**Oyster Lease Damage Evaluation Board**

**General Meeting Minutes**

**Thursday, February 5, 2015, 10:00 a.m.**

**DNR – LaBelle Room**

**Call to Order and Roll Call**

Chairman Perrault introduced himself and called the general meeting of the Oyster Lease Damage Evaluation Board to order at 10:00 a.m. on February 5, 2015 in the LaBelle Room of the LaSalle Building, Baton Rouge, Louisiana.

Mr. Perrault asked the other Board members to identify themselves. Other members present were: Phil Precht, Don Briggs, Matthew Slavich and Ralph Pausina. Mr. Perrault asked other attendees to record their attendance on the sign-in sheet.

**Adoption of minutes**

Minutes of the February 6, 2014 General Meeting were adopted on a motion by

Mr. Briggs, seconded by Mr. Pausina.

**Certification and Recertification of Oyster Biologists**

Mr. Perrault stated that there was one biologist requesting certification, Dakota Dagenhardt and twenty-nine biologists requesting recertification. He read the twenty-nine names aloud for the record. Mr. Pausina asked if all twenty-nine biologists had requested recertification, Mr. Perrault responded that they had. Biologists were certified and recertified on a motion made by Mr. Pausina and seconded by Mr. Briggs.

**Old Business**

No old business.

**New Business**

Mr. Martin McGuane, counsel for Mr. Michael Callais, Sr. asked to present information to the Board concerning a preliminary request for arbitration that had been submitted on behalf of Mr. Callais regarding Oyster Lease 3532612. The issue for consideration was whether the Board had jurisdiction over the matter. There was no representative for Chevron Pipe Line Company, the owner, named in the request present. Mr. McGuane explained that damage to the lease occurred on one day when Chevron traversed over the oyster lease. No prior notice was given because it was not their normal route. The tug ran aground and had to be pushed from behind. An eyewitness called Mr. Callais and informed him that the tug was grounded on the reef. Mr. McGuane stated that as a result of the damage Mr. Callais’ oyster lease was no longer productive. He noted that he was aware there was a jurisdictional issue and requested the Board consider holding a hearing on the matter within ninety days.

Mr. James Devitt, counsel for the Board, stated the Board was governed by statutes and regulations the Legislature had enacted that laid out the procedure for how claims for a settlement are processed. He noted that throughout the statues and regulations there is contemplation of assessment of oysters prior to activity. A biological report is done, an estimate of damages is determined and after the work is completed another biological report is completed. The Board then compares the reports to come up with a final statement of damages. Mr. Devitt stated there was nothing in the statute or regs to give a standard by which to take the case and it was his recommendation as Board staff that there was no basis for Board jurisdiction.

Mr. Perrault noted that per §3917 of 43 Part I the leaseholder has two months after receiving the owner’s request to enter into a settlement in which to file a preliminary request for arbitration. The owner may submit a request any time prior to the activity commencing. Mr. McGuane stated he read through the rules and regs prior to submitting the request and thought that it pertained in this instance because the request was initiated within that timeframe based on the timeline of Chevron’s response to the demand letter. Mr. Perrault asked Mr. McGuane if he was seeking any remedy from the Board other than asking for arbitration. Mr. McGuane stated that he was not.

Chairman Perrault asked if there were any questions or comments from the Board or the public. Hearing none, he asked for a motion on the matter. On a motion made by Mr. Precht and seconded by Mr. Slavich the Board adopted the staff recommendation that there was no basis for Board jurisdiction.

Mr. Devitt informed the Board that a filing fee of $500.00 had been submitted with the preliminary request for arbitration. He recommended that the Board return the filing fee. The staff recommendation to return the $500.00 fee to Mr. Callais was adopted by the Board on a motion made by Mr. Precht and seconded by Mr. Pausina.

Chairman Perrault asked if there were any other matters for the Board. Hearing none, the meeting was adjourned on a motion made by Mr. Briggs and seconded by Mr. Pausina

Submitted by: Phyllis Ortego