**Oyster Task Force Meeting**

**Tuesday, March 9, 2021, 1:00pm**

**Buras Auditorium**

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

**I.** Pledge of Allegiance

**II.** Roll Call and Introduction of Guests

**Voting Members Present:**

Shane Bagala

Dan Coulon

Jakov Jurisic

Mitch Jurisich

Brad Robin

Brandt Lafrance

John Tesvich

Sam Slavich

Peter Vujnovich

Willie Daisy

**Voting Members Absent:**

Byron Encalade

Tracy Collins

Al Sunseri

**Non-Voting Members Present:**

Carolina Bourque

Justin Gremillion

Brett Neighbors in for Bryan Marie

Harry Vorhoff

Brian Lezina

**Non-Voting Members Absent:**

Karl Morgan

**III.** Peter Vujnonvichmotioned to approve the December 2, 2020 meeting minutes, 2nd by Shane Bagala. Motion carries.

Jakov Jurisic motioned to add an item to the agenda, item H. Discuss the draft Economic Impact Statement 2nd by Brad Robin. Motion carries.

Jakov Jurisic motioned to add an item to the agenda, item I. To consider Funding for the Development of an Oyster Industry Website, 2nd by Peter Vujnovich. Motion carries

Peter Vujnovich motioned to approve the March 9, 2021 meeting agenda as amended, 2nd by Dan Coulon. Motion carries.

The task force took a moment of silence in remembrance of Buddy Daisy, Stanley Pausina, and Gordon Leblanc

**IV.** Treasury Report

Remaining Fund Balance- $476,263

Remaining Budget Balance- $111,359

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:

JANUARY 7-MARCH 5

Region 4

NO REPORT

Region 5

Cameron

1- Possession of less than 10% untagged or improperly tagged oysters

2-take oysters from unapproved area Code

1-no vessel license Code

1-possession of untagged oysters more than 10%

FEDERAL INDITEMENT

12 SUBJECTS FOR VIOLATING LACY ACT

1 BUSINESS FOR VIOLATING LACY ACT

The violations that LDWF agents and USFWS agents found include falsifying records, over the limit of oysters, violating oyster tagging requirements, failing to report oysters as required, harvesting oysters during illegal hours, failing to refrigerate oysters within the required time, failing to possess a Calcasieu Lake Harvest Permit, harvesting oysters in a closed area.

Calcasieu

NO REPORT

Vermillion

Region 6

Terrebonne

4- unlawfully take oysters off a private lease

4 – fail to have written permission

5 – take oysters from an unapproved area (polluted)

1 – violate sanitary code (logbook)

1 – failure to complete trip tickets business (oyster related)

1 – failure to complete trip tickets fisherman (oyster related)

Agents executed two warrants on oyster fishermen; warrants were for failure to appear on charges of taking oysters from an unapproved area and unlawfully take oysters off a private lease

Seizures 33 sacks of oysters

Lafourche

NO REPORT

Region 8

St Bernard

1-Unlawfully take oysters off private lease.

1-Fail to have written permission.

1-Take oysters from unapproved area (polluted)

1. Violate sanatorium code (no tarp)

1– Fail to land oysters in La or violate VMS regs.

1– Take comm fish w/o a comm gear lic (scraper)

1 - Fail to display proper numbers on vessel for plane.

Seizures 188 sacks of oysters seized.

Plaquemines

NO REPORT

Jakov Jurisic suggested that for the next report to have take oysters on private lease indicate what area the citation was given, what area more specificity

1. Legislative Report: no report; next legislative session is fast approaching, can call a legislative meeting if needed
2. Legal Committee Report: no report; Jakov Jurisic stated that he spoke to Joe Piacun this morning and has confirmed that everything that has been requested has been submitted to LDWF. LDWF sent an update to OTF on December 10, 2020, LDWF legal staff is ready to work with Mr. Piacun, should contact Duncan Kemp to further the discussion

The task force asked that this issue be resolved by the next meeting

1. Research Committee: no report
2. Coastal Restoration Report: no report
3. Marketing Committee Report: The marketing committee met this morning with Beuerman Miller Fitzgerald and came up with the following recommendations:
* Add task force mission statement to all agendas email chains

John Tesvich moved to accept the committee recommendation to come up with a mission statement and add it to all agendas, email chains and associated OTF materials, 2nd by Peter Vujnovich. Motion carries.

* Develop a website and social media accounts

John Tesvich motioned to approve setting up and oyster industry website and social media accounts, 2nd by Peter Vujnovich. Motion carries.

* Develop a working group to form public comment on draft Mid-Barataria Sediment Diversion EIS

Dan Coulon motioned to approve forming a working group to draft public comment on the draft Mid-Barataria Sediment Diversion EIS, 2nd by Jakov Jurisic. Motion carries.

Sandy Nguyen stated that she would like to piggy back on what the OTF is doing

* Discussed plans to set up a press conference to get message out to the press/public and try to make it a formal conference to bring issues to the press and hope to get a great response, hope to do this in the near future
* Discussed the possibility of planning another Seafood Summit
1. Health Report: no report

Willie Daisy stated that the line maps being put out on app are out of date, still old lines from last month, app needs to be updated on time, Justin Gremillion stated that he will get with LDWF to see what’s going on with updating the app

1. Aquaculture Report: no report; Dr. John Zach Lea provided the task force with information on the Shellivator, patented submersible pontoon boat for oyster production, currently testing out operations
2. Joint Task Force Working Group- no report

**VI.** New Business

1. Thomas Hymel provided a presentation and video on the remote setting oyster larvae

Learn how easy it is to remote set your own oyster larvae, La Sea Grant/LDWF Hatchery staff will host an online demonstration to walk you through the process, answer questions, and provide more information on the hatchery, ordering seed and larvae, and cage culture. ONLINE VIA ZOOM April 29, 2021 2:00 – 3:00 PM

1. Mitch Jurisich led discussion on outside involvement pertaining to the oyster lease acquisition and compensation program changes and the development of the oyster management and rehabilitation strategic plan

Mitch Jurisich stated that is was brought to his attention early on, several months back when certain agencies expressed interest in being a part of the non-renewal of unproductive oyster leases due to a project that was being done by Ducks Unlimited. Duck Unlimited has denied having any affiliation with it in the beginning, but apparently what was started held a lot of clout in the planning for the OLACP and the Oyster Strategic Plan regarding non-renewal of unproductive leases. When the situation was looked into further in 2020 there was a piece of legislation drafted but never gained ground. Feel as though CPRA had some involvement with this legislation not moving forward. Since the legislation did not go through the oyster industry was not aware until the general public was notified and it was being implemented into the OLACP and the Oyster Strategic Plan

Brian Lezina stated that it’s clear that with the OLACP and the Oyster Strategic Plan there was an overlap in timing on this but not overlapping in intent. As far as what Ducks Unlimited may or may not have done, if the legislation would have gone through this would not look like this, things are constantly being revised at CPRA to try and make it a better product before someone tells us what that better product is. The OLACP program has been in place for a very long time and needed a look to see if it was still performing and functioning on behalf of the State of Louisiana and the oyster industry. Proof of past production is not included in the OLACP

Captain Lambert had a Duck’s Unlimited funded project $60K on $200K budget issue with that, hired an attorney and submitted a bill, CPRA did not agree with the bill and instead conducted a study

Brad Robin stated that he doesn’t understand why the language is needed if LDWF and CPRA already has the authority to take the leases away anyway

John Tesvich stated that the OTF didn’t know about this until the general public knew about it, no notice that CPRA has started to work on this

1. Mitch Jurisich stated that the task force already discussed the hiring of Joe Paicun as legal counsel, the task force moved forward with the next agenda item
2. Mitch Jurisich led discussion on oyster mortality issue on the west bank of the river

Around New Year’s Day there was a mysterious die off of oysters on the west bank of Plaquemines, small area right off of Bay Adam and down to areas south and west of that area, every age class of oyster was 100% killed, even cases where barnacles were dying

Hired a biologist to sample several different areas waiting on one or two more samples, pretty much determined that the die is chemically induced. Preliminary leads as to what is going on, doesn’t appear to be natural or disease. Need to find out who is at fault for these die offs, hope to have more information by the next OTF meeting

Jakov suggested that the TF set aside some funding to do investigation and sampling, would like to look into if it would be possible for the task force to fund this type of thing, make this an agenda item for next meeting and see if funding would be allowed

1. The task force discussed the proposed commercial license restructure

Several things pertaining to the oyster industry:

* a $15 deckhand license for all fisheries, brought about due to enforcement issues, could be very burdensome on whole fisheries, would like to get with the other fisheries to discuss
* Increased a couple of fees minimally, oyster division is self-supported
* Last year a bill was prepared with LDWF regarding a vessel seed ground permit that would allow for a retainer permit at the cost of $50/ year instead of a $400 permit if you had two scrapers, if you would harvest you would pay the full amount, the bill was proposed during special session and right before the bill was put forth, LDWF amended the bill and did away with the public seed ground permit altogether and would just charge a fee if you were going to work the seed grounds. With this change there would no longer be limited entry into the industry with the requirement of having a seed ground permit, so the bill was withdrawn. The industry expressed concern during the licensing restructure zoom meeting

Carolina Bourque stated that there is some information that is inaccurate, the licensing restructure proposal is still a proposal and is open for comment at this time. LDWF would like the input of the OTF and the industry

John Tesvich stressed the time and effort of the industry that went into creating the vessel seed ground permit fee and its establishment. All surrounding states mostly all have limited entry, all surrounding states did it before us. If you have open licensing you have to allow all citizens who would like to obtain a license. This is about protecting our resource. Stated that this one tool there are a number of management tools to manage the harvest pressure. This is only one tool you have limits, seasons. Went through all this and would appreciate if LDWF would give it some more time and not throw it out yet

Jakov Jurisic stated that he would like to add an item to the next OTF meeting agenda to go over issues with oyster appeals review board

Patrick Banks provided comment via webinar stating that LDWF did not hijack the vessel seed ground permit bill last year, LDWF was asked by the legislative folks about the vessel seed ground permit permit. They asked about the pros and cons of the permit and it was provided to them. They asked about the industry being unlimited entry and it was explained that it does not limit anyone. LDWF sells about 700 permits and even in good years, back in 2008/09, we didn’t have any more than 450 boats actually working the grounds. When you sell 700 permits and you have 250-300 of those never being used then you haven’t limited anything. It has also been an administrative nightmare to run the meetings and try to get those permits transferred and folks trying to figure out how to get through the system to transfer permits. When we explained all of this the legislator said that it sounds like we just need to do away with this. That was their decision not LDWF’s. The appeals board gives a permit to everybody even though the vast majority of the applicants do not meet the letter of the law and that has been advised to the committee at numerous meetings.

John Tesvich stated that the oyster industry does have a limited entry, we may not have enough oysters or boats to go out at this time. Limited entry is about a public fishery, which we virtually do not have. It should be made clear to the legislators LDWF is speaking to that there is virtually no public fishery and that is why it is not being used because of the environmental conditions. We do have a limited entry and we expect that things should get better for the public fishery.

Patrick Banks stated that the last really good year was 2008/2009, 450 vessels harvesting on the public seed grounds. While the vessel seed grounds permit does limit the amount of people harvesting it does not limit the amount of harvest, so it has not effectively produced a limited entry system because there are vastly more boats able to harvest through the holding of a permit than actually ever do harvest. May limit the person but not the effort.

John Tesvich stated that the permit is one tool and there are number of tools used to manage harvest pressure. The OTF and industry went through all the trouble of creating the permit and it would be appreciated if the LDWF would give it more time and not throw it out yet

Shane Bagala stated that board implemented recommendations on who should get their vessel seed ground permit renewed, but it was ultimately up to the LDWF Secretary to make the decision

Sam Slavich stated that the appeals board did reject some of the appeals of some of the individuals that came before the board

The license restructure is still in draft form and there is still an opportunity for comment and changes to be made

The task force plans to work with LDWF to resolve the issues with deckhand fees

1. The task force discussed the FDA’s proposed traceability rule, how it will affect each sector of the oyster community, restaurant and retail trade and the comments that LDH submitted to the FDA

LDH and LDWF both submitted questions to the FDA for further clarity on the proposed rule. The new rule came about from the 2008 Food Safety Modernization Act- preventative controls, so they are now just coming into effect. The rule is basically to establish extra record keeping to better trace diseases and outbreaks. There would be another number created on your paperwork for the day, a traceability lot number that would follow the oysters as they go all the way through retail to the consumer. This rule would also affect retailers as they would have to keep record of oysters for two years instead of 90 days. There are lots of questions submitted to the FDA that have not been answered as of yet:

* LDH Title 51 and LDWF Title 56 already cover traceability with paperwork from things like trip tickets and HAACP. Why is this extra set of rules needed? Can we utilize the processes and rules that are already in place?
* Retailers that will now have to keep oyster tags for two years instead of 90 days, who is going to regulate that?
* Time-temperature logs current record keeping, is that sufficient?
* Can the oyster tag be used as the traceability lot?
* Can a truck load be used as a traceability lot code?

John Tesvich stated that this new rule is a cause for a lot of concern as the industry already has a lot of record keeping and regulations in place (ISSC, HACCP, trip tickets)

1. The task force discussed adding a seat to the board for an aquaculture representative

The board is going to look into adding a board member, Steve Pollock, from the Louisiana Oyster Aquaculture Association, would take legislation

John Tesvich stated that for the time being Mr. Pollock can participate as a non-voting member, the task force needs to be careful with legislation

Peter Vujnovich motioned to add a seat to the task force for an oyster aquaculture representative, 2nd by Dan Coulon. Motion did not pass, motion withdrawn

The task force sent the item to the Legislative Committee, draft bill to be heard in Legislative Committee then need to find an author

1. The task force discussed the draft EIS, task force formed a working group to draft comments
2. The task force considered funding the development of an OTF website

John Tesvich motioned to approve $5,000 for the development of an OTF website through BMF, 2nd by Brad Robin. Motion carries.

1. Officer elections

John Tesvich motioned to keep the current slate of officers for another term, Mitch Jurisich, chairman and Peter Vujnovich, vice-chairman, 2nd by Sam Slavich. Motion carries.

Brad robin motioned to close the nominations, 2nd by John Tesvich. Motion carries.

VII. Public comment- no comment

VIII. Next meeting set for Tuesday, April 6, 2021 1pm, plans to watch CPRA meeting Jean Lafitte Civic Center

Motion to Adjourn by John Tesvich, 2nd by Jakov Jurisic. Motion carries.