

Oyster Lease Damage Evaluation Board

General Meeting Minutes

February 4, 2009

I. Call to Order and Roll Call

Chairperson Vivian Guillory introduced herself and called the general meeting of the Oyster Lease Damage Evaluation Board to order at 1:30 p.m. on February 9, 2009 in the LaBelle Hearing room of the LaSalle Building, Baton Rouge, Louisiana.

Chairperson Guillory asked the Board members to identify themselves. Board members present in addition to Ms. Guillory were: Don Briggs, David Cagnolatti and Buddy Pausina.

Ms. Guillory then asked the members of the audience to come to the microphone to state their name and also to let the Board know if they were a biologist. Those in attendance were: Jason Shackelford, Biologist, ENCOS; Sarah Roy, Biologist, E and E; Mike Rayle, Biologist, E&E; Bill Strain, Attorney with Strain, Dennis and Bates; Kenny King, Biologist, T. Baker Smith; Ronnie Duke, Biologist, T. Baker Smith; Gabriel Johnson, Biologist, H2Oyster; Dylan Simonson, Biologist, H2Oyster; David Hebert, Biologist, H2Oyster; and Eric O'Neill, Biologist, H2Oyster.

II. Adoption of Minutes

A motion was made by Mr. Cagnolatti, seconded by Mr. Briggs to accept the minutes of the January 28, 2008 meeting as distributed. The motion passed without objection.

III. Re-certification of All Current Oyster Biologists & Permanent Certification of Temporarily Certified Biologists

For the record, Ms. Guillory read aloud the names of those biologists to be recertified: Dr. Aaron Bass, Noel Brodtmann, Dr. Ed Cake, Mark Chatry, John Cirino, Mark Gagliano, David Hebert, Read Hendon, Dickson Hoese, Gabriel Johnson, Kenneth King, Jr., Paul LeBlanc, Jude LeDoux, Earl Melancon, Jr., Scott Porter, Mike Rayle, Sara Roy, Fredric Schultz, Jason Shackelford, Brady Trahan, Richard Waldron and those to be certified, Ronnie Duke and Nicholas Gaspard. A motion was made by Mr. Cagnolatti and seconded by Mr. Pausina to approve the re-certifications and new certifications. The motion passed without objection.

IV. Maintenance and Rotation of Biologist List for 2009

Chairperson Guillory directed DNR to randomize the 2009 oyster biologist list using the same computer program as was used in previous years.

V. Discussion of Biologist Selection Process and Proposed New Legislation

Ms. Guillory recounted that at the Board's January 28, 2008 Annual Meeting there had been a discussion regarding the OLDEB oyster biologist selection process. The discussion centered around the requirement that an oil company had to select a biologist from the list of three provided from the OLDEB list even when a biologist who was on the list had previously been engaged on the project. At the end of the discussion, the Board had directed the Chairperson to have a rule and/or legislative change drafted that would do away with this requirement. That change was not instituted. Ms. Guillory introduced James Devitt of the DNR Legal Division who presented two proposals for changing the statute. After discussing the options, a motion was made by Mr. Cagnolatti and seconded by Mr. Briggs to request that DNR include in their legislative packet for the 2009 regular session a change to the statute eliminating the requirement for regular rotation of the names of the certified biologist allowing the owner to select any biologist who is on the OLDEB list as long as no written objection is received. If the change to the statute is approved by the Legislature, the Board will have to change the OLDEB rules accordingly.

VI. New Business

Chairperson Guillory stated that there was one Request for Arbitration pending before the Board. The case was filed by Meridian in August of 2008. Due to corporate changes, Meridian was not prepared to submit a preliminary survey. Meridian wanted the Board to know that the case would probably not be resolved for some time.

VII. Adjournment

A motion was made by Mr. Cagnolatti and seconded by Mr. Briggs to adjourn. The motion passed without objection. The meeting concluded at 2:10 p.m.