

# ***Oyster Lease Damage Evaluation Board***

## ***General Meeting Minutes***

January 28, 2008

### **I. Call to Order and Roll Call**

Chairperson Vivian Guillory called the general meeting of the Oyster Lease Damage Evaluation Board to order at 9:07 a.m. on January 28, 2007 in the LaBelle Hearing room of the LaSalle Building, Baton Rouge, Louisiana.

Chairperson Guillory asked the Board members to identify themselves. The following Board members were in attendance: Ms. Guillory, Don Briggs, David Cagnolatti, Ralph Pausina and Mike Voisin.

Ms. Guillory then asked the members of the audience to come to the microphone and identify themselves. Those doing so were: Sarah Roy, E & E Group; Bill Strain; David Hebert, H2Oyster; Gabe Johnson, H2Oyster; Mike Robinson, H2Oyster; Aaron Bass, SJB Group; Bud Brodtmann, EPL; Brady Trahan, T. Baker Smith; and Jude LeDoux, T. Baker Smith.

### **II. Adoption of Minutes**

A motion was made by Mr. Cagnolatti, seconded by Mr. Voisin to accept the minutes of the January 24, 2007 meeting as distributed. The motion passed without objection.

### **III. De-certification of Dr. Maureen Mulino**

Ms. Guillory informed the Board that prior to the meeting, attempts had been made to contact Dr. Maureen Mulino, one of the certified biologists. Since those attempts were unsuccessful and current contact information was unavailable, Ms. Guillory recommended that Dr. Mulino be de-certified. A motion was made by Mr. Cagnolatti and seconded by Mr. Voisin to de-certify Dr. Mulino. The motion passed without objection.

### **IV. Re-certification of All Current Oyster Biologists & Permanent Certification of Temporarily Certified Biologists**

A motion was made by Mr. Voisin, seconded by Mr. Cagnolatti to re-certify all currently certified biologists and to certify those biologists with temporary certifications, including Mr. Gabe Johnson, who recently submitted a request to be added to the list. The motion passed without objection.

### **V. Maintenance and Rotation of Biologist List for 2008**

Chairperson Guillory confirmed that the Board wanted DNR to randomize the 2008 oyster biologist list using the same computer program as was used in 2007. A motion was made by Mr. Pausina, seconded by Mr. Cagnolatti to randomize the biologist list for 2008 using the same process.

**VI. Old Business**

Ms. Guillory presented an update on the two cases pending before the Board. One case, a Hornet's Nest matter, was close to being settled according to Mr. Mike Strain. The other case, involving BEPCO, had just recently been filed.

**VII. New Business**

Mr. Mike Strain addressed the Board regarding the biologist selection process. He expressed his concerns with the requirement that an oil company use one of the three biologists whose name was provided by OLDEB to conduct a survey even in instances where the company had previously retained one of the biologists from the list to perform work on the project. During discussion of the process, Mr. Pausina referenced a February 16, 2005 document by the Oyster Leases Damage Evaluation Board Task Force. The document recommended changes to the selection process which had not been implemented. A motion was made by Mr. Pausina, seconded by Mr. Cagnolatti to accept the report and discuss its recommendations. The motion passed without objection.

After a discussion concerning the biologist selection process, a motion was made Mr. Voisin seconded by Mr. Briggs directing the Chairperson to have either a rule and/or legislative change drafted that would allow an oil company that has previously engaged a certified biologist from the OLDEB list for a project be permitted to use that biologist to perform the surveys required by OLDEB without having to request the names of three biologists from the OLDEB certified biologist list. The motion passed without objection.

The Board requested that a list of the certified biologists grouped by company be produced for their review.

**VIII. Adjournment**

A motion was made by Mr. Voisin and seconded by Mr. Pausina to adjourn the meeting. Without objection, the motion passed. Chairperson Guillory adjourned the meeting at 10:31 a.m.