full-time  Part-time

Employer Name \_\_\_\_\_ Job Title \_\_\_\_\_

Job Description \_\_\_\_\_  
\_\_\_\_\_

**SCHEDULE B**  
**INCOME FROM THE STATE, POLITICAL SUBDIVISIONS,**  
**AND/OR GAMING INTERESTS**

The name, address, type, and amount of each source of income received by you or your spouse, or by any business in which you or your spouse, either individually or collectively, owns an interest which exceeds ten percent of that business, which is received from any of the following:

- the state or any political subdivision as defined in Article VI of the Constitution of Louisiana;
- services performed for or in connection with a gaming interest as defined in R.S. 18:1505.2L(3)(a).

**Note: For this page ONLY, the "amount of income" must be reported as an exact dollar figure.**

Filer  Spouse  Business Amount of Income \$ \_\_\_\_\_

Name of Business, if applicable \_\_\_\_\_

Name of Source of Income \_\_\_\_\_

Type of Income:       State    Political Subdivision    Gaming Interest

Address \_\_\_\_\_

Street

Suite #

City

State

Zip Code

Filer  Spouse  Business Amount of Income \$ \_\_\_\_\_

Name of Business, if applicable \_\_\_\_\_

Name of Source of Income \_\_\_\_\_

Type of Income:       State    Political Subdivision    Gaming Interest

Address \_\_\_\_\_

Street

Suite #

City

State

Zip Code

Filer  Spouse  Business Amount of Income \$ \_\_\_\_\_

Name of Business, if applicable \_\_\_\_\_

Name of Source of Income \_\_\_\_\_

Type of Income:       State    Political Subdivision    Gaming Interest

Address \_\_\_\_\_

Street

Suite #

City

State

Zip Code

**SCHEDULE C**  
**POSITIONS - BUSINESS**

The name, address, brief description, nature of association, and the amount of interest in each business in which you or your spouse is a director, officer, owner, partner, member, or trustee, AND in which you or your spouse, either individually or collectively, owns an interest which exceeds ten percent of that business. **Note: For this page ONLY, the "amount of interest" must be reported as a percentage figure.**

Filer  Spouse Amount of Interest \_\_\_\_\_ %

Name of Business \_\_\_\_\_

Address \_\_\_\_\_

Street

Suite #

City

State

Zip Code

Business Description \_\_\_\_\_

Nature of Association \_\_\_\_\_

Filer  Spouse Amount of Interest \_\_\_\_\_ %

Name of Business \_\_\_\_\_

Address \_\_\_\_\_

Street

Suite #

City

State

Zip Code

Business Description \_\_\_\_\_

Nature of Association \_\_\_\_\_

Filer  Spouse Amount of Interest \_\_\_\_\_ %

Name of Business \_\_\_\_\_

Address \_\_\_\_\_

Street

Suite #

City

State

Zip Code

Business Description \_\_\_\_\_

Nature of Association \_\_\_\_\_



**SCHEDULE D**  
**POSITIONS - NONPROFIT**

The name, address, brief description of, and nature of association with a nonprofit organization in which you or your spouse is a director or officer.

Filer  Spouse

Name of Organization \_\_\_\_\_

Nature of Association \_\_\_\_\_

Address \_\_\_\_\_

Street

Suite #

City

State

Zip Code

Organization Description \_\_\_\_\_

Filer  Spouse

Name of Organization \_\_\_\_\_

Nature of Association \_\_\_\_\_

Address \_\_\_\_\_

Street

Suite #

City

State

Zip Code

Organization Description \_\_\_\_\_

Filer  Spouse

Name of Organization \_\_\_\_\_

Nature of Association \_\_\_\_\_

Address \_\_\_\_\_

Street

Suite #

City

State

Zip Code

Organization Description \_\_\_\_\_

**SCHEDULE E  
OTHER OFFICES/POSITIONS**

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Please set forth below any and all other office/positions held which would trigger a filing under Section 1124.3 (Tier 3) of the Code of Governmental Ethics.

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**NAME OF POSITION OR OFFICE HELD:**

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