



## Meeting Summary

October 3, 2012 • 9:00am – 3:00pm Central Time  
South Walton County Courthouse Annex, Santa Rosa Beach, Florida

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On October 3, 2012 the 3<sup>rd</sup> meeting of the Commission on Oil Spill Response Coordination was held at the South Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The meeting was attended by the following Commission members (or their designated alternate noted with an asterisk):

- Tom Beck, Florida Department of Economic Opportunity
- \*Christopher Brooks, Florida Department of Agriculture and Consumer Services (*for Leslie Palmer*)
- Jennifer Fitzwater, Executive Office of the Governor
- George Gainer, Bay County Board of County Commissioners (Chair)
- \*Dr. Mark Higginbotham, Florida Department of Health (*for Dr. Kendra Goff*)
- Bill Imfeld, Walton County Board of County Commissioners
- Danny Kilcollins, Florida Division of Emergency Management
- Richard Knudsen, Florida Fish and Wildlife Conservation Commission
- Lane Lynchard, Santa Rosa County Commissioner
- Dave Parisot, Okaloosa County Board of County Commissioners (Vice-Chair)
- Joseph Parrish, Franklin County Board of County Commissioners
- Grover Robinson, Escambia County Board of County Commissioners
- Tami Torres, Florida Department of Financial Services

Invited speakers were U.S. Coast Guard Captains John Slaughter (District 7) and Samuel “Duke” Walker (District 8).

The Commission’s legal counsel, Dan Thompson of Berger Singerman, also attended the meeting.

The following members of the public attended the meeting:

- Brad Baker, Santa Rosa County DEM
- Lynn Bannister, Office of Senator Bill Nelson
- Brad Benggio, National Oceanic and Atmospheric Administration
- Mark Bowen, Bay County BOCC, Chief of Emergency Services
- Susan Forsyth, Mom/Volunteer
- Jeffrey Gainer, Bay County
- Stephen James, Florida Association of Counties
- Gwen Keenan, Florida Department of Environmental Protection
- Jay Liles, FL Wildlife Federation

- Jacquee Markel, SWCC
- Leia Marquez, U.S. Coast Guard
- Peggy Matthews, MW Consulting
- Billy McKee, Walton County
- Anita Paz, SWCC
- Valerie Sale, Bay County BOCC, PIO
- Ken Saunders, U.S. Coast Guard
- Christy Scally, EO Wilson Biophilia Center
- Todd Sumner, Sumner Law Office
- Dino Villani, Okaloosa County
- Doug White, Florida Department of Environmental Protection
- Mike Wiggins, CFNWF
- Keith Wilkins, Escambia County
- Tim Williams, U.S. Coast Guard
- Ray Zukowski, NeighborVision

In addition, staff from the Commission’s contractor (Tetra Tech) included:

- Melissa DeSantis
- Eric Dohner
- Michael Barnett
- Michael Bomar
- Dean Goodin
- Barry Toning
- Tim Vanderwalker

Several staff from The Florida Channel attended and filmed the meeting for the channel which can be viewed online at <http://thefloridachannel.org/video/10312-florida-commission-on-oil-spill-response-coordination>.

Ray Zukowski, from NeighborVision, filmed live footage at the meeting as well, which can be viewed online at [www.neighborvision.com/walton/CoOSRC](http://www.neighborvision.com/walton/CoOSRC).

**Administrative Items**

Meeting facilitator Barry Toning of Tetra Tech asked everyone, including audience members, to introduce themselves. Then he welcomed Dan Thompson to the meeting who has been secured by Florida Department of Environmental Protection (DEP) as legal counsel for the Commission. Mr. Thompson will provide legal advice to the Commission for any issues associated with Sunshine Law, Robert’s Rules of Order, or other issues. He has significant experience in government administration and Florida law, and has provided counsel to various commissions in the past.

Mr. Toning then briefed the Commission on several administrative items.

- Commission member Alan Brock, Wakulla County Board of County Commissioners, resigned from the Commission to ensure he would have no conflicts with the Sunshine Law. His replacement has not yet been named.

- Commission member Bill Williams, Gulf County Board of County Commissioners, resigned from the Commission because he did not run for re-election and is entering the private sector. His replacement is Warren Yaeger (who did not attend the meeting).
- Jennifer Fitzwater is serving double duty on the Commission as the representative from the Executive Office of the Governor and as DEP representative until DEP names a replacement for Gwen Keenan, who resigned prior to the last meeting in September.

Mr. Topping then turned the floor over to the two Captains from the U.S. Coast Guard to make presentations on current oil drilling activities near Florida and the Deepwater Horizon (DWH) response.

## **U.S. Coast Guard Presentations**

### ***Captain John Slaughter, U.S. Coast Guard District 7***

Captain Slaughter provided an overview of potential offshore drilling operations in the Northern Caribbean, including Cuba and the Bahamas. The Area of Responsibility (AOR) for the 7<sup>th</sup> District covers most of the Florida peninsula. It also covers Georgia, South Carolina and most all of the Caribbean. Primarily work centers around responding to alien migration and drug interdiction operations.

Captain Slaughter showed a map that indicated where various countries are currently engaged in deepwater drilling or are seriously contemplating deepwater drilling. In some locations off the shore of Cuba, they are drilling closer than where the U.S. would have allowed drilling along our own coasts. He noted that there are many more active drilling operations than the map would have showed 7 years ago, and the number of countries contemplating drilling is on the rise. He also pointed out that currents in Caribbean are all connected. If something happens there, it can affect the United States because of how the currents move. So even though we might think that drilling operations near Cuba or the Bahamas are too far away to affect us, they are not.

He then showed a map of offshore oil and gas exploration leases in the Bahamas held by the Bahamas Petroleum Company. Water in the Bahamas is shallower than that found in the Gulf of Mexico and other areas. Currently there is a moratorium in place from the Bahamian government that prohibits offshore drilling in Bahamian waters. They are working on putting in place the revisions that will allow offshore drilling in the Bahamian waters. Only time will tell if this referendum to allow drilling will pass.

Cuba is a different story – they are actively drilling. Captain Slaughter described the ownership changes for one of the wells off the coast of Cuba. Some of the companies that have managed the well, such as Repsol (a Spanish company), have cooperated with the U.S. and provided the Coast Guard with their response plans and have been willing to share information. Other companies, such as Petronas, a Malaysian national oil and gas company, have not been as forthcoming and were not willing to provide the U.S. with their response plans. Obviously the U.S. can be much better prepared to assist in a spill response if officials have copies of the response plans early on.

He also described another well at a site called Cayo Coco that is in shallow water (1200 ft.) that is being drilled by a Russian national oil drilling company. Their rig is in Trinidad now for retrofitting and will be moved to Cayo Coco in November or December 2012, with drilling anticipated to begin at the end of the 2012 Atlantic hurricane season.

Captain Slaughter also provided details about a deepwater drill rig called Scarabeo 9 owned by an Italian firm. This mobile drilling unit can drill in much deeper water (up to 12,000 feet) and moves under its

own power. This rig is the newest of the new technologies. It is a 6<sup>th</sup> generation rig, and requires \$500,000/day to operate. During hurricanes, this rig can drop its drill, move out of the way and wait for the hurricane to pass, and then return later to easily restart drilling.

He then explained how ocean currents are the biggest concern when it comes to planning for a spill in these areas. The National Oceanic and Atmospheric Administration (NOAA) has modeled the potential tracks of oil spills in the Caribbean (off the coast of the Bahamas) to look at statistical risks. Less than 5 percent of the model scenarios pushed oil up toward the Florida west coast. However, when looking at potential spill models coming from Cuba, the risks to the west coast of Florida are much greater even though it is farther away than the Bahamas because of several “choke points” that make the currents move faster along the Gulf. In the Bahamas, the currents wouldn’t drive the oil to Florida’s eastern coast as easily unless the winds are really strong.

Captain Slaughter stated that the Coast Guard is working closely with NOAA, EPA, and BSEE and the government of Cuba to foster international discussions about this issue. Cuba knows it will need international assistance if there is a large spill. Cuba does not have a well capping system similar to the U.S. Therefore, Cuba has been very willing to share their response plans with the U.S.

The Coast Guard is currently working on a nonbinding framework document to allow the governments of Mexico, Bahamas, Cuba, etc. to work together on different scenarios. All parties recognized the need to be able to get in as quickly as possible to get a spill capped and cleaned up. All parties are sharing models and tools about well integrity to facilitate a better response and make things as safe as possible.

Captain Slaughter then transitioned to a discussion of what District 7 learned from the Deepwater Horizon (DWH) oil spill in April 2010. First and foremost, he stated that they learned not to repeat mistakes. He also noted that since District 7’s AOR was not directly impacted by the spill, they had the luxury of time to really look at lessons learned.

Although every foot of shoreline in Florida is covered by Area Contingency Plans (ACPs), and other countries have their own national contingency plans, after DWH the Coast Guard identified a gap in meshing U.S. domestic response plans (ACPs for nearshore waters) with offshore response needs in foreign or international waters. The Coast Guard developed an Offshore Response Plan and is also working toward a framework for regional response needs. The approach focuses on broad international engagement. USCG is also conducting multi-lateral discussions with Mexico, Jamaica, Bahamas, Cuba, U.S., and other Caribbean nations contemplating offshore oil and gas exploration that focuses on the offshore environment, which requires a very different response in terms of oil spills to spills that are near shore. For example, techniques such as burning oil and using dispersants are more appropriate for offshore spills than near-shore spills. The Offshore Response Plan has international coordination built into it. The Regional Response Plan has an appendix dealing with international sources.

Commissioner Grover Robinson, Escambia County, asked if the Coast Guard has brought the state of Florida and Monroe County into the discussions with Cuba. He noted that the issue of what happens when an oil spill hits state waters is what the Commission is primarily interested in. What happens when the oil comes into Florida’s bays, inlets and beaches is of most concern.

Captain Slaughter noted that although the Offshore Response Plan is a Coast Guard plan, the Coast Guard conducted extensive collaboration with DEP, DEM, many coastal counties, and others. He explained that what happens when oil spills get near the shore is not so much about boundaries, but rather about the kind of resources and tactics that are used. When the oil gets closer to land, the ACP governs the response activities.

He continued to describe changes that District 7 is implementing as a result of DWH. Part of the changes includes activating a pre-identified, pre-trained Coast Guard liaison officer to work with county Emergency Operation Centers (EOCs) so that critical information from the Coast Guard gets down to the county level faster. In addition, the Coast Guard completely revised the ACPs in Florida. Those revisions were made in collaboration with local agencies through numerous workshops all throughout the state. The Coast Guard also revised their Geographic Response Plans—where to put boom, where to anchor them, where to get them from, etc.

Commissioner Dave Parisot, Okaloosa County, asked if the revised plan includes revisions to the Vessels of Opportunity (VOO) program. Captain Slaughter replied that the ACPs address how to manage the vessels. It will be a combination of Coast Guard and private entities that manage the program because the Coast Guard does not have the resources to do it all.

Captain Slaughter also stated that the Coast Guard revamped the Inlet Protection Plans, working and worked closely Richard Knudsen of the Florida Fish and Wildlife Conservation Commission. The Coast Guard asked each county to identify their priority inlets and now knows the # 1 priority inlet for each county. If the models show that a #1 priority is not at risk, but that a #3 priority inlet is at risk, the Coast Guard will work with the county to make sure they agree that work will be done to protect the #3 priority.

The Coast Guard has a Memorandum of Understanding with the Corporation for National and Community Service (CNCS) for volunteer management to make sure that people are trained and helpful during a spill response. Through the MOU, the CNCS will be integrated directly into the Incident Command System (ICS). Unified Command will provide direction on where volunteers are needed, what tasks will be completed, and where they need to assist. The Coast Guard also has an agreement with the Florida Institute of Oceanography, which draws together many public and private research institutions in the state that can be accessed when needed. This provides a mechanism for academia to be included in the Incident Command Post.

In July 2012, the Coast Guard was involved in the Science of Spills training by NOAA in Miami which included people from all over the state. Through that training, planners now know, among many other things, that cleaning up mangroves is much harder than cleaning up beaches.

Captain Slaughter then described some of the remaining challenges that the Coast Guard faces:

- Hard to get in front of county commissioners and elected officials due to scheduling and other issues. USCG does a good job of meeting with local emergency responders, but needs to reach out more to county officials.
- Very complex legal issues arise from extraterritorial incidents
- Cooperation and coordination with other countries on appropriate response measures will be key to responding to international events
- The U.S. Oil Spill Liability Trust Fund (OSLTF) has modest limits for covering actual response and cleanup costs
- Fast currents in Florida Straits may limit the effectiveness of traditional oil spill response measures
- Educating the public that an oil spill in Florida Straits will be different than DWH is important, but will be a challenge

- **Media & Public Concern** – Oil does not need to reach U.S. shores for huge economic impacts. There is a need to work with tourism boards to get information out early to reassure them oil is not coming on their beaches if that is the case.

One of the Commissioners asked Captain Slaughter how clean the beaches need to be before they are considered clean (i.e., how clean is clean?). Captain Slaughter stated that the Coast Guard does not have any standards on beach cleanliness, but does have a framework in place that considers local concerns and input to foster the dialogue on this topic in the future.

***Captain Duke Walker, U.S. Coast Guard District 8***

Captain Walker is the Chief of Response for District 8. He reports to Rear Admiral Roy Nash, who serves as the Commander of the Eighth Coast Guard District in New Orleans. Rear Admiral Nash was Deputy Federal On-Scene Coordinator for the Deepwater Horizon oil spill response for 6 months.

He noted that October 3, 2012 marked the 897<sup>th</sup> day of the response to DWH, adding that 90 percent of the area has been moved out of the active “response” stage. The last 10 percent of the cleanup task is the hardest part to address. The total response cost to date is approximately \$850 million, with about \$50 million in indirect costs, very near the \$1 billion cap.

Captain Walker said that approximately 445 miles of shoreline have been cleaned to date—leaving 35 miles left to be cleaned up in Florida (mostly in Escambia County). He also described the Shoreline Clean-up Completion Plan (SCCP) process used to address clean up needs, including the types of techniques employed (e.g., sifting, screening, and manual removal). The SCCP directs a rigorous process of multi-party inspection teams, a 30-day monitoring period, and a survey/inspection to ensure effective removal of MC-252 oil within an Area of Responsibility (AOR) has been accomplished. The SCCP document was specifically developed in response to DWH.

Commissioner Parisot asked Captain Walker how much of the US Department of the Interior (DOI) shoreline is in this area. Captain Walker stated that he doesn’t have that figure but that some of it is Gulf Islands National Seashore. He noted that no matter who the landowner is, each landowner establishes what they allow on their land. For example, in the Gulf Islands National Seashore, DOI does not allow the Coast Guard to do deep cleaning because they want to protect the microbes living in the sand.

Captain Walker then described the International Science Advisory Team (OSAT) Reports:

- **OSAT 1 Overview:** Provides the Federal On-Scene Coordinator (FOSC) with information on toxicity of released oil and dispersant to local water columns and sediment-dwelling organisms. Informs the FOSC regarding transition from emergency response phase to long-term recovery and restoration phase.
- **OSAT 2 Overview:** Provides the FOSC with analysis comparing environmental and human health risks from oil remaining in certain areas after cleanup operations are done versus the environmental impacts and risks of pursuing further cleanup efforts. OSAT 2 focuses on toxicity.
- **OSAT 3 Overview:** When complete, this review will provide the FOSC with information on data collected and determine if operational changes can be implemented or technologies employed to more effectively complete the SCCP process and meet response end points. OSAT was chartered on 23 May 2012. The projected completion date is fall 2012. OSAT 3 focuses on tar mats and where they might exist.

Commissioner Parisot asked Captain Walker if the Coast Guard has considered the impact of Hurricane Isaac on tarballs. Captain Walker responded by saying that nothing new rolled ashore in Louisiana or Mississippi from Hurricane Isaac. What happened is that the overburden sand that Hurricane Bonnie had added was washed away (e.g., Elmer's Isle) and exposed the original sand and tarballs. Some tar mats broke up off shore. He noted that the National Park Service is leery of auguring unless the Coast Guard is very specific about where they are going to work.

Captain Walker then explained what happens when reports of tarballs or tar mats are received at the National Response Center, which is a phone bank in Washington, DC operated by the Coast Guard. When a report is received it is processed within 5 minutes and referred to the appropriate Coast Guard entity. If anything that looks like oil from MC 252 in the AOR, the NRC makes sure that the referral comes directly to District 8, which determines if it is DWH oil or not. Small tarball deposits are mitigated or cleaned up immediately. Tar mats or larger volumes of oil are cleaned up using resources provided by BP or the Oil Spill Trust Fund

Commissioner Robinson asked how many of the "reported spills" are MC 252 (i.e., DWH oil). Captain Walker responded that 4 percent of the total NRC calls (3,881 calls) turned out to be from MC 252. In Florida, out of 319 NRC calls, 39 percent were confirmed as MC 252. Ninety-nine percent of those reports were on segments that are still being cleaned.

Captain Walker then reviewed some key lessons learned by District 8. Included below are some of his comments and points from his slide presentation:

- USCG is bound by current legislation. As a military body, USCG can't initiate statutory or regulatory changes. When necessary, USCG tries to find work-arounds to ensure an effective response.
- Inclusion of local government is very important, both elected officials and agency employees. The SOSOC, Darryl Boudreaux, has been working with local officials. More effective coordination of incident management with state and local officials prior to a crisis is needed. Joint ICS-based exercises could help meet this need,
- The National Contingency Plan (NCP) was challenged by the scope and complexity of the DWH response. Area Contingency Plans (ACPs) and Regional Contingency Plans (RCPs) were inadequate.
- Gaps exist in industry plans for large, prolonged spills.
- All parties involved in DWH failed to anticipate news media and public interest information demands early.
- Members of the public generated perceptions of the role of federal entities and the RP that don't fully characterize the difficulties faced during DWH.
- Confusion over the differences between the Stafford Act and the National Contingency Plan (NCP), including enabling legislation (Oil Pollution Act of 1990), complicated the DWH response.
- There is currently a general lack of provisions under the NCP to support federal scientific research and information sharing at the level needed.

Captain Walker mentioned that the Clean Gulf Conference in November 2012 will be a good opportunity to communicate with the communities impacted by DWH.

Commissioner Parisot noted the need to educate the media on the science behind oil spills. When the Coast Guard put out maps of models that showed potential risk zones, the media picked that up and said "we're going to have black beaches." That really impacted the economy even though it didn't

happen. Captain Slaughter responded saying that this issue has been addressed by media plans at the district level.

Captain Slaughter also noted that when the next event occurs that chaos will ensue again if the leaders at the time don't have the clarity of vision to ensure that information flows quickly.

## **Discussion of Draft Recommendations in Report 1: Analysis of Current State and Federal Laws Addressing Oil Spill Planning and Response**

**Specify additional pre-event requirements for Area Contingency Plans (ACPs), including provisions for plan development, approval, and execution.**

*Specify oil spill watch/warning protocols and appropriate actions for responders, similar to Stafford Act system (i.e., watch = responders on alert; warning = responders open Emergency Operations Centers and mobilize for action)*

- Captain Slaughter suggested that this recommendation be reframed in terms of how elements of the government are notified in a spill. He said that one needs to look at how the information is disseminated, because there are a lot of spills every day, and many are insignificant.
- Gwen Keenan, DEP, stated that information usually goes to the state watch office of DEM and then it comes back to her and Doug White. She noted that it gets out pretty quickly.
- Commissioner Robinson said there needs to be more of an alert of when it hits state waters. That's when the counties need to be notified. Some counties only learned of oil arriving at their beaches through the news media. He added that oil spill monitoring and notification needs to be aligned more with the current system for tracking and activating response resources for hurricanes.
- Captain Slaughter reiterated that the Coast Guard's plan is to put the USCG liaisons at the local EOCs to get them information more quickly.
- Brad Benggio, NOAA, stated that one of the ways NOAA tries to get information out quickly is through ResponseLINK, which is a secure web-based communications system for government incident responders. A government email address and password are required to log in to the system. The system looks at trajectories and response.

*For major spills, activate state and county agencies as Incident Command System (ICS) branches and divisions under the Operations Section, to improve spill response, leverage existing EOCs and response contracts, and ease the burden on the USCG*

- Commissioner Parrish emphasized the need for the Coast Guard to provide timely information to the counties. He also noted that since his county has many bays and estuaries that it is critical that the Coast Guard has a good procedure in place to protect those passes since the Coast Guard, not the Responsible Party, is responsible for maintaining these waterways as navigable.
- Commissioner Robinson stated that there should be an expectation to set up the local incident management operations section branches within existing EOCs in these counties and be able to track what's going on. The Commission should take leadership, and say that the local branches at EOCs be stood up during large response actions.

- Captain Slaughter agreed that the local branches definitely worked well, and noted that USCG seeks to work with local EOCs. ICS is supposed to be flexible. If you have a local area that is going to be impacted heavily, then the Coast Guard would set up a branch there. If one area is not going to be impacted as heavily, USCG would send out a liaison to keep them in the loop. The captain said that each Area Committee can agree to and “approve” this process in their ACP for how they plan to operate.
- Dino Villani, Okaloosa County, suggested looking at a zone of confidence of potential impact, which would provide a trigger point for when response needs to begin. NOAA established definite trigger points for action based on when and where oil might be. Certain things would happen once the trigger points are reached. Counties and locals could set up similar trigger points.
- Ms. Keenan cautioned that trigger points are a great tool, but we must remember that different Area Committees may want to design different trigger points. A place with many inlets might have more complex or different trigger points versus a place with only one inlet. For example, if it takes a day and a half to install boom in multiple inlets, a quicker response is needed than for a county that only has one inlet.
- Richard Knudsen, Florida Fish and Wildlife Conservation Commission, added that the whole DWH incident was driven by trajectory maps which were not widely available to everyone. He suggested that the Commission look at how that information is made available to others. County level personnel were not privy to that information. If local officials and the public had seen this information earlier, then they would have realized which areas were not likely to be impacted. The information is available in ResponseLINK, but only to staff with an account and password.
- Commissioner Robinson stated that people were immediately distrustful of the Coast Guard if they withheld information. The trajectory information needs to get out to the small branches immediately.

*Update and improve descriptions of protective measures for different types of oil, worst-case discharge scenarios, response personnel qualifications, position assignments; use applicable and appropriate ACP measures adopted by other states, areas, and regions; implement adaptations derived from the DWH incident “lessons learned”*

- Captain Slaughter noted that we are really limited to what we do with oil when it gets in the water. We have learned that getting there fast is key. Oil can’t be burned or dispersed once it has been out there a week. For a worst-case discharge, we know that bad news doesn’t get better with time. He emphasized the need for planning for worst-case trajectories.
- Captain Slaughter also stated that there needs to be more education related to the issues of dispersants. EPA has a very strict process to approve a product as a dispersant. The controversy during DWH related to dispersants was really about the amount that had to be used, along with the repeated use of it day after day. In addition, the media coverage on the use dispersants also played into the controversy.
- Lane Lynchard, Santa Rosa County, asked if the Coast Guard could transfer what they learned in the exercise done at Bear Cut (a tidal inlet that separates Virginia Key and Key Biscayne) and bring it up to Pensacola Pass. Captain Slaughter responded by saying that there are 86 inlets in Florida that would require tidal inlet protection strategies. In Bear Cut, the Coast Guard learned that they need to use taller booms in inlets. Some of the fruit (used in the exercise as drones to simulate oil) bounced over the top of the boom. He reiterated that in District 7, they had the luxury of time and not having been impacted by DWH, so they were able to do exercises like they did at Bear Cut. District 8 has not had the time to do this since they are still in response

mode today. Doug White, DEP, added that DEP has reached out to District 8 to ask for these kinds of exercises in their district and to incorporate lessons learned from such exercises in the updated ACP.

- Ms. Keenan noted an additional challenge related to expectation management. Overall, agencies did a poor job of telling people what works and managing what people expected. She emphasized the need to have someone that really knows the mechanisms and technologies of oil spill response and cleanup, including the desirability of directing oil to beaches where it can be cleaned up easier.
- Ms. Keenan also said counties need to be able to work and take action on their own. There needs to be a mechanism for them to activate their oil spill response (approved ACP) when necessary and confidently know that the RP will reimburse them for the response costs.
- Tim Williams (Coast Guard Sector 8) noted that in Sector Mobile, the Coast Guard can conduct similar training and ACP exercises as in District 7. He said that Captain Williams is very proactive in that measure.
- Need to review and conduct readiness exercises with the ACPs to make sure they are approved and workable, which avoids having to wait for RP approval.
- Commissioner Parisot asked if the Coast Guard can declare an inlet “closed” during a spill so that response work can commence. Captain Slaughter said that can be done.
- Commissioner Gainer commented that no one was told what to do with the oil once it was collected. Captain Slaughter stated that the ACP should have a management plan that explains where and how to dispose of collected oil. .
- Resource management was also discussed. Some in Florida felt that they were the last to acquire critical resources like skimmers. Captain Slaughter stated that Area Commands have to make the difficult decisions about who needs critical resources and who gets the resources first or get the most. Commissioner Robinson would like there to be a way that Florida is able to access resources offered by other companies. During DWH there were not allowed to do this because BP would not approve it.

*Update ACP policy guidance to include dispersant use (or restriction) within State waters, with input from county governments*

- Pre-approval to use dispersants in federal waters is not required. However, to use dispersants in state waters, the FOSC has to get approval from the state. Commissioner Knudsen stated that he has been working on the “line” in the water that separates more sensitive areas. That work is being doing now to address this issue in a policy document. Ms. Keenan added that DEP is working to get a scenario in place for cases when pre-approval is not needed, such as in emergencies under certain circumstances.
- The Coast Guard maintains that dispersants can be useful in certain cases. There are environmental tradeoffs to using them

*Establish Memorandums of Understanding (MOUs) or cooperative agreements between state of Florida and USCG under the ACP to pre-solicit quickly approvable contracts for implementation of ACP elements similar to pre-storm contracts*

- Captain Slaughter stated that it is important that strategies are approved ahead of time. Once the ACP is approved, the actions can be implemented without further review and approval.it The Coast Guard has Basic Ordering Agreements with hundreds of Oil Spill Response Organizations that can be turned on very quickly.

- Counties don't need to get heavily involved in contracts. However, it is important that the state of Florida be involved in these discussions to represent the counties. The state would need to negotiate with the Coast Guard on their expectations for the state.

*Implement biannual ACP reviews complemented by drills involving federal, state, and local agencies to ensure that ACPs are kept current and functional, and that responders are knowledgeable regarding response protocols and procedures*

- The Coast Guard tries to do this every 3 years. They have an exercise program on a 3 year cycle. Every 2 years it is a tabletop exercise, and the 3<sup>rd</sup> year it is more functional.

*Develop updated guidance for the use of Vessels of Opportunity (VOO) in responding to oil spills, with input from state and local agencies/stakeholders; include provisions for pre-approved lists of VOOs classified by vessel type, equipment, staffing, etc.*

- Commissioner Robinson stated there is a need for a pre-approved list of vessels owned by Floridians that will get the first opportunity to be in the VOO program. The VOO program works but it needs to be coordinated and they need to be told where they need to be.
- Captain Slaughter said that the Coast Guard in Alaska has a very robust VOO program. District 7 has a framework of a program. They don't have a pre-screened list of VOOs. The Coast Guard OSC helps determine whether RP, state or Coast Guard runs the VOO program.
- Commissioner Parrish stated that the trust fund needs to be built up more to cover when the RP doesn't cooperate or runs out money, etc.
- Commissioner Parisot recommended that the VOO program come under the ICS instead of the RP. The Coast Guard and Incident Command need to receive information from the VOOs, instead of the RP. Captain Slaughter stated that the Coast Guard's resources are stretched too thin to manage that. The OSRO industry managed dispersants. OSRO is part of Unified Command although they are not Coast Guard people. In District 7, they require vessels to report back to the operations section.

*For large spills and SONs, consolidate public health and scientific research and information functions at the Incident Command level, to reduce redundancy and overlap; include state or region specific information as appendices or addenda as necessary; separate research and information functions from operational functions*

- Commissioner Knudsen mentioned that there is an NIH to study the effects of oil on responders to DWH, in addition to the University of Maryland health study that was mentioned at the previous Commission meeting.

*For SONs events, clearly stipulate that the Responsible Party (RP) will continue to be involved in offshore well/vessel repair, recovery, and containment efforts, but that oil spill monitoring, tracking, interception, and cleanup in near shore (i.e., 6 miles out) and coastal areas will be directed by the FOSC under the ACP, with appropriate and approved expenses the responsibility of the RP*

- Captain Slaughter stated that the Coast Guard can fix most issues related to communication.
- This reiterates the need for having pre-approved ACP – then you have automatic approval to respond.
- If there is not RP, then the FOSC can go ahead and approve response actions earlier/quicker.

- The ACPs were not as robust pre-DWH as they should have been. This stymied the approval process. If they are more robust now, ideally things would be approved faster.
- The digital ACP came out two months before DWH. IT was developed for on a shoestring budget of \$90,000. There was not a lot of county involvement. There were no detailed boom strategies. Commission Knudsen stated that they are still digitizing the boom strategies, focusing on general boom protection strategies and identification and prioritization of environmentally sensitive areas. There needs to be more of the counties sitting at the table reviewing and signing off on strategies.

*Establish a unified Gulf coast web mapping application compatible across all five Gulf coast states to track data reports (e.g., the Geospatial Assessment Tool for Operations and Response – GATOR)*

- Captain Slaughter said that this is critical. This took way too long last time. He emphasized the need to pressure the federal government to get this data out to other levels of government faster.
- Commissioner Parisot asked if drones could be used for aerial reconnaissance for tracking spills. Captain Slaughter responded that unmanned aerial vehicles are great, but due to flight restrictions over non-military, FAA-controlled airspace, they can't be used. They can be flown over military airspace easier than non-military U.S. airspace. Mr. Parisot suggested the need for the Coast Guard to partner with FAA during state of emergencies to lift restrictions so that recon can be done more quickly.

*Require participation by federal, state, and local governments in the National Response Framework (NRF); amend the NRF and the National Contingency Plan (NCP) organizational structures to accommodate state and county agencies.*

- Some Commission members have talked to the Florida Association of Counties (FAC) about bringing training to county commissioners. The idea would be a certified county commission training program on ACP that could be added to their curriculum. That curriculum is strictly on emergency management. It is unclear if the Coast Guard is working with FAC on this training.

Peggy Matthews, MW Consulting, asked the Commission what the plans are for having other Florida counties involved or informed of the Commission's work.

- Mr. Toning stated that other counties will be allowed to comment on the draft final report, which will be posted on the DEP website in mid-November. Any comments provided will be circulated to the Commission. Other counties need to provide input and be informed of the Commission's work.
- Commissioner Parisot suggested that Tetra Tech present a briefing at a future regional FAC meeting. Tetra Tech will speak with Dan Thompson about coordinating a public notice with the RESTORE (Gulf Consortium) meeting on October 22 in Tallahassee City Hall at 1:00 pm eastern.
- Commissioner Knudsen offered to get a list of county representatives for each area committee for the peninsula of Florida to inform those key persons.
- Another opportunity for getting the word out is the 22<sup>nd</sup> Annual Clean Gulf Conference and Exposition, which is being held November 13-15, 2012 in New Orleans. The focus is on offshore innovation since DWH and regulatory changes with Bureau of Safety and Environmental Enforcement (BSEE) and Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE).

## **Action Items**

- Commission members are to review Report 1 and provide comments directly to Amber Siegel.
- Tetra Tech and Dan Thompson to discuss what needs to be done to brief the next Restore Act meeting and/or ensure that Commission members are covered under Sunshine notice requirements.
- Commissioner Knudsen will obtain and provide to the Commission a list of the county representatives for each area committee for the peninsula of Florida.