

## **MINUTES**

### **OYSTER LEASE DAMAGE EVALUATION BOARD**

**October 27, 1999**

The meeting of the Oyster Lease Damage Evaluation Board was called to order on October 27, 1999, at the Louisiana Department of Natural Resources, 625 North 4<sup>th</sup> Street, Baton Rouge, Louisiana. Present were Board members Mr. Phillip E. Boydston, Mr. Don Briggs, and Judge Vivian Guillory, constituting a quorum. Absent were Board members Mr. Ralph V. Pausino and Mr. Mike Voision. Also present was Katherine Vaughan, Deputy Secretary, Louisiana Department of Natural Resources.

Reading of the minutes of the last meeting was dispensed with.

Under old business of the Board, Judge Guillory advised the Board that the checks representing the awards made in the Oyster Lease Damage Evaluation Docket Number 98-001 had been distributed and this proceeding was closed.

The application for certification as a qualified biologist for the Board was made by Mark Gagliano. After reviewing the qualifications and application, on motion made by Mr. Boydston, seconded by Mr. Briggs, and unanimously adopted, Mr. Gagliano was added as a certified biologist for the Oyster Lease Damage Evaluation Board.

The Board conducted its annual review of the certified biologists and on motion by Mr. Boydston, seconded by Mr. Briggs, and unanimously adopted, the certified biologists listed on Exhibit A to these minutes were certified for the year beginning January 1, 2000.

A general discussion followed on application of the rules and regulations to the first arbitration heard by the Board. After discussion, it was decided that at the next general meeting of the Board the members would consider whether or not any of the procedures needed fine tuning.

Mr. Boydston raised the point of lack of funding for the Board's operations. He also discussed legal and technical support. Ms. Vaughan pointed out that Judge Guillory provides the legal input for the arbitrations, and LDNR's staff attorney advises LDNR on its statutory role with the Board.

The Board discussed the recent decision in the case of Jurisich v. Jenkins, decided by the Louisiana Supreme Court on October 19, 1999. Mr. Boydston requested that a copy of the decision be provided to the members, and copies were provided at the meeting to the members present. A copy is attached to these minutes.

Possible dates for the next meeting were discussed. There being no other new business, the meeting was adjourned.