

Minutes of the
Oyster Lease Damage Evaluation Board
May 29, 1998

A meeting of the Oyster Lease Damage Evaluation Board was held on Friday, May 29, 1998, at 9:00 a.m. in the Mineral Board Docket Room, Fourth Floor, State Land and Natural Resources Building, Baton Rouge, Louisiana. The regularly scheduled meeting of May 20, 1998 was rescheduled to May 29 because three Board members would have been unable to attend that meeting.

The meeting was called to order by Chairman Vivian Guillory and roll was taken.

Board members present:

Vivian B. Guillory, ALJ, Chair

Phillip E. Boydston, Burlington Resources, representing Mid-Continent Oil & Gas Assn. and Louisiana Landowners Assn.

Ralph Pausina, representing the Louisiana Oyster Dealers & Growers Assn.

Don Briggs, representing LIOGA and Louisiana Landowners Assn.

Board member absent:

Mike Voisin, representing the Oyster Task Force

DNR staff present:

James R. Hanchey, Deputy Secretary

Darryl Clark, Coastal Restoration Division

Carolyn Edwards, Executive Assistant

Others present:

Ron Kilgen, Consultant

Bud Brodtmann, Consultant, EPL

Rick Waldron, RPW, Inc.

Mrs. Guillory announced the death of Mr. Robert P. Waldron, father of Richard Waldron and one of the ten certified biologists. She expressed the Board's condolences.

Chairman Guillory asked if there were any changes or corrections to the minutes of the last meeting. There was none. Mr. Boydston moved for approval and Mr. Briggs seconded the motion.

Mrs. Guillory noted the next item on the agenda was to finalize the Uniform Evaluation Methods. She said there were actually two things to address. One was the survey methodology and the other the evaluation methods and formulas to assess the damages. Mrs. Guillory said she had received comments from several of the biologists regarding survey methodologies and wanted the issue resolved

at today's meeting. She suggested the Board concentrate on this and come to an agreement, clean it up and move on to the next subject. This met with the Board's approval.

Mrs. Guillory thanked Darryl Clark for compiling a chart comparing the different protocols submitted by the biologists.

At Mr. Boydston's suggestion, it was decided to discuss the chart's categories one at a time.

Regarding "Bottom Substrate Sampling," Mr. Brodtmann commented that it had to be recognized that all oyster leases are not regularly shaped structures and that biologists need flexibility to decide what type of sampling techniques are to be used depending on the type of lease being sampled. Board members agreed with this. Along those lines, Mr. Brodtmann made the suggestion that in contentious situations a peer review mechanism be formed for the report to be reviewed by two randomly selected biologists from the remainder of the pool who had not been involved with the survey in question. This would give the Board a mechanism to solve disagreements.

Mr. Pausina suggested putting this on the next meeting's agenda. Mrs. Guillory agreed and said it would be tabled until the June meeting.

Mr. Pausina expressed his concern that there was only a recommendation on how to sample, but nothing about what is to be done with the sampling information once it is obtained. Mr. Clark said he would add that this information will be used to make a bottom substrate map.

Mr. Hanchey said he felt it would be useful to have a map, in trying to judge the adequacy of the sampling, showing where the transects were, what were the bottom types, etc.

In that regard, Mr. Clark agreed to make a note to add that maps and data sheets were submitted with the consultants' narratives.

With that addition, it was agreed to approve the recommendation on bottom substrate sampling.

The next category was "Standing Crop Sampling." Mr. Brodtmann expressed his opposition to using divers to take samples because it is too hazardous, and urged the Board not to require the use of divers. Mr. Clark pointed out that the recommendations state they are to be used "if necessary."

Mr. Pausina asked that the wording of "Standing Crop Sampling" be changed to read: "A minimum of three (3) one square meter (one square yard) samples will be taken at a minimum of three (3) locations most likely to contain living oysters within the lease (only 3 sample locations are necessary unless a lease is very large or has several productive areas). Surface materials within the sampling frame to a depth of six (6) inches will be collected by tonging, dredging or other suitable methods, and within 24 hours the samples will be photographed, measured, and the oysters classified into living and

recently dead oysters and boxes. Measurement will be done by oyster shell size and will be done in size groups of: >3 inches (7.6 cm), 2 (5 cm) to 3 inches (7.6 cm), and < 2 inches (5 cm)." Mr. Pausina's last suggestion was to use English rather than metric. Mr. Boydston suggested using both. Mr. Clark agreed with this. He said he thought he had the general gist of what changes to make to this section, but would fax the changes, as he understood them, to the Board members prior to the next meeting. Based on that, the Board accepted the wording of "Standing Crop Sampling."

The only comment on the "Data Management" category was from Mr. Waldron. He said he includes bathymetric contour lines on his maps. Mr. Clark agreed that would be good to add to the necessary information.

Mr. Clark explained "Lease Potential Methodology" to the Board, saying that this category could more accurately be titled, "How Many Oysters Do You Have In a Sack of Oysters for the Different Sizes of Oysters." After considerable discussion of this category, Mr. Pausina made several suggestions for changes and Mr. Clark reworded it to read: "Maximum standing oyster crop estimates can be made by taking the percentage of reef and shell bottom types on a lease and combining this percentage with square meter/tonging/dredge or other oyster density data collected from areas most likely to contain living oysters on the lease. A sack count of 190 oysters/sack, regardless of size class, will be used as a measure to represent densities of living oysters on the lease. These "sack counts" will be discounted due to some mortality or other percentage calculated by the Oyster Damage Evaluation Board, not the oyster biologist. The exception is that oysters three inches and greater in size should have an undiscounted sack count of 190 oysters/sack and be called marketable oysters. Oysters two to three inches and less than two inches in size should have a sack count of 190 oysters/sack and be called potential marketable oysters. Adjustments will be made to calculate the lease potential per sack for all size groups by considering: (1) natural mortality, (2) the history of the use of the lease, (3) the current market price, (4) the harvest cost, and other factors."

Mrs. Guillory said that the discussion of Lease Potential Methodology was complete except for including an adjustment for natural mortalities by size groups. This will be discussed at the next meeting.

Mr. Pausina said he had told the Board that he would periodically bring them up-to-date on the market price of oysters. He said that price is \$16.00/sack right now.

Mr. Clark said he would make corrections to the Oyster Lease Protocols and fax them out to Board members and oyster biologists.

In the interest of time, Mrs. Guillory said that Uniform Evaluation Methods would be discussed at the next meeting and asked for a motion to adjourn. Mr. Boydston so moved and the motion was seconded by Mr. Pausina. Meeting adjourned.