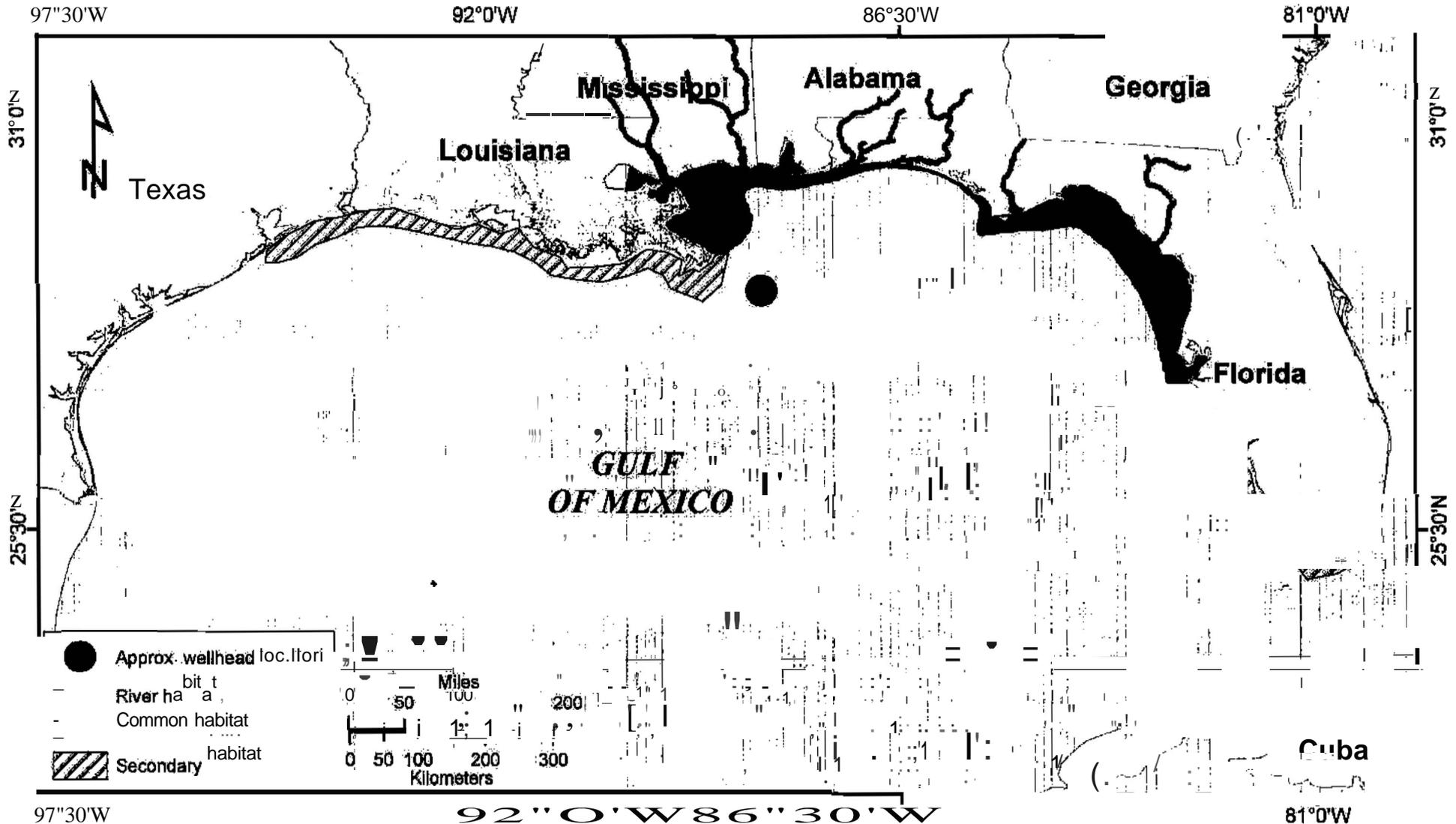


U.S. Gulf of Mexico Fish Habitat Gulf Sturgeon



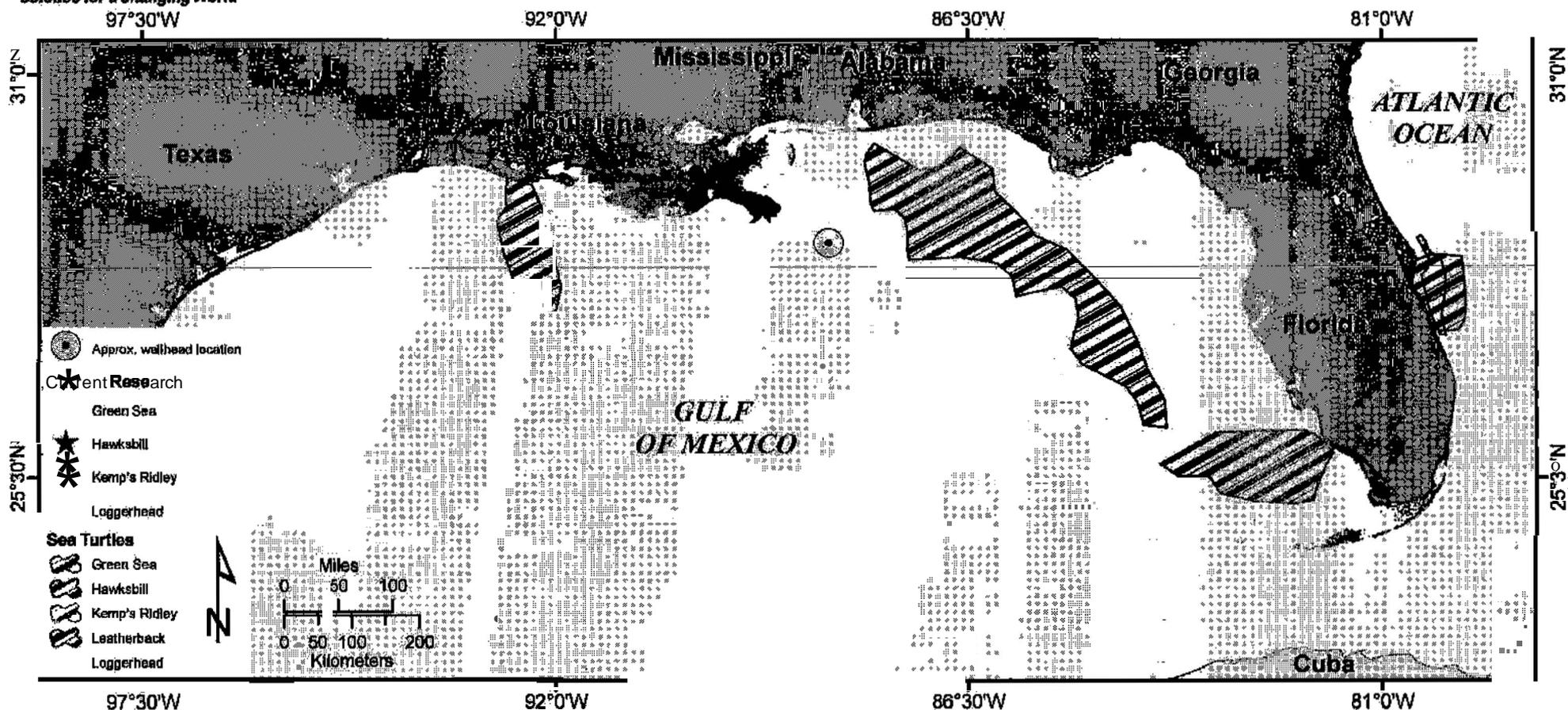
This map depicts the **extent of Gulf Sturgeon (*Acipenser oxyrinchus desotoi*) habitat** in relation to the BP **Deepwater Horizon oil wellhead**.

This map is preliminary, for Informational purposes only.

Data sources:

1. Florida Wildlife Research Institute <http://research.myfwc.com/features/default.asp?id=1341>
2. NOM
3. USFWS
4. USGS
5. USGS, Mike Randall Personal Comm.

U.S. Gulf of Mexico Sea Turtle Habitat Areas Leatherback



Five species of sea turtles are found in Gulf waters, all of which are either threatened or endangered. Prime nesting season for sea turtles is May through October. Green sea turtles consume seagrasses and algae, loggerheads forage benthically and consume crustaceans and fish, leatherbacks eat primarily jellyfish, and Kemp's ridleys are normally bottom-feeders, consuming crabs and other benthic fauna. USGS is currently conducting sea turtle sampling on juvenile greens and adult loggerheads in Everglades National Park and on several life stages of loggerheads, greens, and hawksbills in Dry Tortugas National Park. The work in the Dry Tortugas is supported by both the Coral Reef Ecosystem Studies Project (CREST) and the Priority Ecosystem Studies (PES) Program. The map depicts locations of current sea turtle sampling projects (stars) and polygons showing results of previous sea turtle tracking projects by species in relation to the BP Deepwater Horizon oil wellhead. Also shown are results from previous aerial surveys to document sea turtle presence in the Gulf and Atlantic coastal areas. Polygons may include locations for more than one turtle, and nesting sites are often used by several species of sea turtles.

This map is preliminary, for informational purposes only.

Data Sources:

1. Fritis, T.H., Hoffman, W. and M.A. McGehee. 1983. The distribution and abundance of marine turtles in the Gulf of Mexico and nearby Atlantic waters. *Journal of Herpetology*, 17:4-327-344.
2. Hoffman, W. and T. H. Fritis. 1982. Sea turtle distribution along the boundary of the Gulf Stream current. *Florida. Herpetologica*, 38:3 405-409.
3. Inwater Research Group. 2005. Abundance and distribution of marine turtles within nearshore hardbottom and associated habitats. Report prepared for Florida Fish and Wildlife Conservation Commission, St Petersburg, FL.
4. Norris, J.E., Evens, W.E. and S. Rankin. 2000. An Acoustic Survey of Cetaceans in the Northern Gulf of Mexico. Chapter 5 in: *Cetaceans, sea turtles and seabirds in the northern Gulf of Mexico: distribution, abundance and* Volume II: Technical Report. R.W. Davis, W.E. Evens and B. Wurzig editors. U.S. Geological Survey, Biological Resources Division, by The GulfCat Program, Department of Marine Biology, Texas A&M University at Galveston.
5. NOAA
6. USGS

(b) (6) LT

From: (b) (6) LT
Sent: Thursday, June 10 2010 5:09 PM
To: Adrian Rose; LT; (b) (6); D08-DG-DEEPWATERRESPONSE-ACSrrU; Dave Christensen; David Randall; Doug Suttles; Dwight Bradshaw; (b) (6) Greg Edmonds; (b) (6) I T J G; Hooper, Thomas CAPT; HQS-PF-fldr-NIC HQ Situation Unit; James Plutt; Jeff Wedgwood; (b) (6) Kraemer, Ronald CAPT; Kristine Dutton; Larry McMahan; Lars Herbst; Laura Schildgen; Lester Carrington; Loeb; Gordon CAPT; (b) (6) McKinley. Andrew CAPT" Mike Saucier; Mimi Drew; Nash. Roy RDML; Paula Skryja; Raul Nombera; Ron Plott; LT; Shiva McMahon; (b) (6) LT; Watson. James RADM; T J G

Subject: CCIR - Wildlife Impact
Attachments: image2010-06-10-144242.pdf
Categories: FYI

The Area Command Situation Unit received the following notification from rep Mobile. The report is UNCONFIRMED. rep Mobile has notified Alabama Department of Conservation and Natural Resources to confirm and provide amplifying information.

Geographic Location: 30° 6' 27.60" N, 88° 10' 33.00" W

City: Dauphin Island
County: Mobile
State: AL

Description: 10 miles from Katrina Cut, sheen about one mile long; caller stated that sea turtles and fish

No further information at this time.

LT (b) (6)
UAt Robert - Situation Unit
Deepwater Horizon MC252
(b) (6)

Situation Team Reporting Sheet

Deepwater Horizon-Mobile 1972

a. Date of Call	6/10/10	b. Time of Call	5:13	c. Call taker	251-366-6941
d. Reporter Name	Marsha Davidson		e. Reporter Phone	Shayla Dickerson	
f. If vessel reporting, in what name of vessel, Captain's Name and phone number.	V00 3511 KR / Captain Collier				
g. Geographic Location	011111				
h. GPS Coordinates	North	30 06 46.714	West	88 10 550	
i. What are the coordinate units?	<input type="checkbox"/> Decimal degrees <input type="checkbox"/> Degrees decimal minutes <input type="checkbox"/> Degrees minutes seconds				
j. City	Dauphin Island	County	Mobile	State	AL

m. Type (check all that apply)

Is the oil onshore?
 Oil Onshore Oil Offshore *oil clumps*

Which of the following form. of oil do you see?
 Tarball Mousse Oily Mat Oiled Debris Floating Oiled Vegetation

Oil Sheen { Heavy Sheen width of sheen)

What is the color of the oil? _____

Is there a smell?
 Heavy Smell Medium Smell Light Smell

Were pictures taken of the oil? _____ (If yes, please have them email to Call)

Can you estimate currents or direction oil seemed to be drifting? _____

Other
 Public Info - JIC Public Information Debris Boom Wildlife
 Other Vessel Decon

n. Description 10 miles from Katrina Cut
 Sheen about 1 mile long / crucial area
 sea turtles + fish are gasping for air

Florida Peninsula Command Post Develops Plans to Mitigate Impact to wildlife in Florida Peninsula and Keys
From: bounces+34f0ae7@piersystem.com on behalf of Deepwater Horizon
Response External Affairs [donotreply@deepwaterhorizonresponse.com]
Sent: Friday, June 18, 2010 6:13 PM
To: HQS-PF-fldr-NIC, HQ situation Unit
Subject: CORRECTION: Florida peninsula Command Post Develops Plans to Mitigate Impact to wildlife in Florida peninsula and Keys should Need Arise

DATE: June 18, 2010 16:57:36 CST

CORRECTION: Florida peninsula command post develops plans to Mitigate Impact to Wildlife in Florida peninsula and Keys should Need Arise

Key contact numbers

- * Report oiled shoreline or request volunteer information: (866) 448-5816
- * Submit alternative response technology, services or products: (281) 366-5511
- * Submit your vessel for the vessel of opportunity program: (866) 279-7983 or (877) 847-7470
- * submit a claim for damages: (800) 440-0858
- * Report Oiled wildlife: (866) 557-1401

Deepwater Horizon Incident
Joint Information Center

phone: (713) 323-1670
(713) 323-1671

Eds. note: Editors who used the June 18 press release "Florida Peninsula Command Post Develops Plans to Mitigate Impact to wildlife in Florida Peninsula and Keys Should Need Arise" are asked to use the following story; disregarding the oiled wildlife numbers which do not apply to the Florida Peninsula command Post area of responsibility.

MIAMI - The Florida Peninsula Command Post continues with its planning efforts to mitigate potential wildlife impacts should they be needed in the Florida Peninsula and Florida Keys arising from the Deepwater Horizon/BP oil spill.

Under federal and state law, the United States Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS) and the Florida Fish and Wildlife Conservation Commission (FWC) have the responsibility to regulate activities affecting migratory birds, marine mammals, sea turtles, fish, and other wildlife potentially impacted by the Deepwater Horizon/BP oil spill. In consultation with these agencies, Trl-State Bird Rescue and Research has been contracted to rescue, treat, and rehabilitate birds and other wildlife across the Gulf of Mexico, including the Florida peninsula. The southeast Regional Marine Mammal Stranding Network will be activated to respond to marine mammal and manatee issues, if required. Sea turtle response activities will be coordinated FWS, NMFS and FWC with the support of permit holders and experts from the Sea Turtle Stranding and Salvage Network.

Individuals who do not have federal or state wildlife permits are not authorized to handle impacted wildlife. Individuals interested in volunteering in other capacities should register at www.volunteerflorida.org
<<http://www.volunteerflorida.org>>

Members of the public should call the Oiled Wildlife Hotline at (866) 557-1401 if they observe any wildlife that appears to be oiled. The public is advised not to attempt to rescue or capture oiled or injured birds or wildlife on their own. Doing so can cause more harm to the wildlife and injure the handler. If oiled wildlife appears on Florida Peninsula shorelines, Trl-State will generally coordinate with the local wildlife rehabilitation centers

insula **Command Post Develops Plans to Mitigate Impact to wildlife in Florida Peninsula and Keys**
closest to where the oiled wildlife are found.

Although the risk remains low for pollution threats to the Florida peninsula,
the Florida Peninsula command POST is continuing its planning and surveillance
efforts in the event that a response is needed.

For information about the response effort, visit
www.deepwaterhorizonresponse.com.

<http://www.google.com/buzz/post>

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Joint Information center
unified **Command for the BP oil spill | Deepwater Horizon Response**
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visit this link to unsubscribe
<http://www.piersystem.com/go/unsubscribe/2931/34f0ae7/?e=nic-hq-situation-unit%40uscg.mil>

(b) (6) LT

From: (b) (6) CDR
Sent: Tuesday, June 22, 2010 9:20 AM
To: (b) (6) @epamail.epa.gov
Subject: FW: Governor TP 22 June to.pdf - Adobe Acrobat Standard

In txt below

CDR (b) (6)
Chief, Response Department
Sector Lower Mississippi River
(b) (6) (m)

Sent by

-----Original Message-----

From: CDR [mailto:uscg.dhs.gov]
Sent: Tuesday, June 22, 2010 07:05 AM Central Standard Time
To: Kayyem, Juliette; (b) (6) COR
Cc: Schneider, Drew
Subject: RE: Governor TP 22 June 10.pdf - Adobe Acrobat Standard

Juliette, Here is the full set copied below...

CDR (b) (6)
NIC- DC IGA
Desk: (b) (6)
Cell: (b) (6)

CONTENTS:

I. SITUATION UPDATE

- a. Highlights of the Last Operational Period
- b. Current Leak Stabilization
- c. Clean-Up/Response Operations
- d. NOAA Trajectory Summary

II. RESPONSES TO GOVERNORS' QUESTIONS & UPDATES

- a. Claims Update
- b. Command and Control of V00
- c. Local Hiring Numbers
- d. Skimmers in Barataria Bay

III. RESPONSE TO QUERY ONLY

- a. Louisiana Dredging Request
- b. Air Space Deconfliction
- c. Boom issues: Alabama Ocean Boom & Floridastats change
- d. Full NOAA Report

t. SITUATION

I. a. Highlights of the Last Operational Period:

- The 40' section of riser pipe (kink) that was cut away from the top of the LMRP was placed on the deck of the OLYMPIC CHALLENGER at 1900EST. Once the inspection is complete,

the riser will be transferred to the vessel FAST SPIRIT for transport to Coast Guard Station New Orleans.

- While patrolling the Emergency GOM Federal Fisheries Closure 22 June, CGC TORNADO observed the F/V SEA ANGELS II actively engaged in fishing in the closed area, the catch was seized, directed abandonment at sea and issue a fishery violation. The vessel had 30K lbs of gulf shrimp onboard valued at \$60K. case Closed.

I.b. Source Control:

- Recovered 25,836 bbls of oil yesterday via TOP HAT and flared via Q4000 (Total to date (including RITT) of 320,841 bbls)

- TOP HAT collected 15,566 bbls, Q4000 recovered and flared 10,270 bbls

- Near Term BOP Collection - CLEAR LEADER: Production, drill string test equipment is on track to be offshore on 26 June. Delivery of 3,800' of coflex hose will take place 29 June. (to connect to other TOP KILL line.

- DD III: Total depth below seafloor is 10,677'. Scheduled first ranging run (drilling 338') is 22 June. When first run is complete, the well will be drilled another 225' (depth 16,400'). Cement bond log will be run in conjunction with 2nd ranging operation. Drilling is on day 50 of 104 or 48.0% of estimated completion.

- DO II: Total depth below seafloor is 4,662'. Leak off tests scheduled for 23 June. Drilling is on day 25 of 104 or 24.0% of estimated completion.

- Vessels:

- o The TOISA PISCES is scheduled for Port State Inspection on 24 June.

- o The LOCH RANNOCH is scheduled to be on scene in staging area 23 June.

- o The HELIX PRODUCER is currently in Port Fourchon and is scheduled to arrive on 23 June.

- o The tanker vessels EVI KNUITSEN and NAVION FENNIA are in route. The EVI KNUITSEN is scheduled to arrive 26 June at Port Everglades where it will receive an annual inspection to endorse the current CDC. The NAVION FENNIA is scheduled to arrive in Port Everglades, FL on 30 June for an initial CDC.

- o SEILLEAN (FPSO) is still in Brazil, scheduled date to arrive TBA.

- o INSPIRATION, a Chevron vessel, will be used for flange installation for LMRP connection.

I.e. Clean-Up/Response Operations:

Activity	Prior 24hrs	Grand Total
Oily water mixture recovered (bbls)	25,583	590,837
Aerial & Vessel surface dispersants applied (gals)		11,217,970,291
Subsea dispersants applied (gals)	14,583	482,718
In-situ Burn (bbls burned)	71,438	221,900
In-situ Burns	19	275
Estimated Total Oil Discharged (bbls)	35K-60K	2.23M-3.84M

Comments: bbls recovered on 21 June 2010 bbls recovered to date

weather: Temp: 86 degrees, Seas state: Light chop, Winds: E 4-1e Kts, 38% chance of thunderstorms; heat index. 93.

I.d. NOAA REPORT

Trajectory Status:

Nearshore Trajectory Forecast

- In the near shore zone, winds are forecast to be predominantly onshore (SE) through Wednesday at speeds of 5-12 kts, then become ENE on Thursday.

- Trajectories indicate developing westward currents within the Mississippi Bight region will begin to inhibit further movement of the slick to the east.

- Coastal regions between Horn Island, MS and Panama City, FL are threatened by shoreline contacts within this 3-day forecast period.

- Under persistent SE winds, the Chandeleur Islands, Breton Sound, and the Mississippi Delta are also threatened.

Offshore Trajectory Forecast

- The offshore **forecast has** been temporarily **stopped** due to small amounts of **oil**, the absence of **recent** observations **confirming significant amounts of oil**, and the **large separation** between the **loop current complex** and the **oil slick**. **Forecasts will resume if the threat returns.**

Significant Weather Update

The Center is tracking a **vigorous tropical wave** in the central and eastern **Caribbean** that **shows** signs of **increased** organization.

- **There is a 50% chance** of this system becoming a tropical **cyclone** in the next **48 hours**.
- The system *is* moving at **10-15 MPH**

Loop Current (IF ASKED):

- The **Loop Current pattern is** not currently serving as a major mechanism to transport **oil toward the Florida Straits**.
- The northern **section of the Loop Current (Eddy Franklin)** which has been **separated** from the **main Loop Current appears** to have developed a **partial reconnection** to the **Loop Current** due to the **main Loop Current pushing further north**.
- There is **now a small "tail" of sheen**, observed on the **Satellite imagery**, extending **towards Eddy Franklin**.

Fisheries Closure:

- The closed area in the **Gulf EEZ** was **modified** yesterday.. **June 21, 2010**.
The modification expands the **northeastern closure** boundary to encompass a small amount of **oil** that moved **outside** the existing boundary. The **northeast corner** of the closed area **remains** located off **Panama City, Florida**. **Also, we** are expanding a portion

II. RESPONSES TO GOVERNORS' QUESTIONS

II. a. CLAIMS UPDATE

Lead: Integrated **Services** Team. On Call: **Tracy Wareing**

BLUF: **No updates**. **Tracy will be on the call** to respond to **any** questions.

II.b. COMMAND AND CONTROL OF VOO

Lead: UAC On Call: **IC's**

BLUF: ICP Mobile is striving to **increase commercial** participation in **VOO program** through targeted **recruitment program** and has noted **improvement through VOO On Scene Coordinator** program.

- Purpose: Update and address **VOO Command & Control** and hiring issues.
- **RECREATIONAL VERSUS COMMERCIAL:** Attached is rep Mobile metric **tracker** for **VOO Commercial progress**. It is **important** to note that **this** represents **non** hireD vessels not "on contract".
 - 1) FL is **less than 10%** ree.
 - 2) BP is targeting **less than 10% recreational** in **MS** by **week's end**.
 - 3) **AL** currently has the highest rate of recreational vessels at just over **40%**.
 - 4) **LA - Nearshore ops 92% commercial**. All other ops **100%** commercial

While a specific **timeline** has not been committed to for all of **AL**, in a working group just this morning in **Orange Beach**, **BP** committed to less than **20%** recreational boats **operating** in that port by **week's end**.

- NEW INITIATIVE.. "TARGETED RECRUITMENT!": BP out of ICP Mobile, working cooperatively with USCG, is developing localized "targeted recruitment" strategies in each locality.

The initiative! is to work directly with mayoral offices to identify those local commercial vessel owners, not currently on contract and on hire in VOO.. and target them for recruitment.

Thus far, the reaction to this proposal has been overwhelmingly positive. Thus far, we have had successful meetings in Orange Beach, Biloxi, Bon Secour, and Bayou La Batre and are schedule meetings throughout the remaining localities throughout the week.

- COMMAND AND CONTROL: rcp deployed 25 Coast Guardsmen throughout the 19 VOO deployment sites to serve as VOO on the personnel are available. plans for another 10 as soon as

The larger von fleet is broken down into Task Forces of 10 vessels with one designated Task Force Leader. Those Task Forces in turn report to the veo on scene coordinator.

We have received anecdotal information from each site of witnessed improvements in on the water coordination, but no numerical data yet to back that up.

- WORKING WITH LOCALS TO AVOID FRAUD:

BP out of ICP Mobile, solicited each state for a list of commercial licenses prior to 20 April, then began vetting that against current VOO data to filter out anyone who, post initial incident, who procured a \$30 oyster license trying to appear to be commercial when in fact they were a recreational vessel looking to profit off the current situation.

This has been very effective. On a side note, when we met with Mayor Wright from Bayou La Batre, he provided a stack of licenses applied for since April 20th that was about six inches thick! (perhaps ten times the normal amount) This is the type of abuse that we are eliminating by close coordination with local communities.

II.c. LOCAL HIRING NUMBERS

lead: UAC

- BIUF: BP released data summary to the states on Monday with additional data being released OOA 2S June.
- Purpose: To address Governor Jindal's concerns about local worker hires in Louisiana.
- BPreleasedsummary of contractor data on Monday
- To be clear, BP is providing summary data for contractors initially.
- States have requested information about every contract employee including SSN and addresses. BP does not payroll these individuals and they do not have that data.
- BP will send a separate letter to the states explaining the data in response to the state's request and will then forward information about contractor personnel.
- BP will release more data OOA 25 June.

II.d. SKIMMERS IN BARATARIA BAY

Lead: Ie Houma

BLUF: On Monday we had 36 skimmers working in Barataria Bay with 11 additional skimmers slated for the next operational period.

- Purpose: Respond to Governor Jindal's request to know about skimmer operations in Barataria Bay

- On **Monday**, we had 36 **skimmers** operating in **Barataria Bay**, and we are slated to get 11 additional skimmers for Barataria Bay during the **next** operational period.
- We are waiting for the **contractor** to finish outfitting the 11 swabber barges. Our target number of **skimmers** for Barataria Bay is 47 **which** may be completed as soon as today.
- In **addition**, we have '94 skimmers available in the adjacent parishes (**Jefferson** and **Plaquemines**).

III. Response to Query

III. a. LOUISIANA DREDGING REQUEST

Lead: **Army Corps of Engineers**; On Call: **Mike Enschede**

BLUF: Louisiana is **requesting** variations to permit on ad hoc basis. Mr. Enschede will be available to discuss with **Gov. Jindal**.

- Purpose: Louisiana **is** once to borrow from closer areas for the barrier islands **project**. Army Corps of Engineers has been flexible and provided temporary permit to facilitate **start up**, but **dredge** is now pushing to **make this permanent**.
- Both the State and the **dredging contractor** were on notice as of **May 13** that we could not approve dredging in the **littoral system** of the **barrier islands**. Under the **law**, we must **make a determination** that the project will not hurt the **refuge** in order to permit it to go on.
- The **Corps** dredging permit was **granted** on **May 27**. The **dredgers** had sufficient time to begin acquiring the **necessary** lengths of dredge pipe.
- When the dredgers **asked** ^{1,15} to **allow** temporary dredging in the littoral system on **June 12**, they said they **could get the pipe** within 5-6 days. Col Lee of the Corps on **June 13** gave them **temporary** authorization for one week. That **week** was up yesterday.
- It is cheaper and **easier** to dredge in the system which provides an incentive for the dredging **company** to keep **prolonging** this issue.
- Dredging activity **will** continue elsewhere -- the area impacted is **just** the stretch along the Chandeleurs. The **contractor** sent a **message** to the on Monday night that implied there is pipe available **there**.

III. b. AIR SPACE CONFLICT

Lead: **UAC**

BLUF: **Meetings** scheduled **today** between **ADM Papp** and **MGEN Dean** to discuss implementation. Anticipate timeline for implementation by **OOA Thursday**.

- Purpose: To provide **Governors** with update on plans to deconflict the **air space** over the spill area.
- **UAC staff** met with **General Dean** and his **staff** at **Tyndall AFB** on Thursday. We are developing a **plan** to be **presented to Incident Command Leadership today**.

- This plan will coordinate all Gulf response aircraft/flights through the Air Operations Center (AOC) at Tyndall.
- Need for provided by AOC; Overall response operations and media flights are adding ~100 flights a day to the business-as-usual level of 1000+ flights in the Gulf. Their capabilities are an improvement over ours in terms of spotting and avoiding potential flight path conflicts. The AOC brings a big picture look at all air traffic in the area, plus their radar picture covers a much wider area. This plan will help the effort as follows:
 - Centralization increases flexibility of response: There is a need to be flexible: as the oil moves, since we may need to stand up new reps or start running aircraft over new areas on- or offshore. Centralizing operations at Tyndall air operations will help us more quickly respond to the oil's movements. For example, may need to expand FAA flight restrictions from LA to AI/MS if need for air ops increases there.
 - Centralized scheduling helps deconflict airspace: This will also help With schedule deconfliction: When one AOC knows about all the flights, they can spot instances when two or more flights are schedule for the same area for the same purpose (e.g. two branches requesting surveillance overflights of the same slick) and work to eliminate the duplication.
 - Increased visibility of air ops: Centralizing operations will also help flow of information about air ops within DHR and to the public.
 - Increased tactical control: Additionally, more tactical control of pollution response flights will be exercised by the ICPs and individual branches working the response area. The breakdown for flight authority will be along the lines of additional tactical control to the RCPS and more coordinated strategic control of Incident Awareness and Assessment flights to the AOC in Tyndall AFB.
 - Ideally, everyone involved in DHR will be involved in this plan, so all response flights will be coordinated through the AOC.

III.c. BOOM ISSUES

- Purpose: If raised, to respond to Gov. Riley's comments on MSNBC about lack of ocean boom and to note changes in boom numbers in Florida.

ALABAMA OCEAN BOOM

- Alabama currently has 146% of the boom required by the Area Contingency Plan. This plan was written by a joint team of federal, state and local officials. Alabama was an active participant in deciding how much boom was needed and where to deploy it.
- We are currently employing double and triple booming strategies, at the Governor's request, in sensitive marshes and estuaries.
- Last week, we flew in 14,000 feet of 72" ocean boom from Alaska. This boom is designed for high current & wave action areas and is currently deployed along Perdido Pass.
- We're working with the local communities to improve the Vessel of Opportunity Program
- We're working with the local communities to find more effective ways to clean beaches with minimum public disruption.
- The this morning that the beaches are open is a testimony to our unified effort across the Gulf.

CHANGES IN FLORIDA NUMBERS

- Starting on **Friday**, Florida's **showed** a significant **decrease** in **percent completion** of ACP boom requirements.
- The **increase** made to ACP are a product of our **engagement** with the state and local communities to **identify sensitive** areas **requiring boom**.
- The increase represents the **addition** of **Franklin, Wakulla, and Jefferson County** to the **plan**.
- The increase **also includes** increases in **booming** requirements **that we** made with 6 additional counties.

III.d. FULL NOAA FORECAST

Trajectory Status:

Nearshore Trajectory Forecast

- In **the nearshore zone**, **winds** are forecast to be predominantly onshore (**SE**) through **Wednesday** at speeds of 5-12 **kts**, then become **ENE** on Thursday.
- Trajectories indicate developing **westward** currents within the Mississippi Bight region will **begin to inhibit further** movement of the slick to the east.
- Coastal regions between **Horn Island, MS** and **Panama City, FL** are **threatened by** shoreline **contacts** within this **3-day forecast period**.
- Under persistent **SE winds**, the **Chandeleur Islands, Breton Sound, and the Mississippi Delta** are **also threatened**.

Offshore Trajectory Forecast

- The offshore forecast has been temporarily stopped due to small amounts of **oil**, the absence of recent **observations** confirming significant amounts of **oil**, and the **large** separation between the loop **current** complex and the oil slick. Forecasts will resume if the **threat** returns.

Significant Weather Update

- The National **Is** tracking a vigorous tropical wave in the central and eastern Caribbean that shows **signs** of increased organization.
- **There is a 50%** chance of this system becoming a tropical cyclone in the next 48 hours.
- The system is **moving** at **10-15 MPH**

Loop Current (IF ASKED):

- The Loop **Current** pattern **is not** currently **servicing** as a major **mechanism** to **transport** oil toward the Florida Straits.
- **The** northern section of the **Loop Current** (Eddy Franklin) which has **been separated from** the main Loop Current appears to have developed a **partial** reconnection to **the Loop Current** due to the main **Loop Current** **pushing** further north.
- **There is now a** small " " observed on **the Satellite imagery**, extending towards Eddy Franklin.
- **the** northern extent of Eddy Franklin is at **about 27° 9' N** which is about 28 miles south of the southern extent of this tail. **There are no** reports of recoverable oil in this **tail**, the **Loop Current** or in **Eddy Franklin**.
- Eddy Franklin may **fully re-connect** to the main Loop Current **over** the next **few** weeks and **clear** pathway for tar-balls to **move** to the Florida Straits.

Fisheries Closure:

- **The** closed area **in the** GulfEEZ **was** modified **yesterday, June 21, 2010**.

- The modification expands the northeastern closure boundary to encompass a small amount of oil that moved outside the existing boundary. The northeast corner of the closed area remains located off Panama City, Florida. Also, we are expanding a portion of the southern boundary to encompass the projected path of oil illustrated in the 72-hour trajectory.
- The closure measures 86,985 sq mi (225,290 sq km) and covers about 36% of the GOM EEZ, compared to the June 16 closure comprising 80,806 sq mi (209,286 sq km), or about 33% of the GOM EEZ.
- NOAA will continue to evaluate the need for fisheries closures based on the nature of the spill and will re-open closed areas as appropriate. NOAA will also re-evaluate the closure areas as new information that would change the boundaries of these closed areas becomes available.
- NOAA will continue to provide daily updates at <http://sero.nmfs.noaa.gov> by 12 pm EST with any changes to the closed area effective as of 6 pm EST the same day.
- The six-hour window is meant to give fishermen time to retrieve their gear from an area that is about to close, and advance notice of areas that will soon open for fishing. A status message will be updated daily, even when closed area has not changed, and will also be available on NOAA Weather Radio and by calling NOAA Fisheries Southeast Regional Office at 727-824-5395.

Impacts to Marine Life:

Turtles

- 504 total sea turtles verified to date within the "designated spill area" (increase of 161 from June 19 report)
 - o 424 stranded (increase of 9 from June 19)
 - o 383 of the stranded were found dead (increase of 6 from June 19)
 - o 41 of the stranded were found alive (increase of 3 from June 19)
 - o 3 live turtles in rehabilitation (increase of 3 from June 19)
- 80 turtles collected during directed turtle sampling efforts (increase of 1 from June 19)
 - o 4 turtles collected dead (increase of 1 from June 19)
- 265 carcasses to be collected if decomposition stage warrants (increase of 7 from June 19)
- Of the initial 75 full or partial necropsies performed, two primary considerations for the cause of death of the oiled recovered turtles are forced submergence or acute toxicosis. Further results are pending.
- To date, visible evidence of oil has been documented externally on 5 dead stranded sea turtle and 6 live stranded turtles (2 of which were caught in skimming operations).
- To date, visible evidence of oil has been documented externally on 76 live sea turtles and 3 dead sea turtle captured during directed turtle surveys.

Dolphins

- 50 dolphins have been verified to date Within the "designated spill area" (increase of 1 from June 19).
 - o 46 were dead stranded dolphins (increase of 1 from June 19)
- 5 verified strandings not collected due to stage of decomposition or unable to recover (increase of 1 from June 19)

-----Original Message-----

From: (b) (6) @dhs.gov [mailto:(b) (6) @dhs.gov]
 Sent: Tuesday, June 22, 2010 7:44 AM
 To: (b) (6) CDR
 Cc: Schneider, Drew
 Subject: Re: Governor TP 22 June 18.pdf - Adobe Acrobat Standard

Morning mark,

Are there tps here on the berm issue and jindals concerns. Can't open on my bb. If yes, can u send them to me as email. Thanks!

----- Original Message -----

From: (b) (6) CDR <(b) (6)@uscg.dhs.gov>
To: HQS-DG-LST-NIC-HQ-INTERAGENCY-SOLUTIONS-GROUP <NIC-HQ-IASG@uscg.mil>; HQS-DG-LST-NIC-HQ-Situation-Unit; HQS-DG-LST-NIC-HQ-Legal; HQS-DG-LST-NIC-HQ-Command; (b) (6) LT; Bernstein, Jarrod <(b) (6)@dhs.gov>; Blossom, Kellyn <(b) (6)@dhs.gov>; (b) (6)@dhs.gov <(b) (6)@dhs.gov>; (b) (6) CDR; (b) (6) CDR; (b) (6)@jfc.mil <(b) (6)@jfc.mil>; (b) (6) feom.mil; (b) (6) LTJG; (b) (6) LT; (b) (6) CDR; (b) (6) CIV; (b) (6) VNI; (b) (6) LCDR; Forgit, Robert CAPT; Tate, Gail; (b) (6) LT; (b) (6) CDR; (b) (6) LTJG; (b) (6) LT; Jilson, Donald CAPT; (b) (6) LCDR; (b) (6) LCDR; (b) (6) ENS; (b) (6)@ios.doi.gov <(b) (6)@ios.doi.gov>; (b) (6) LCOR; McKinley, Andrew CAPT; (b) (6) CDR; (b) (6) CDR; Neil Chapman (b) (6)@bp.com; (b) (6) CDR; (b) (6) LCDR; Perry, Raymond CAPT; (b) (6) (b) (6) LCDR; (b) (6)@ios.doi.gov <(b) (6)@ios.doi.gov>; (b) (6) LT; (b) (6) LT <(b) (6)@uscg.mil>; Schneider, Drew <(b) (6)@dhs.gov>; (b) (6) LT; (b) (6) CDR <(b) (6)@uscg.mil>
Cc: DeepwaterResponse FO <DeepwaterresponseFO@dhs.gov>; (b) (6) SKI
Sent: Tue Jun 22 07:05:04 2010
Subject: Governor TP 22 June 10.pdf - Adobe Acrobat Standard

Good morning ADM Allen and NIC Command Staff

Attached TP's for this morning's Governor's Call

Very Respectfully,

CDR (b) (6)
Chief of Response
Sector Lower Mississippi River
O: (b) (6)
M: (b) (6)

(b) (6) LT

From: Walter, Regis
Sent: Tuesday, May 18, 2010 7:27 AM
To: (b) (6) @navy.mil; (b) (6) @noaa.gov; 21oss.osw.ex@peterson.af.mil;
(b) (6) @ELMENDORF.af.mil; Al ; (b) (6) @tyndall.af.mil;
(b) (6) @usgs.gov; (b) (6) @navy.mil; (b) (6) @tyndall.af.mil;
(b) (6) @tyndall.af.mil; (b) (6) @ios.doi.gov; Chorney, David; COP Manager;
(b) (6) @northcom.mil; (b) (6) @northcom.mil; (b) (6) @nss.eop.gov;
(b) (6) @northcom.mil; (b) (6) @usgs.gov; (b) (6) @northcom.mil;
(b) (6) @nss.eop.gov; EOC DOC; FEMA-MACMAPS; FEMA-NRCC;
(b) (6) @usgs.gov; GISSupport; Glazewski, Matthew; (b) (6) @ex.ios.doi.gov;
HITRAC-IPRB; (b) (6) @usgs.gov; ICC Deputy; Interior; IP.IMC; IRSCC WORKING
GROUP; (b) (6) @usgs.gov; John ; (b) (6) @northcom.mil; Kamoie, Brian;
Kiendl, David; (b) (6) @tyndall.af.mil; (b) (6) @northcom.mil;
(b) (6) @usgs.gov; (b) (6) @ios.doi.gov; (b) (6) @tyndall.af.mil; Lunney, Pat;
(b) (6) @northcom.mil; Matt ; (b) (6) @northcom.mil;
(b) (6) @us.army.mil; Mongeon, Albert; (b) (6) @usgs.gov; NGA; NGA Support Team;
NICC-GA; HQS-PF-fldr-NIC HQ Situation Unit;
nnc.cmdctrdomainmaritime.omb@northcom.mil; nnc.cmdctrmetoc.omb@northcom.mil; NOC
GIS-COP; NOC IMO; NOC NGA; NOC NOAA; NOC SWO; NOC SWO Restricted; NOC
TRACKER; NOC-Director; OPS CAT; Regis; (b) (6) CTR; (b) (6)
(b) (6) @who.eop.gov; (b) (6) @ex.ios.doi.gov; Rickman, James;
(b) (6) @northcom.mil; Rodgers, Larry; (b) (6) @northcom.mil; Senn,
Michael; Sokich, John; Steeves, Mary; strong, Doug; Walter, Regis; Weeks, Wayne;
(b) (6) @us.army.mil; (b) (6) @usgs.gov; (b) (6) WMD OPS; (b) (6)
(b) (6) LT; Zachary Landau
Subject: FW: NMFS Wildlife Stranding Update

Categories: FYI

Date: 17 May 2010 (as of 1930)

Wildlife Updates

Sea Turtles

Six (6) dead sea turtles (3 in FL, 1 in AL, and 2 in LA) were reported on 17 May. An additional eight turtles (5 in AL and 3 in MS) were reported but have not yet been verified. The total number of sea turtles documented since 30 April within the "designated spill area" is 162 (8 live, of which 2 died in rehab, 154 dead).

To date, 72 dead turtles have been examined in the laboratory. Of these 72, 50 full necropsies have been performed, 17 partial necropsies were conducted on those carcasses that were scavenged or too autolyzed to allow full evaluation, and 7 carcasses were too desiccated to allow pathological evaluation. Additional necropsies will be conducted during the upcoming week on the turtles that remain in freezer storage. data is being summarized and talking points developed.

Of all live and dead sea turtles evaluated to date, no visible external or internal signs of oiling have been found.

Marine Mammals

Two dolphins were reported stranded on 16 May, but due to the time of day they will be confirmed tomorrow. Also, one (1) initially reported on 14 May in LA was confirmed and

added to **that** date. To date, **thirteen (13)** dead dolphins have been confirmed since **30 April** within the "designated **spill area.**"

Of the **dead stranded** dolphins **collected to date**, one (1) has **been fresh enough to** conduct a **full** (7) have **had partial necropsies (e.g., sample and tissue collection)** performed, and **five (5)** were too autolyzed to allow for **evaluation.**

Of all **dead marine mammals** evaluated to date, no **external or internal signs** of oiling has **been found in or on any** animal.

Action Plan Updates

The Mammal/Turtle Group continues **to explore ways to present daily stranding data** to improve **understanding by** multiple USers.

The Sea Turtle **Unit Leader** and the **Marine Mammal** will both participate in a **Subject matter** expert call with federal **wildlife experts** for the **media** at **11:00 EST** on 18 May and a **legislative briefing** just prior at **10:00 EST.**

ICC **Deputy on Watch**

ICC **Main Number: (301) 713-0136**

(b) (6) LT

From: (b) (6)
Sent: Thursday, July 22, 2010 12:10 PM
To: HQS-PF-fdr-NIC-HQ-Email Archive
Subject: FW: Unified Command for the Deepwater BP Oil Spill | Turtle Talk - Virtual Town Hall Meeting

Ms. (b) (6)
NEPA/Cultural Resources Program Manager
United States Coast Guard Headquarters
Office of Environmental Management (CG-47) 2100 2nd st SW Stop 7991 Washington DC 29593-7991
email: luscg.mil
Phone: (b) (6)
Fax: 292-475-5955

-----Original Message-----

From: hs.gov [mailto:(b) (6)@dhs.gov]
Sent: Sunday, July AM
To: Wandelt, Edward; Pehlman, Teresa; Reese, David; Wixted, Peter
Subject: Fw: Unified Command for the Deepwater BP Oil Spill | Turtle Talk - Virtual Town Hall Meeting

The page has a webcast of a about the impact of the gulf oil spill on turtles.

Robert "Dennis" McMenamin
Sent from my Blackberry
Please excuse the typo 'sand graminer

----- Original Message -----

From: Den <(b) (6)@verizon.net>
To: McMenamin, Robert O <(b) (6)@dhs.gov>
Sent: Sun Jul 18 11:14:18 2010
Subject: Unified Command for the Deepwater BP oil spill | Turtle Talk - Virtual Town Hall Meeting

<http://www.deeowaterhoriZQriresponse.com/go/doc/2931178533S>

Sent from my iPod

LT

From: bounces+532a1b3@piersystem.com on behalf of Deepwater Horizon Response External Affairs [donotreply@deepwaterhorizonresponse.com]
Sent: Friday, July 30, 2010 6:44 PM
To: HQS-PF-fldr-N1C-HQ-Email Archive
Subject: MEDIA ADVISORY: Sea

DATE: July 30, 2010 17:39:37 CST

MEDIA ADVISORY: Sea Turtle experts

Key contact numbers

- * Report oiled shoreline or request volunteer information: (866) 448-5816
- * Submit alternative response technology, services or products: (281) 366-5511
- * submit your vessel for the Vessel of opportunity program: (866) 279-7983
- * Submit a claim for damages: (800) 440-0858
- * Report oiled wildlife: (866) 557-1401

Deepwater Horizon Incident
Joint Information Center

Phone: (713) 323-1670
(713) 323-1671

What: A teleconference call with federal sea turtle experts who will discuss the latest numbers of sea turtles that may have been affected by the BP oil spill, ongoing sea turtle rescue efforts, nest translocation/hatchling release efforts, updated necropsy results and the turtle observer program.

Who:

- NOAA Fisheries, National Sea Turtle Coordinator, Barbara Schroeder
- U.S. Fish and Wildlife Service, National Sea Turtle Coordinator, Sandy MacPherson
- National Park Service, Rick Clark, chief of Science and Resource Management, Gulf Islands National Seashore and Donna Shaver, Chief of Sea Turtle Science & Recovery, Padre Island National Seashore

When: 1:00 p.m. EDT/Noon CDT, Wednesday, August 4, 2010

Call-in Info: Teleconference, call-in number: (866) 304-5784. International callers use (706) 643.1612. Pas5code: 91578966.

For information about the response effort, visit www.deepwaterhorizonresponse.com <<http://www.deepwaterhorizonresponse.com/>>

###

<http://www.google.com/buzz/post>

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(b) (6) **LT**

From: bounces+48f4c8b@piersystem.com on behalf of Deepwater Horizon Response External Affairs [donotreply@deepwaterhorizonresponse.com]
Sent: Thursday, July 15, 2010 8:09 PM
to: HQS-PF-fdr-NIC-HQ-Email Archive
Subject: MEDIA ADVISORY: Unified Area Command and Audubon Nature Institute Co-host "Turtle Talk" Roundtable

DATE: July 15, 2010 16:57:29 CST

MEDIA ADVISORY: Unified Area Command and Audubon Nature Institute Co-host "Turtle Talk" Roundtable

Discussion for News and Online Media - First Event Bringing Together Major Agencies Involved in Sea Turtle Protection

Key contact numbers

- * **Report oiled shoreline or request volunteer information: (866) 448-5816**
- * **Submit alternative response technology, services or products: (281) 366-5511**
- * **Submit your vessel for the Vessel of Opportunity Program: (866) 279-7983**
- * **Submit a claim for damages:**
- * **Report oiled wildlife: (866) 557-1401**

**Deepwater Horizon Incident
Joint Information Center**

Phone: (713) 323-1679
(713) 323-1671

WHAT: "Turtle Talk" is the first event to bring together the lead agencies involved in turtle protection efforts in one forum to discuss the status of sea turtles affected by the Deepwater Horizon oil spill. The Unified Area Command is co-hosting Turtle Talk with Audubon Nature Institute, bringing together sea turtle experts from National Oceanic and Atmospheric Administration, the U.S. Fish and Wildlife Service and the National Park Service for a roundtable discussion. Additionally, wildlife expert, Jeff Corwin, will provide a video introduction to the event, sharing his concern for sea turtles.

Media will be able to join the discussion virtually" having the option to ask questions via conference line or participate via a live webcast enabled with a chat function.

WHO: NOAA Fisheries national sea turtle coordinator, Barbara Schroeder, National Park Service Chief of Science and Resource Management... Rick Clark, Fish and Wildlife Service sea turtle expert, Or. Debby Crouse

Moderated by Karyn Kearney, Senior Vice President and Managing Director of Audubon Nature Institute's Audubon Aquarium of the Americas

Video introduction provided by Wildlife biologist and NBC and MSNBC's science and environmental expert, Jeff Corwin

WHEN: Friday, July 16, 2010. 11 a.m. - 12 p.m. COT

WHERE: This event will take place online at - turtletalk.deepwaterhorizonresponse.com

Dial-in at (866) 304-5784 domestic and (706) 643-1612 and use passcode # 88759207 or use the live chat function within the Turtle Talk web page to pose questions, to our panel.

The event will be streamed live from the Audubon Nature Institute's Audubon Aquarium of the Americas in New Orleans. Audubon serves as coordinator for the Louisiana Marine Mammal and Sea Turtle Rescue Program and is responsible for rescuing and rehabilitating sea turtles and marine mammals stranded in Louisiana.

The Unified command will be live tweeting the event at @Oil_Spill_2010, in addition to posting updates on the Deepwater Horizon Response

<http://www.google.com/buzz/post>

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(b) (6) **LT**

From: bounces+2bb70b3@piersystem.com on behalf of Deepwater Horizon Response External Affairs [do not reply@deepwaterhorizonresponse.com]
Sent: Wednesday, June 09, 2010 5:01 PM
To: HQS-PF-1dr-NIC HQ Situation Unit
Subject: MEDIA ADVISORY: Veterinary Care Demonstration

Categories: FYI

DATE: June 09, 2010 15:45:17 CST

MEDIA ADVISORY: Veterinary Care Demonstration

Key contact numbers

- * Report oiled shoreline or request volunteer information: (866) 448-5816
- * Submit alternative response technology, services or products: (281) 366-5511
- * Submit your vessel for the Vessel of Opportunity Program: (281) 366-5511
- * Submit a claim for damages: (800) 440-0858
- * Report oiled wildlife: (866) 557-1401
- * Medical support hotline: (888) 623-0287

Deepwater Horizon Incident
Joint Information Center

Phone:
(985) 902-5240

What: Oiled turtle update and veterinary care demonstration

Who: Barbara Schroeder, national sea turtle coordinator for NOAA's National Marine Fisheries Service, and head of the Sea Turtle Unit of the Unified Area Command Wildlife Branch; Dr. Michael Ziccardi, University of California, Davis, veterinarian and oiled wildlife expert, and head of the Sea Turtle and Marine Mammal Response within the Unified Area Command Wildlife Branch; Michele Kelley, stranding coordinator, Louisiana Marine Mammal and Sea Turtle Response Program; and Dr. Robert Maclean, senior veterinarian, Audubon Nature Institute.

When: Thursday, June 10, a.m. to 11:30 a.m. This event is limited to 90 minutes. Late arrivals will not be admitted.

Where: Audubon Nature Institute's Center for Research of Endangered Species (45 minutes outside of New Orleans, La.; contact individuals below for address)

Contact: Audubon Nature Institute Public Relations,
sburnette@auduboninstitute.org

Christine Patrick, NOAA Communications, christine.patrick@noaa.gov
<<mailto:christine.patrick@noaa.gov>>

Sylvia Wright, UC Davis University Communications, (530) 219-8849

For information about the response effort, visit www.deepwaterhorizonresponse.com.

<http://www.google.com/buzz/post>

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Deepwater Horizon Response <https://www.piersystem.com/go/site/2931/>

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(b) (6)

LT

From: (b) (6) YNI
Sent: Friday, July 30, 2010 10:32 AM
To: HQS-DG-LST-NIC-HQ-Legislative-Affairs
Subject: N122 - Environmental Law Clinic
Attachments: n122LetterSilvas.pdf

Legislative Team,

Attached is **correspondence** from the Environmental Law Clinic regarding Sea Turtles.

N122

Suspense Date: **4AUG2010**

YNI **(b) (6)**

(b) (6) LT

From: bounces+3363d3f@piersystem.com on behalf of Horizon Response External
Affairs [donotreply@deepwaterhorizonresponse.com]
Sent: Thursday, June 17, 2010 12:28 AM
To: HQS-PF-fdr-NIC HQ Situation Unit
Subject: NOAA Conducts Tests to Determine Fate of Whale Found Dead in Gulf of Mexico •

DATE: June 16, 2010 23:11:32 CST

NOAA Conducts Tests to Determine Fate of Whale Found Dead in Gulf of Mexico

Whale Not Found in Oiled Water, but Cause of Death Unknown

Key contact numbers

- * Report oiled shoreline or (866) 448-5816
- * submit alternative response technology) services or products: (281) 366-5511
- * Submit your vessel for the Vessel of Opportunity Program: (281) 366-5511
- * Submit a claim for damages: (800) 440-0858
- * Report oiled wildlife: (866) 557-1401
- * Medical support hotline: (888) 623-8287

Deepwater Horizon Incident
Joint Information Center

Phone: (985) 992-5231
(985) 902-5240

On Tuesday, June 15, the NOAA Ship Pisces reported a dead sperm whale floating 77 miles due south of the Deepwater Horizon spill site. NOAA is currently in the process of conducting thorough testing to determine the circumstances surrounding the mammal's death, as well as collect its life. This is the first dead whale reported since BP's rig exploded on April 20. It was not found in oiled waters; however, its location of death is unknown.

As soon as the whale was sighted, Pisces Field Party Chief Paul Felts called the marine mammal hotline to report the finding to the Wildlife Branch of the Unified Command and NOAA's marine mammal experts.

Based on the estimated size of the whale, scientists believe it is a sub-adult. Its condition suggests it may have been dead for between several days to more than a week. Although it was not found in oiled water, NOAA marine mammal experts are using hindcasting analysis to look into the location from which the whale carcass may have drifted.

While it is impossible to confirm whether exposure to oil was the cause of death, NOAA is reviewing whether factors such as ship strikes and entanglement can be eliminated. Samples collected from this carcass will be stored under proper protocols and handed off when the Pisces comes to port on July 2, or possibly if it is sent to meet the Pisces. Full analysis of the samples will take several weeks.

In accordance with the Wildlife Branch protocols, NOAA's Southeast Regional Marine Mammal Stranding Coordinator Blair Mase requested that the NOAA field crew take photographs of the approximately 25-foot whale, collect skin swab for oil analysis, collect blubber and skin

samples for analysis, and measure its height in the water. Although the whale is very decomposed, the photographs and samples will help scientists better understand how long it has been dead. The blubber and skin samples will be used for genetic analysis and to determine the sex of the animal. Measurements of the whale floating in the water will be used to determine how far and how fast it might have floated from where it died. The carcass has been marked so that aerial reconnaissance teams will be able to identify the individual and will not report it, as a new mortality.

NOAA and the Unified Command Wildlife Branch have had numerous reports of sperm whales seen swimming in the oil) but this is the first confirmed report of a dead whale since the BP oil spill began. NOAA remains concerned about sperm whales, which are the only endangered resident cetaceans in the upper Gulf of Mexico. Sperm whales spend most of their time in the upper Gulf offshore area, live at depth in areas where subsurface dispersants and oil are present, and feed on deepwater squid, which may also be impacted by the oil and dispersants.

The NOAA Ship Gordon Gunter sailed yesterday for a multi-week cruise to do photo identification, assessments, tagging, biopsies, and prey-density studies for sperm whales and Sryde's whales. Nearshore and offshore response efforts are continuing, and include investigations to determine cause of death or illness for dolphins that have stranded and aerial surveys for cetaceans throughout the area. The information gained from these efforts will help assess the impacts of this event on cetaceans in the Gulf of Mexico.

For the response effort, visit www.deepwaterhorizonresponse.com.

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Unified Command for the BP Oil Spill | Deepwater Horizon Response

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Visit this link to unsubscribe <http://www.piersystem.com/go/unsubscribe/2931/3363d3f/?e=nic-hq-situation-unit%40uscg.mil>

(b) (6) LT

From: Glazewski, Matthew
Sent: Saturday, June 18, 2010 8:31 AM
To: (b) (6) @navy.mil; (b) (6) @noaa.gov; 21oss.osw.ex@peterson.af.mil; Al
(b) (6) @tyndall.af.mil; navy.mil; dall.af.mil;
c2f_prfk_metoc@navy.mil; tyndall.af.mU; ios.doi.gov;
Chorney, David; COP Manager; orthcom.mil; northcom.mil;
(b) (6) @nss.eop.gov; Dombrowsky, Rainer; northcom.mil;
(b) (6) @northcom.mil; (b) (6) @nss.eop.gov; EOC DOC; FEMA-
MACMAPS; FEMA-NRCC; (b) (6) @usgs.gov; GISSupport; DC @ex.ios.doi.gov;
HITRAC-IPRB; (b) (6) @usgs.gov; ICC De uty; Interior IP IMC; IRSCCWORKING.
GROUP; (b) (6) @usgs.gov; John; northcom.mil;
Kamole Brian Klendl. David; dall.af.mil;
(b) (6) @northcom.nia; os.doi.90V;
(b) (6) @tyndall.af.mil; Lun (b) (6) @northcom.mil;
(b) (6) northcom.mil; s.army.mil; MJOC; Mongeon, Albert;
(b) (6) @usgs.gov; NCS; NGA Support Team; (b) (6) @ng.army.mil; NICC-GA; HQS-PF-
fldr-NIC HQ Situation Unit; nnc.cmdctrdomainmaritime.omb@northcom.mil;
nnc.cmdctrmetoc.omb@northcom.mil; NaG GI5-COP; NOC IMO; NOC NGA; NOe NOAA;
NOe SWO NOC SWO Restricted; NOC TRACKER; NOC-Director; OPS CAT; Regis;
(b) (6) CTR; (b) (6) @who.eop.gov; ex.ios.doi.gov;
Rickman, James; (b) (6) @northcom.mn; Rodgers, Larry; Senn, Michael; Shirley,
Kim; Sokich, John; Steeves, Mary; strong, Doug; ugov.gov;
(b) (6) @usgs.gov; Walter, Regis; weather@pentagon.af.mil; Weeks, Wayne;
(b) (6) @us.army.mil; (b) (6) @usgs.gov; WMO OPS; (b) (6)
(b) (6) LT; Zachary Landau
Subject: NOAA!Deepwater Situation Update 18 June
Attachments: image001.png

NOAAWeb Update June 18, 2010

DEEPWATER HORIZON Incident

Situation: Friday 18 June -

RESPONSE.

Over 25,000 barrels of oil were recovered yesterday. The Enterprise is now producing above what was originally anticipated.

More than 40 Shoreline Cleanup Assessment Teams (SCAT)—federal, state and BP officials are working to assess and determine how cleanup will be conducted, and oversee cleanup operations—continue to monitor and cleanup the Alabama, Louisiana, Mississippi, and Florida coastlines.

Light variable winds over the next few days should slow oil movement to the east.

continues to generate daily trajectories for the nearshore and offshore surface oil. Overflights are also conducted on a daily basis (weather permitting) to provide field verification of model trajectories. Please see [GeoPlatform.gov/gulfresponse](http://www.geoplatform.gov/gulfresponse) (<http://www.geoplatform.gov/gulfresponse>) for further information on the federal response to the Deepwater Horizon Incident.

TRAJECTORIES

Recent satellite imagery analysis no longer shows the persistent patches of sheen to the S-SE of the main slick. However, non-recoverable sheens and tar balls previously observed in these regions may have been entrained into the large clockwise eddy (Eddy Franklin) that has pinched off the main Loop Current (LC). Trajectories indicate that most of these sheens will continue to move clockwise in Eddy Franklin. The connection between the spill source and Eddy Franklin has been cut off due to a change in the currents. The oil will biodegrade and photo-oxidize over the time frame of weeks to months. No recoverable oil is expected to enter the Florida current over the next 72 hours.

The Loop Current is an area of warm water that comes up from the Caribbean, flowing past the Yucatan Peninsula and into the Gulf of Mexico. It generally curves east across the Gulf and then flows south parallel to the west Florida coast. An eddy is water that rotates.

CLOSURES

NOAA Fisheries Service is not modifying the fishery closure in the Gulf of

Mexico today. Any changes to the **closure** are **announced** daily at 12 p.m. **Eastern** at <http://sero.nmfs.noaa.gov> and take effect at 6 p.m. Eastern the **same** day.

SEA TURTLES AND **MARINE MAMMALS** (effective June 17, **2010**)

The NOAA Ship **Pisces** reported a dead 25-foot **sperm whale** that was located **15** miles **due** south of **Pascagoula, Mississippi** and **approximately** 77 miles due south of the spill site earlier this week. The **whale** was **decomposed** and heavily scavenged. **Samples** of skin **and** blubber will be analyzed. **Sperm whales** are **the** only endangered resident cetacean in the Upper Gulf of **Mexico**.

A total of 469 sea turtles have been verified **from** April 30 to June 17 within the designated spill area **from** the Texas/Louisiana border to **Apalachicola, Florida**. Between Wednesday, June 16 and Thursday, June 17, 8 turtle strandings were **verified** (one dead oiled turtle **in Alabama**, one dead **in Louisiana**, three **live** and three **dead** in **Mississippi**). There are **now** 95 sea turtles in rehabilitation centers. **These** include 66 heavily-oiled sea turtles captured as part of the **on-water** rescue operation and **29** turtles that stranded alive. A total of **83** stranded or captured turtles have had visible evidence of external oil since verifications began on **April 30**. These include the 72 captured or collected turtles **from** the **on-water** operation (66 live turtles, 3 **collected** dead and 3 **that** died in rehabilitation) **seven** live **stranded** turtles (**two** caught in **skimming operations**), and four **dead** stranded sea **turtles**. All **others** have not had visible evidence of external **oil**.

Of the 469 turtles verified from April **30** to June **17**, a total of 36 **stranded** turtles were **37** **stranded** alive. Four of those subsequently died. **Four** live stranded turtles were released, and 29 live **stranded** turtles are being **rehabilitated** in **rehabilitation** centers. Turtle **strandings** during this time

period have been much higher in Louisiana, Mississippi, Alabama, and the Florida Panhandle than in previous years for this same time period. This may be due in part to increased detection and reporting, but this does not fully account for the increase.

From April 30 to June 17, 46 stranded dolphins have been verified in the designated spill area. On Thursday, a dolphin off of Florida, classified as stranded because it was trapped by boom. The responders moved the outer boom so the dolphin could swim out on its own. There was no visible oil on the dolphin or in the area. The dolphin was classified as oiled because there was oil on the outside of the two booms. Of the total 46 stranded dolphins, 43 dolphins stranded dead, three stranded alive. Two of the live strandings died. Visible evidence of external oil was found on two dolphins. However, we are unable at this time to determine whether the animals were externally oiled before or after death. Since April 30, the stranding rate for dolphins in Louisiana, Mississippi, Alabama, and the Florida Panhandle has been higher than the historic numbers for the same time period in previous years. In part, this may be due to increased detection and reporting and the lingering effects of an earlier observed spike in strandings for the winter of 2019. A stranding is defined as a dead or debilitated animal that washes ashore or is found in the water. NOAA and its partners are analyzing the cause of death for the dead stranded and dead captured sea turtles and the stranded marine mammals.

ASSESSMENT

NOAA's Damage Assessment, Remediation, and Restoration Program (DARRP) is conducting a Natural Resource Damage Assessment (PDF, 89 K). The focus currently is to assemble existing data on resources and their habitats and collect baseline (pre-spill impact) data. Data on oiled resources and habitats

are also being collected.

LTjg (b) (6)

NOAA Support Meteorologist

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www.homelandsecurity.noaa.gov <<http://www.homelandsecurity.noaa.gov>>

LT

From: **Glazewski, Matthew**
 Sent: **Thursday, June 10, 2010 07:12 AM**
 To: (b) (6) @n mil; noaa.gov; 21oss.osw.ex@peterson.af.mil; Al . navy.mil; (b) (6) @tyndall.af.mil, os.doi.gov; **Chorne, David**; COP Manager; northcom.mil- nss.eop.gov; northcom.mil; northcom.mil;
Dombrowsky, Rainer; (b) (6) @nss.eop.gov; EOC DOC; FEMA-MACMAPS; FEMA-NRCC; (b) (6) @usgs.gov; GISSupport; @ex.ios.doi.gov; HITRAC-IPRB; (b) (6) @usgs.gov; ICC Depu Interior; IPJMC; IRSCC WORKJNG GROUP; (b) (6) @usgs.gov; John northcom.mil; Kamoie, Brian; Klendl, David; dallaf.mil; northcom.mil; m.usgs.gov; (b) (6) @ios.doi.gov; (b) (6) @tyndall.af.mil; Lunney, Pat; (b) (6) orthcom.mil; (b) (6) @northcom.mil; (b) (6) @us.army.mil; MJOC; Mongeon, Albert; (b) (6) @usgs.gov; NCS; NGA; NGA Support Team; (b) (6) @ng.army.mil; **NICC-GA**; HQS-PF-f1dr-NIC HQ Situation Unit; nnc.cmdctrdomainmaritime.omb@northcom.mil; nnc.cmdctrmetoc.omb@northcom.mil; NOC GIS-COP; NOe IMO; NOC NGA; NOC NOAA'NOe SWO. NOC SWO Restricted; NOC TRACKER; NOC-Director; OPS CAT; Regis; eTR; (b) (6) (b) (6) @who.eop.gov; (b) (6) @ex.ios.doi.gov; Rickman, James; Robert.Roane@northcom.mil; **Rodgers, Larry**; Senri, Michael; **Shirley, Kimberly**; Sokich, **John**; **Steeves** strong, **Doug**; **Walter, Regis**; weather@pentagon.af.mil; **Weeks, Wayne**; (b) (6) @us.army.mil; (b) (6) @usgs.gov; (b) (6) WMD OPS; (b) (6) (b) (6) T; zachary Landau
Subject: NOM Web Update June 9,2010 DEEPWATER HORIZON Incident
Attachments: image001.png

Follow Up Flag: Follow up
 Flag Status: Completed
 Categories: FYI

NOAA Web Update 2010 DEEPWATER HORIZON Incident

Situation: Wednesday 09 June -

BP engineers have been working over the past five days to optimize the 'top hat' containment device performance. Their efforts appear to be helping. The collection of oil has steadily increased over the past six days and BP hopes to ramp up the collection rate from 15,000 to 28,000 barrels per day over the next week. As collection increases, BP incoordination with federal response agencies will increase processing capacity at the Enterprise drillship and a service rig at the water's surface in order to handle the increased load. In addition, BP anticipates adding another 5,000 to 10,000 barrels a day of capacity by pulling O11 and gas holes in the failed blowout preventer. This operation involves connecting the rig used during the 'top kill' procedure, the Q4000, via one or more pipes to the holes and could be completed by next week.

Response

Onshore (SE) winds are forecast to continue through Friday at 15 knots or less. Persistent southwesterly winds last week movement of the slick towards the Mississippi/Alabama barrier islands and westward movement along the Florida Panhandle. Models show alongshore currents becoming more westward over the next few days, inhibiting further any O11. However, coastal regions between Horn Island, Alabama and

Pensacola, Florida may continue to experience limited shoreline oiling throughout this forecast period. To the west of the Mississippi delta, any remaining floating oil in this region could come ashore between Timbalier Bay and Southwest Pass.

In the offshore zone, satellite imagery analysis continues to indicate patches of sheen to the SE of the main slick. Scattered sheens and tar balls observed in this region may be getting entrained into the northern edge of the large clockwise eddy that has pinched off the main loop Current (LC). Trajectories indicate that some of these sheens may continue southward along the eastern edge of this main LC eddy, whereas some may be getting entrained into the counter-clockwise eddy to the NE of the main LC eddy. Satellite imagery of the Florida Strait and Gulf Stream saw no anomalies. However, a research vessel confirmed tarballs mixed in with seaweed along the NE edge of the main LC eddy.

Closures

NOAA Fisheries Service is not modifying the fishery closure in the Gulf of Mexico today. Any changes to the closure are announced daily at 12 p.m. Eastern at sero.nmfs.noaa.gov and take effect at 6 p.m. Eastern the same day.

Sea Turtles and Marine Mammals (effective June 8, 2010)

A total of 322 sea turtles have been verified from April 30 to June 8 within the designated spill area. (The designated spill area for sea turtles and marine mammals is from the Texas/Louisiana border to Apalachicola, Florida.) Between Monday, June 7 and Tuesday, June 8, 7 turtle strandings were verified; 2

all were dead (four in Mississippi, two in Louisiana, and one in Alabama. One from Louisiana had visible external oil on it). Thirty heavily oiled sea turtles have been captured in the on-water turtle search and rescue operation by NOAA, the Florida Fish and Wildlife Conservation Commission, and other partners working under the Unified Command. Twenty-five of those captured turtles are in rehabilitation at Audubon Aquarium in New Orleans, two turtles were collected dead and three captured alive subsequently died at the aquarium. A total of 37 stranded or captured turtles have had visible evidence of external oil. These include the 30 captured turtles from the on-water operation, four live stranded sea turtles (two caught in skimming operations) and three dead stranded sea turtles. All others have not had visible evidence of external oil.

Of the 322 turtles verified from April 30 to June 8, a total of 270 stranded turtles were found dead, 22 stranded alive. Three of those subsequently died. Three live stranded turtles have been released, including two that were found in Mississippi and released after rehabilitation in Ten Thousand Islands, Florida. There are 41 turtles in rehabilitation. Turtle strandings during this time period have been higher in Louisiana, Mississippi and Alabama than in previous years for this same time period. This may be due in part to increased detection and reporting, but this does not fully account for the increase.

From April 30 to June 8, 38 stranded dolphins have been verified in the designated spill area. Of this, 36 dolphins stranded dead and two stranded alive. One died on the beach and another that stranded in Florida was euthanized. So far, two of the 38 stranded dolphins had evidence of external oil. However, we are unable at this time to determine whether the animals were externally oiled before or after death. Since April 30, the stranding rate for dolphins in Louisiana, Mississippi, and Alabama has been higher than the historic numbers for the same time period in previous years. In part, this may be due to increased detection and reporting and the lingering effects of an earlier observed spike in strandings for the winter of 2010. A stranding is defined as a dead or debilitated animal that washes ashore or is found in the water.

Assessment

NOAA's Damage Assessment, Remediation, and Restoration Program (DARRP) is conducting a Natural Resource Damage Assessment (PDF, 89 K). The focus currently is to assemble existing data on resources and their habitats and collect baseline (pre-spill impact) data. Data on oiled resources and habitats are also being collected.

LTjg (b) (6)

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www.homeandsecurity.noaa.gov <http://www.homeandsecurity.noaa.gov>

(b) (6) LT

From: (b) (6)
Sent: Tuesday, May 18, 2010 2:30 PM
To: (b) (6) LT; (b) (6) LT; (b) (6) Johnston, Dave
Cc: HQS-PF-fldr-NIC HQ Situation Unit
Subject: RE: NMFS Wildlife Stranding Update

Categories: FYI

Roger, and thank You.

Regards,

CDR (b) (6)
NIC-HQ liaison in the 5-2 Office:

-----original Message-----

From: LT [mailto: (b) (6) @uscg.dhs.gov]
sent: Tuesday, May 18, 2010 2:27 PM
To: LT; Johnston, Dave
Cc: HQS-PF-fldr-NIC HQ Situation Unit
Subject: RE: NMFS Wildlife Stranding Update

FYI, this all that we have here at the NICSITU.

v/r,
LT (b) (6)

-----Original Message-----

From: (b) (6) LT
Sent: Tuesday, May 18, 2010 2:25 PM
To: Johnston, Dave
Cc: HQS-PF-fldr-NIC HQ Situation Unit
Subject: FW: NMFS Wildlife Stranding Update

CDR/Mr. Johnston,

This is the wildlife report that we received from DEIS this morning.

v/r,
LT (b) (6)

NIC SITU RFI Desk

-----Original Message-----

From: dhs.gov [mailto: (b) (6) dhs.gov]
sent: Tuesday, May 18, 2010 7:27 AM
To: (b) (6) @noaa.gov; 21oss.osw.ex@peterson.af.mil;
(b) (6) @ELMENDORF.af.mil; Al ; (b) (6) @tyndall.af.mil; usgs.gOYj
(b) (6) @navy.mil; (b) (6) @tyndall.af.mil; @tyndall.af.mil;
(b) (6) @ios.doi.gov; Chorney, David; COP Manager; @northcom.mil;
(b) (6) @northcom.mil; nss.eop.gov; (b) (6) @northcom.mil;
(b) (6) @usgs.gov; (b) (6) @northcom.mil; (b) (6) Zs @top.goYj EO(DOC; FEMA-
MACMAPS; FEMA-NRCC; -1-usgs.gov; GISsupport; Glazewski, Matthew;
(b) (6) @ex.ios.doi.gov; HITRAC-IPRB; (b) (6) @usgs.gov; ICC Deputy; Interior; IP.IMC;
IRSCC WORKING GROUP; (b) (6) @usgs.gov; John ; northcom.mil; Kamoie, Brian;

Kiendl, David; (b) (6) @tyndall.af.mil; (b) (6) @northcom.mil;
(b) (6) @usgs.gov; ios.doi.gov; yndall.af.mil; Lunney, Pat;
(b) (6) @northcom.mil; Matt; orthcom.mil;
(b) (6) @us.army.mil; Mongeon, Albert; (b) (6) @usgs.gov; NGA; NGA Support Team; NICC-GA;
HQS-PF-fldr-NIC HQ Situation Unit; nne.cmdctrdomainmaritime.omb@northcom.mil;
nnc.cmdctrmetoc.omb@northcom.mil; NOC GIS-COP; NOC IMO; NOC NGA; NOC NOAA; NOC SWO; NOC SWO
Restricted; NOC TRACKER; NOC-Director; OPS CAT; Regis; (b) (6) CTR;
(b) (6) @who.eop.gov; x.ios.doi.gov; Rickman, James;
(b) (6) @noM:hcom.mil; Rodgers, Larry; northcom.milj Senn, Michael; Sokich,
John; Steeves, Mary; strong, Doug; Weeks, Wayne; @us.army.mil;
(b) (6) @usgs.gov; WMD QPS; (b) (6) LT; zachary Landau
Subject: FW: NMFS Wildlife Stranding Update

Date: 17 May 2010 (as of 1930)

Wildlife Updates

Sea Turtles

* Six (6) dead sea turtles (3 in FL, 1 in AL, and 2 in LA) were reported on 17 May. An additional eight turtles (5 in AL and 3 in MS) were not yet been verified. The total number of sea turtles documented since 30 April within the "designated spill area" is 162 (8 live, of which 2 died in rehab, 154 dead).

* To date, 72 dead turtles have been examined in the laboratory. Of these 72, 50 full necropsies have been performed, 17 partial necropsies were conducted on those carcasses that were scavenged or too autolyzed to allow full evaluation, and 7 carcasses were too desiccated to allow pathological evaluation. Additional necropsies will be conducted during the upcoming week on the turtles that remain in freezer storage. Initial necropsy data is being summarized and talking points developed.

* Of all live and dead sea turtles evaluated to date, no visible external or internal signs of oiling have been found.

Marine Mammals

* Two reported stranded on 16 May, but due to the time of day they will be confirmed and added to that date. Also, one (1) initially reported on 14 May in LA was confirmed and added to that date. To date, thirteen (13) dead dolphins have been confirmed since 30 April within the "designated spill area."

* Of the dead stranded dolphins collected to date, one (1) has been fresh enough to conduct a full necropsy, seven (7) have had partial necropsies (e.g., sample and tissue collection) performed, and five (5) were too autolyzed to allow for evaluation.

* Of all dead marine mammals evaluated to date, no external or internal signs of oiling has been found in or on any animal.

Action Plan Updates

* The Mammal/Turtle Group continues to explore ways to present daily stranding data to improve understanding by multiple users.

* The Sea Turtle Unit Leader and the Marine Mammal
will both participate in a subject call with federal wildlife experts for the
media at 11:00 EST on 18 May and a legislative briefing just prior at 10:00 EST.

ICC Deputy on Watch
ICC Main Number: (301) 713-0136

LT

From: **bounces+455405f@piersystem.com on behalf of Deepwater Horizon Response External Affairs [donotreply@deepwaterhorizonresponse.com]**
Sent: **Friday, July 09, 2010 7:26 PM**
To: **HQS-PF-fdr-NIC-HQ Email Archive**
Subject: **State and Federal wildlife agencies, other partners, move to safeguard sea turtle nests; FedEx providing transportation to Florida's Space Coast**

DATE: July 09, 2010 18:13:52 CST

State and **agencies, other partners, move to safeguard sea turtle nests; FedEx providing transportation to Florida's Space Coast**

Key contact numbers

- * **Report oiled shoreline or request volunteer information: (866) 448-5816**
- * **Submit alternative response technology, services or products: (281) 366-5511**
- * **Submit your vessel for the Vessel of opportunity 279-7983 or (877) 847-7470**
- * **Submit a claim for damages: (800) 440-0858**
- * **Report oiled wildlife: (866) 557-1401**

**Deepwater Horizon Incident
Joint Information Center**

Phone: (713) 323-1670
(713) 323-1671

The first of **several hundred sea turtle nests on beaches from Alabama across the Florida panhandle was excavated and moved to Florida's East Coast today.**

The loggerhead **nest of roughly 100 eggs was excavated from a site near St. Joseph Bay state Buffer Preserve outside St. Joe, Florida.**

"This *is* an **extraordinary rescue mission** to deal with an unprecedented threat to **iconic and endangered sea turtles,**" **said Tom Strickland, Assistant Secretary of the Interior for Fish and Wildlife and Parks.** **this scale has ever been attempted, but the scientific consensus is that it is worth the risk given the magnitude of the threat."**

FedEx Custom Critical **provided specialized transportation and Will move hundreds of other nests to Florida's east coast adjacent to the Kennedy Space Center for final incubation and hatchling release. Dozens of nest relocations are expected to take place over the next several weeks.**

"**Kennedy is uniquely situated on the Merritt Island National Wildlife Refuge and the Canaveral We are home to many species of protected wildlife and we hope to provide these sea turtles with a better chance of survival,**" **said Kennedy Space Center Cabana.**

The **relocation work is part of an unprecedented effort by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the National Park Service, NOAA, many conservationists long connected to the sea turtle program) and FedEx, to do everything possible to minimize extraordinary risk this year's sea turtle hatchlings face from impacts of the Deepwater Horizon oil spill.**

Sea **turtle** biologists from many agencies and academia **were** consulted on a number of options to reduce risk to northern Gulf sea turtle nests, and all of **the** risks were **carefully considered** and **weighed** in light of **current** conditions. Rodney Barreto, chairman of the Florida Fish and Wildlife Conservation Commission" said, "We understand that significant risks remain, but the option of allowing tens of thousands of turtle hatchlings to crawl into oiled waters of the northern Gulf of Mexico is not acceptable."

"FedEx is honored it was asked to support for the rescue and relocation of the endangered loggerhead sea turtle eggs and will provide transportation in our unique air-ride suspension, temperature-controlled vehicles to provide a safe and secure transportation environment," said Virginia Albanese, CEO and President, FedEx Custom Critical. "The sea turtle egg rescue extends our longstanding commitment to support our communities in times of need and is the latest example of our work transporting some of the world's most precious cargo from pandas to penguins."

"Given our strong relationship with FedEx and our long-standing relationship with the federal agencies, we were able to move quickly to develop an effective plan," said Jeff Trandahl, the National Fish and Wildlife Foundation's chief executive. "We'll continue to work with all parties so that this relocation offers the best hope for sea turtles' survival."

The effort is being launched to ensure as many hatchlings as possible from northern Gulf Coast beaches have a greater chance of survival given the unprecedented environmental disaster in the Gulf. Roughly 700 nests are laid annually across Florida's panhandle and as many as 80 are typically laid on Alabama's beaches with as many as 50,000 hatchlings.

Normal mortality for sea turtle hatchlings each year ranges between 20 percent and 50 percent. Loggerheads produced along the northern Gulf Coast are part of the same distinct those produced on Florida's Atlantic Coast.

The loggerhead nesting season in the northern Gulf of Mexico begins in late May and runs through late August. After approximately two months of incubation, hatchlings emerge from their nests and make their way offshore to developmental habitats. Hatching season extends into October. This year, hatchlings from the northern Gulf of Mexico will be released on east coast to prevent them from entering oiled waters of the northeastern Gulf of Mexico.

For information about the response effort, visit www.deepwaterhorizonresponse.com.

<http://www.google.com/buzz/post>

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Unified Command for the BP Oil Spill | Deepwater Horizon Response
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(b) (6) LT

From: **bounces+516641b@piersystem.com** on behalf of **Deepwater** Horizon Response **External** Affairs [donotreply@deepwaterhorizonresponse.com]
Sent: **Tuesday, July 27, 2010 6:50PM**
To: **HQS-PF-fdr-NIC-HQ-Email Archive**
Subject: **Transcript - Press Briefing by National Incident Commander Admiral Thad Allen and NOAA Administrator Dr. Jane Lubchenco**

DATE: July 27, 2010 17:35:10 CST

Transcript - Press Briefing by National Incident Commander Admiral Thad Allen and NOAA Administrator Dr. Jane Lubchenco

Key contact numbers

- * **Report oiled shoreline or request volunteer information: (866) 448-5816**
- * **Submit alternative response technology, services or products: (281) 366-5511**
- * **Submit your vessel for the Vessel of opportunity Program: (866) 279-7983**
- * **submit a claim for damages: (800) 440-0858**
- * **Report oiled wildlife; (866) 557-1401**

Deepwater Horizon Incident
Joint Information Center

Phone: **(713) 323-1679**
(713) 323-1671

Below is a transcript from today's teleconference by Admiral Thad Allen, National Incident Commander for the Deepwater Horizon/BP oil spill, and NOAA Administrator Dr. Jane Lubchenco.

July 27, 2010

2:00 p.m. EDT

Thad Allen: **Thank you Megan; I'd like to provide two operational updates and then allow Jane Lubchenco to make any comments she would like and we'd be glad to take your questions.**

First of all regarding the condition of the, of the capped well. Pressure continues to rise, the latest readings this morning were 6,928 pounds per square inch. Temperature was 39.7 which was in degree of yesterdays so all indications are stable. We've had no anomalies detected. The well continues to be secure and demonstrate integrity.

We are intending to run two runs today with the Geco Topaz which is our seismic research vessel. Those runs will be made in coordination with the NOAA vessel Pisces which will be doing acoustic measuring at the same time.

That will be done in and around 1,500 meters of the well head itself beyond that the Gordon Gunter another NOAA vessel will be taking additional acoustic readings. Again this is an attempt to build up our knowledge of the seafloor itself and the anomalies associated with what might be seeping out of it.

And to build up a really good 3D visualization of the strata and the formation there as it relates to well integrity. That continues and again the capping stack is in place and we see no indications or any that.

Regarding the relief well, the Development Driller III, the riser is latched in and we are currently replacing or displacing, I'm sorry, sea water in the riser package with mud and going through BOP testing.

This is all in advance of later in the week to run and submit the new liners, casing which will be the last structural component before we proceed to the bottom kill. We're also in position with the Q4, the Q4000 making preparations on there to be able to move some time around next Monday or so, around the second of August to start the static kill if everything remains on target.

Other containment issues like the free standing riser and so forth are queued behind this work because the most important work right now is to finish that, putting that casing and we'll continue to do that.

One item of interest earlier today, we received a report, the Coast Guard received a report that the uninspected towing vessel, Pere Ana C pushing the barge Captain Beauford collided with an oil and natural gas rig in the northern part of Barataria Bay south of Lafitte.

The structure itself is called C117 and that is a state owned well. We have about 6,000 feet of boom around the facility right now, there's an over flight in progress with Admiral Paul Zukunftand Governor Jindal right now and they are assessing the issues on scene, and will be available to report updates on that later today and out of the JIC and so forth.

Other than that I would like to go to Jane Lubchenco for any comments she wants to make, we'd be glad to take

Jan.e?

Jane LUbchenco: Thanks Admiral Allen, good afternoon everyone. NOAA remains fully mobilized on many fronts to track the oil with satellites and planes in the air, ships on the water and shore line assessment teams on the ground. NOAA scientists are deployed throughout the Gulf helping to assess where the oil has gone.. where it will go and to determine the extent of the damages to the Gulf seacoast system.

We know that a significant amount of the oil has disbursed and been biodegraded by naturally occurring bacteria. Bacteria that breaks down oil are naturally abundant in the Gulf of Mexico in large part because of the warm water there and the conditipns afforded by nutrients and oxygen availability.

While there's more analysis to be done to exactly quantify the rate of biodegradation early indications show that the light crude oil is being, is biodegrading quickly. When oil is dispersed into smaller bits from the use of dispersants or by weathering it's even easier for the bacteria to get to it and to consume it.

We're currently doing a very careful analysis to better understand where the oil has gone and where the remaining impacts are most likely to occur. To do this we're working with scientific minds in the government as well as independent scientific community to produce an estimate of just how much oil has been skimmed, burned, contained, evaporated and dispersed.

So stay tuned on that front.

We do know that over 600 miles of the Gulf coast shoreline have already been oiled and some remains on the surface although the amount on the surface is less and less as our very aggressive efforts to contain it have been successful.

Recent satellite imagery indicates surface oil is continuing to break up into smaller scattered patches. From over flights indicate these patches are predominantly light sheens containing little recoverable oil.

We continue to monitor this oil and NOAA will continually issue, we'll continue to issue daily surface oil trajectories for as long as necessary. Today's trajectory map shows that in the short term moderate on shore winds during the next few days may bring some remaining oil ashore to the Mississippi and Alabama barrier islands, the Chandeleur Islands, Breton Sound and the Mississippi Delta Sound and the Mississippi Delta and shorelines west of Caille Bay, Louisiana.

However, as the surface oil continues to weather and break up into smaller patches NOAA responders are working with unified command to develop monitoring strategies for tar balls and near shore submerged oil.

With the well already shut in now for a number of days, 12 days, the result of oil reaching shorelines continues to decrease. These efforts help us get a better sense of where all the oil has gone. Less oil on the surface does not mean that there isn't oil beneath the surface however or that our beaches and marshes aren't still at risk.

We are extremely concerned about the ongoing short term and long term impacts to the Gulf ecosystem. The long term impacts of oil have different effects on different populations and portions of the Gulf and fully understanding the damages and impacts of the spill on the Gulf of Mexico ecosystem is something that will take time and continued monitoring and research.

NOAA continues to play a vital role in conducting research on the surface and underwater and is doing so in conjunction with both other federal agencies and with the academic community. Currently, for example, there are four NOAA vessels, two aircraft and five sea turtle rescue boats currently operating in the Gulf of Mexico with missions ranging from seafood safety to detecting submerged oil.

There are also an additional 19 NOAA contract vessels and nine gliders in the area all making significant contributions to understanding where the oil is and what impact it's having.

For example some of the NOAA ships include the NOAA ship Pisces and Gordon Gunter, those two ships have been supporting the unified command in its well head integrity testing efforts since July 14. Admiral Allen mentioned the Pisces in his remarks.

The ships use sophisticated acoustic echo sounders to monitor for oil and gas releases in the immediate vicinity of and directly over the well head. The NOAA ship Nancy Foster is in the northern Gulf using a submersible vehicle to monitor deep water bottom and coral habitats that have been exposed to the oil dispersant mixture.

The NOAA ship Oregon II is collecting samples of fish and shrimp of Louisiana at depths between 30 and 360 feet. The samples will be tested for contaminants as part of the ongoing program that ensures seafood harvested from the Gulf remains safe for consumers.

We also have two Twin Otter aircraft operating out of Mobile, Alabama, that are active in the spill response effort. One is using a Multispectral Scanner to measure surface oil density and thickness. The other's providing aerial observations and surveys of marine life including dolphins; whales and sea turtles in the area of the spill.

NOAA sea turtle experts are vital members of the incident commands wildlife branch which has deployed five turtle rescue boats whose crews search for oiled turtles. So far, about 180 turtles have been rescued and 170 of those are currently alive in rehabilitation.

We will remain vigilant and our scientists and damage assessment teams continue to work tirelessly collecting data and information to help us better understand the impacts on this complex ecosystem-to inform the ongoing response efforts and to provide a strong scientific basis for long term restoration planning.

And with that I'm happy to answer any questions.

Operator: At this time if you would like to ask a question, press star then the number one on keypad. Our first question comes from the line of Harry Weber with The Associated Press.

Harry Weber: Thank you for taking the call again, this call, questions actually for Admiral Allen. Admiral Allen, obviously there was some news today involving the leadership that BP and as expected Mr. Dudley is going to takeover for Tony Hayward.

Now I'm curious do you think that the public perception of the overall oil response effort from the unified command and that involves the government and BP will improve now that Mr. Dudley has been elevated to CEO, in other words do you think it's going to be better, the public perception than it was before? And if so can you talk a little bit about why?

Thad Allen: Well first of all I think the level of effort before and after the naming of Mr. Dudley has been undiminished. What we have planned to do and try to do all along has been kind of independent of senior leadership assignments in BP and it has to do with creating unity of effort and amassing the to tackle this unprecedented spill.

The challenges we've had before us have to do with, had to do with getting boom and skimmers which were in very scarce supply and we have those now in abundant supply especially on skimmers. We will be over 1,000 by the end of this month. And taking the vessels of opportunity and getting them in command and control structures, putting tracking devices and communications equipment on them and then taking control of the airspace through the Air Force, first Air Force at Tyndall.

Those are the things that really significantly impacted performance, they've been planned for many weeks. they didn't happen overnight and we worked steadfastly and doggedly to do that with our state and local partners and with BP the responsible party.

So I think where we've been able to go and our, and our performance thus far I think is pretty much independent of that. That's not to say that leadership is not important and we don't work very closely together. But we've all been focused on the response.

Operator: Our next question comes from the line of Kristen Hays with Reuters.

Kristen Hays: Yes Admiral, just kind of following on that a little bit, you've been working very closely with Bob Dudley for the last three months and you know you will continue to do that until October 1, do you have any concerns about a changeover and working with Lamar McKay after that?

Thad Allen: Well, actually I was working with Lamar McKay right at the start of the event and as you know the more senior leadership arrived down at Houston, Tony Hayward and then Bob Dudley was managing director and actually Andy Inglis who's another member of the board were all down there.

So I think the **entire** cadre is well known to **everybody**, I think **the task that's** laid out **before** us *is* very clear right now. We **have** absolute **priorities** on killing the **well**, maintaining the **recovery**, **making** sure the oil is all removed and **see** if we can do **that** and **making** sure the beaches are cleaned up **and** that the **commitment** by BP to the people is met and **federal** oversight **requirements** are met.

And I think all that 15 **very** well **known** to **everybody** we've all **come** to **know** each other pretty well **over** the last **few** **months** and I don't see any [inaudible] **of** **performance** or **priorities** or **effort**. I think we've **gained** a lot of momentum in the **last** six to seven weeks and I think we **just** need to continue **on that** line and I think that **pretty** much **reflects**, is **reflected** in the conversations I've had with the BP leaders.

Kristen Hays: OK thank you.

Thad Allen: Yes.

Operator: Our _____ comes from the line of Mark Chediak with Bloomberg News.

Mark Chediak: Hi **yes**, question for **the Admiral**, I was, I was wondering who **is** **responsible** for **cementing** the casing in the **relief well**?

Thad Allen: **You** know I **don't** know off hand but **we** can find that **out** and get it to you. **You** know a lot of these things **are done** by **subcontractors** and **there** are a lot of them that are out there. And they aggregate together to do What their specialty is and **we** will get that and pass **it** to you. I just don't know **off** hand.

Mark Chediak: OK thank you.

Thad **Allen**: Yes.

Operator: **Your** _____ comes from Jason Dearen with the Associated Press.

Jason Dearen: Hi **Dr.** Lubchenco, **this** is Jason. I'm wondering if **you** can talk a little **bit** more about how much oil NOAA believes is sub **sea** or **on**, **even** on the seafloor and what **effort**, if you don't **know** or have **estimates** at this **point** just **what** **efforts** are being taken to **of** **where** the **oil** is **underneath** the **water**.

Jane **Lubchenco**: So thanks **for that** question Justin. I **know**, I mean Jason, I know **it's** an **area** that a lot **of** people are **keenly** interested **in**. Let me just **make** one general **comment** and then tell you what we're doing.

The general comment is that the oil that is beneath the **surface** as **far** as we can **determine** is primarily in the water column itself not sitting on the sea **floor**. So I think **that's** an important **mis**, **d**.istinction **to** make because I think **there's** a lot **of** misconception **that's** **Out** there.

The - we along with **the** other **scientists** in the federal agencies **and** **independent** scientists have **been** **working** very **diligently** from the **outset** to have an accurate determination of **where** **is** the oil **to the best** of our ability **to** say 50.

And **we** have developed **thanks** to many **of** the **research** missions from **our** ships **and** from many of the satellite and _____ that have been taken **are** getting close to **being** able to put together a comprehensive **picture** of **what** **is** still **out** there, where **it** **is**, how **much** has been removed **from** the very **aggressive** **skimming** and **burning** and removal efforts.

And so I don't **have** numbers for you **today** but that's **we are working** towards. This is an area that **clearly has a** lot of interests **among the American** people and we **want** to be **able** to not just give **answers** but give the right **answers**.

And **that's** exactly what **we're** working **toward**. I think **we're** **getting** very close.

operator: Your **next** question comes from Andrew Gully with the AFP.

Andrew Gully: Hi, I've got a **question** for both Admiral and Dr. Lubchenco; I'd be interested in both **of** your views on this. The President **Q**escribed this originally as the **worst** environmental disaster **to** hit the u.s. and **yesterday** a BP leading **expert** said that actually **the** environmental impact **would** be quite **small** and that **the marshes** might **even recover** by **next spring**.

Is there **a** clear - **where** in that **range** would you, would you **two** say that this disaster rates?

Thad Allen: **Well**, I'll **go first** and then let Jane comment. First of all when **you** put somewhere between three million and **5.2 million** barrels of oil into the Gulf of Mexico I **don't** think anybody can understate the impact and the gravity of that situation.

And since we **don't** know **what** wind and **weather** will do to **the oil**, where it will go and the **fate of** the oil which has a lot to do with **it** and we don't know what kind of opportunity **we're** going to have to **intervene**.

We've had some **good** days and **bad** days out there. I think **anybody** that **classifies** this as **anything** less than catastrophic is **not** being realistic. **Now over** the **course** of **years** looking at **natural resource damage assessments** and **how** the marshes come back **we may** learn from it.

But I think the **American** people would expect an **overabundance** of **caution** on our part **especially** in **how** **we're** describing this and while we would all like to **see** the **area** comeback as quickly as it can I **think** we all need to understand that **we** - at least in the history of this country **put** this much oil **into** the water and we need to take this **very** seriously.

lane?

Jane Lubchenco: Thad I think your starting point is exactly the **right** one and that is simply that the sheer volume of oil that's **out** there has **to** mean there **will** be some very significant **impacts**.

We've some of those impacts **play** out in **ways** that are more obVious, **more** visual **because** they're at the **surface**. What we have **yet** to determine is the **full impact** that the oil will **have** on not **just the shorelines**, not just the wildlife, **but** beneath **the surface**.

And **we** have a **very** aggressive **research effort** **underway** to **determine** **exactly** that. I would note that the oil that is **beneath the surface** appears **to** be **relatively** quickly so that is, positive.

There is still **likely** a **significant** amount of oil **out** there simply because there was so much released. So this is an area where **it will** take time to evaluate exactly what the impact **is** both short term and long **term** and that **underscores** the **importance** of haVing this very **aggressive monitoring** and **research effort** **underway**. So that we can actually better understand this and learn **from** this.

Andrew Gully: Thank you.

operator: Our next question comes from the **line** of Daryl Hohn with [inaudible].

Daryl Hahn: Morning Admiral. My question is did you receive any **documentation** that **indicates** that possibly **_____** had ran into the **drill shaft** and **caused** this explosion? And do we know if **there's** any evidence of what **has** caused this to explode?

Thad Allen: Are you, if **your** talking about the initial explosion on **the**, on the Deep Water Horizon, no I am **not** in receipt of any information. We'll see if we **can't** make **arrangements** for you to **get it to** me. -

I **don't** think we have any indication that that **did occur**, there's a Marine Board of Investigation that's **been in panel** to look at the cause of the accident and that's actively **underway** right now in **taking testimony** of **witnesses** with subpoena **power**.

And I think that's a proper body to determine the **cause** of the accident, we're **pretty much** focused on **the**

Daryl Hahn: OK **thank** you.

Operator: Your next **question** comes from **Jaqueeta White** with Times Picayune.

Jaqueeta White: Hi **Admiral**, thanks for taking questions. I was hoping you could restate the **names** of the vessels involved in this morning's accident and explain **what** their role was if they **were working** in spill response, what they were **doing** and **what** you know **at** this point about **what's leaking**, **what's the boom**, **what's** happening out there?

Thad Allen: OK you **were** fading in and out but I **think** you want a **review** of **what** happened this morning's accident. Let me **just, one more** time tell you what we do know and we'll **continue** to update you as we **go** throughout the day **here**.

It appears that the **uninspected** towing vessel **Pere Ana C** and that, s **p-e-r-e**, second word Ana, a-n-a letter C was pushing a barge called the Captain **Beauford** in the waterway that connects **Mud Bay** to Lafitte. There is a channel that goes up **north** of Barataria Bay.

They reportedly collided **with** an **oil** and natural gas **platform** and number CI77, there is a light **sheen** around the **platform** at **this** time. There is some vapor emanating we have an overhead picture **that shows** probably a combination of **gas** and water **vapor** and so **forth** coming into the **surface** and plus a light sheen.

And we deployed **6,000** foot of boom around that, the **helicopter** over **flight** is **being conducted** with **Admiral** Zukunft our local **unified area** commander and **Governor** Jindal. And we'll continue to monitor it.

One of **the**, one of the I **guess** **positive** things **about** having this response going on is we have a significant **amount** of **resources** in **Barataria** Bay including **vessels** of **skimming** equipment close by and boaming equipment although right now we **only** have an indication **there** was a **light sheen**.

We **will** continue to follow **up** on this and provide updates but that's pretty much **what** we know right now.

Megan Moloney: operator, at this time we have **time** for two more **calls**.

operator: Thank you your **next** question will come **from** **Curtis Morgan** with **The Miami Herald**.

Curtis Morgan: Hi this is **for** Dr. Lubchenco, NOAA put **out** a **report** the **other** day about the **plumes**, I think there was a **figure** of like five **parts per billion** of **hydrocarbon** concentration somewhere near the well head and it sort of faded off from **there**.

Can you give us an idea of what a baseline normal range would be in the Gulf and that kind of water?

Jane Lubchenco: is oil in the Gulf naturally and through various minor leaks and spills. I actually don't have a figure for that baseline but I can get that for you. And I think the main point here is that the oil that is subsurface is as far as we can tell in very small droplets, microscopic droplets and in very, very dilute concentrations falling off very steeply as one goes away from the well site. Now dilute does not mean benign, but it is in very small concentrations and we continue to measure where it is and track it and try to understand its impact.

Megan Moloney: And we can take a final call, Operator.

Operator: Your final question comes from Susan Baker with Dow Jones Newswire.

Susan Baker: Hi, I was just wondering if -so you said we're still on Allen, does that mean we're looking at the relief well being completed in the second week of August?

Thad Allen: What we're looking at is this week getting prepared to run the casing liner.

Susan Baker: Yes.

Thad Allen: In advance of being able to do the static kill which will follow that and the bottom kill which will follow that. We think by around next Monday we should be able to proceed with the static kill which we'll be pumping the mud in through the top.

Susan Baker: Yes.

Thad Allen: I would say approximately five days after that with the cement drying around the casing we'll be in a position to drill into the annulus and start up from the bottom.

Susan Baker: OK.

Thad Allen: So approximately two weeks from now.

Susan Baker: Yes.

Thad Allen: To starting the actual killing of the the bottom. But next Monday on the second of August is currently the target date to starting the static top kill.

Susan Baker: OK thank you.

Thad Allen: Was that responsive?

Susan Baker: Yes thank you very much.

Megan Moloney: And that concludes our call today thank you everyone for joining us.

Operator: Thank you ladies and gentlemen, you may now disconnect.

END

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(b) (6) LT

From: bounces+51c751f@piersystem.com on behalf of External
Affairs [do not reply to deepwaterhorizonresponse.com]
Sent: Wednesday, July 28, 2010 6:53 PM
To: HQS-PF-fldr-NIC-HQ-Email Archive
Subject: Update on NOM's Oil Spill Research and Response Missions

DATE: July 28, 2010 17:34:46 CST

Update on NOAA's Oil Spill Research and Response Missions

Five ships, two aircraft and turtle rescue boats are currently active in the Gulf of Mexico

Key contact numbers

- * Report oiled shoreline or request volunteer information: (866) 448-5816
- * Submit alternative response technology, services or products: (281) 366-5511
- * Submit your vessel for the vessel of Opportunity Program: (866) 279-7983
- * Submit a claim for
- * Report oiled wildlife: (866) 557-1401

Deepwater Horizon Incident Joint Information Center

Phone: (713) 323-1670
(713) 323-1671

NEW ORLEANS - NOAA continues to play a vital role in the Deepwater Horizon/BP oil spill response, using all the scientific methods at its disposal, including satellites in space, planes in the air, ships on the water, autonomous underwater vehicles and gliders under the water, and scientists in the field.

There are five NOAA vessels currently operating in the Gulf of Mexico from homeports as far north as New England with missions ranging from seafood safety to detecting submerged oil. This week the NOAA vessels are conducting the following missions:

* NOAA Ship Pisces (<http://www.moc.noaa.gov/pc/index.html>) has been supporting the Unified Command in its Deepwater Horizon/BP wellhead integrity testing effort since July 14, 2010. The ship has been using sophisticated acoustic echo-sounders and water column profiling instruments to monitor for oil and gas releases in the immediate vicinity of, and directly over, the well head. Data from the mission are currently being analyzed by the National Incident Command, NOAA and the University of New Hampshire daily as they monitor the cap on the wellhead. The 209-foot vessel is based in Pascagoula, Miss.

* NOAA Ship Gordon Gunter (<http://www.moc.noaa.gov/gu/>) is currently studying sperm whales and other marine mammals to learn more about how they are impacted by the oil spill. It will be tracking their abundance and distribution both with visual surveys and by recording sounds using an array of hydrophones. Earlier this week, the ship monitored for the presence of oil and gas near the wellhead as part of the Unified Command's wellhead integrity testing. The 224-foot Gordon Gunter is set to remain on this mission until Aug. 8, 2010 when it will return to its base in Pascagoula, Miss.

* NOAA Ship Nancy Foster <<http://www.moc.noaa.gov/nf/>> is using a remotely operated vehicle to bottom habitats that have been exposed to the oil/dispersant mixtures from the incident, investigating what impacts may have occurred at this stage of the spill. Researchers will visit areas in the northern Gulf of Mexico that have been previously sampled as well as go to new areas to collect baseline samples on deep-water corals and associated marine life in the Gulf. The 187-foot vessel is based in Charleston, S.C.

* The 209-foot... New England-based NOAA Ship Henry B. Bigelow <<http://www.moc.noaa.gov/hb/index.htm>> will sail from Key West this week to the well head and use its echosounder to monitor for oil and gas releases while NOAA Ship Pisces resupplies.

* The 170-foot NOAA Ship Oregon II <<http://www.moc.noaa.gov/ot/>> departed from its homeport of Pascagoula, July 26, 2010 to collect samples of fish and shrimp off Louisiana at depths between 30 and 360 feet. The samples will be tested for contaminants as part of the ongoing program that ensures that from the Gulf remains safe for consumers.

Two NOAA aircraft operating out of Mobile, Ala.) are active in the spill response effort:

* One NOAA DHC-6 Twin Otter, a twin-engine turboprop, is using a multi-spectral scanner to measure surface oil density and thickness.

* Another NOAA Twin Otter is providing aerial observations and surveys of marine life, including dolphins, whales and sea turtles in the area of the oil spill. Scientists will evaluate the exposure of marine mammals and turtles to oil, estimate short-term changes in abundance before and after exposure, and examine changes in spatial distribution that may be associated with avoidance of oil as it enters near shore coastal and estuarine habitats.

Sea Turtle Rescue Boats

* NOAA sea turtle experts are members of the Incident Command's Wildlife Branch, which has deployed five turtle rescue boats whose for oiled turtles. So far, about 180 turtles have been rescued, and 179 of those are currently alive in rehabilitation. In addition, the Wildlife Branch has contracted 12 trained turtle observers to work on skimmer boats operated by the Coast Guard and GP. NOAA staff plays an integral role in the observer program.

NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Visit us at <http://www.noaa.gov> <<http://www.noaa.gov>> or on Facebook at <http://www.facebook.com/usnoaagov> <<http://www.facebook.com/usnoaagov>> •

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NOAA science mission page: <http://www.noaa.gov/science/missions/bpoilspill.html>
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July 22, 2010

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**Impacts of Gulf Oil Spill Skimming, Booming, and Other Deepwater
Horizon on Listed Sea Turtles in the Gulf of Mexico**

Dear Admiral Allen, Mr. McKay, and Mr. Suttles:

We write to express the _____ of Turtle
Network ("TIRN"), about potentially significant impacts on endangered and threatened sea
turtles from oil skimming, booming and other cleanup activities related to the Deepwater
Horizon oil rig explosion and spill in the Gulf of Mexico. More than 700 stranded, oiled
sea turtles have been collected since the spill began, some of them in connection
with skimming and cleanup operations.¹ Any harm to _____ including any action
that disrupts _____ nonlethal behavioral patterns - without an
authorization is _____ Section 9 of the Endangered Species Act ("ESA"), 16 U.S.C.
§ 1538. To our knowledge, no incidental take authorization has not been issued for
_____ in the Gulf. Anyone involved in such _____ must exercise
extraordinary _____ and care to ensure that sea _____ not _____ by their
operations.

¹ See <http://www.deepwaterhorizonresponse.com/posted/293>

All five **species** of sea turtles found in the Gulf of Mexico are listed as endangered or **threatened** under the ESA. Each of these **species** is, at serious risk of **extinction**, and the two species that **depend** most heavily on **nesting beaches** from Florida to Texas – **loggerhead** (*Caretta caretta*) and Kemp's ridley (*Lepidochelys kempii*) sea turtles – are **threatened** to the impacts of **human** activities. The **southeastern** U.S. nesting **sea turtles, which is considered of great** importance on a global **scale, is threatened by** **beach armoring, beach lighting, nest predation, degradation of foraging habitat, and marine pollution, among other stressor.**² These U.S. nesting populations **have** declined significantly over the **past** decade.³ The critically imperiled **Kemp's ridley** faces **similar threats** to its important **nesting** beaches along the **Gulf coast.**⁴ Unfortunately, the oil spill has **coincided** with **both** of these **face throughout the** Gulf by **placing nesting females and ocean-bound hatchlings in harm's way.**

It has been **documented** that spilled **oil** and sea turtles **fronts** in the **Gulf**, and we are **aware** **operations** associated with fire boxes **have** collected turtles. **There is every** reason to believe **that** skimming operations **not associated** with **are causing** the take of **It is well documented that** sea turtles use coastal **marshes to forage** and **two** **cleanup** workers **are deploying** booms **to minimize** oil penetration. Booms are likely to prevent **sea** turtles from entering and exiting these critical **foraging** and nesting sites. **While these** cleanup **operations** are useful for **protecting** vulnerable habitats, it is critical that trained **observers** be deployed **along with skimmers** **to ensure** that sea turtles are **not harmed** by **these activities.**

In **Gulf cleanup operations, all federal** agencies have an **affirmative** obligation to **ensure the** **of listed sea turtles.** Section 2(c) of the ESA establishes **that it is "the** policy of Congress that all **and** agencies **shall seek to conserve** **and threatened** species **and shall utilize their authorities** in furtherance of the purposes of **this** Act." 16 U.S.C. § 1531(c)(1). The statute **defines "conservation" to mean "the use** of all **methods** and procedures which are **necessary to bring any endangered** species or **threatened species** to **the** point at **which** the **measures provided pursuant to** this Act are **no** longer necessary." 16 U.S.C. § 1532(3).

² NMFS. 2002. Biological **Opinion** for Shrimp Trawling in the Southeastern United States, at 23-24.

³ NMFS. 2008. **Final Recovery** Plan for the **of Loggerhead** Sea Turtles (*Caretta caretta*), **Second** Revision.

⁴ NMFS. 2010. Draft **for the** Kemp's Ridley Sea Turtle (*Lepidochelys kempii*), **Second** Revision, at 1-38 to I-49.

Additionally, Section 7(a)(2) of the ESA requires federal agencies to "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the of any endangered species or threatened species or result in the adverse modification of habitat of such species . . . determined . . . to be critical" 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a). Actions that jeopardize the continued existence of a listed species are those that would be reasonably expected to directly or indirectly result in an appreciable reduction in the likelihood of survival and recovery of a listed species by distribution or numbers of the species. 50 C.F.R. § 402.02 (held invalid on other grounds *Gifford Pinchot Task Force v. Wildlife Service*, 378 P.3d 1059 (9th Cir. 2004); *Cape Hatteras Access and Preservation Alliance v. U.S. Department of Interior*, 344 P. Supp. 2d 108 (D.D.C. 2004) (both invalidating the of To satisfy their obligations under Section 7, federal action agencies must consult with the National Marine or the U.S. Fish and Wildlife Service about the on the expert wildlife agencies must then prepare a biological opinion that determines if the agency likely to jeopardize the continued existence of the species or destroy or adversely modify critical habitat. 16 U.S.C. § 1536(a)(2); 50 C.F.R. § 402.14(a).

Finally, Section 9 of the ESA prohibits any person, including private BP or its contractors, from "taking" threatened and endangered through an incidental take permit or statement issued 16 U.S.C. § 1538. The definition of "take" includes any action to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." 16 U.S.C. § 1532(19). The term "harass" is defined, in turn, by the regulations to mean "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt include, but are not limited to, breeding, feeding, or sheltering." 50 C.F.R. § 17.3. Similarly, the term "harm" is defined by regulation to include "significant habitat modification or degradation where it actually it actually kills or injures wildlife by impairing essential patterns, including breeding, feeding, and sheltering." *Id.* Moreover, "[t]he statute not only prohibits the acts of that directly exact the taking, but also bans those acts of a third party that bring about the acts exacting the taking [A] governmental third party pursuant to whose authority an exacts a taking of an endangered species may be deemed to have violated the provisions of the ESA. *Strahan v. Cox*. 127 F.3d 155, 163 (1st Cir. 1997).

The purpose of this letter is to remind Deepwater Horizon Unified Command and BP officials of their solemn and unequivocal legal obligations under the ESA. As the foregoing discussion makes clear, cleanup activities undertaken by BP employees or contractors acting at the direction and under the supervision of the Coast Guard or Unified Command that result in trapping, capture, collection, harassment, or other adverse impacts to endangered or threatened sea turtles without proper authorization

Admiral Allen, Mr. McKay, and Mr. Suttles
July 22, 2010

Page 4

are unlawful. To ensure that sea propedyprotected during cleanup operations, we request, therefore, that all skimming and booming operations deploy trained observers to rescue sea turtles that may be impacted by these operations.

If you have any questions about this letter or wish to discuss this matter further, please do not hesitate to contact Todd Steiner, Executive Director of TIRN, at (b) (6) (b) (6) or me at (b) (6)

Sincerely yours,

(b) (6)
Deborah A. Sivas
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DAS:lfj

cc: Dr. Jane Lubchenco
Under Secretary of Commerce
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• CENTER *for* BIOLOGICAL DIVERSITY

Via Certified Mail and Electronic Mail

June 2, 2010

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RE: 60-Day Notice of Intent to Sue: Violations of the Endangered Species Act related to the Approval and Use of Chemical Dispersants

Dear **Ms. Jackson** and Admiral Papp:

This letter **serves** as a **sixty day** **behalf** of the **Center** for **Biological** Diversity of **intent to sue** the **U.S. Environmental Protection Agency** ("EPA") and the **U.S. Coast Guard** ("**Coast Guard**") over violations of **Section 7 of the** ("**ESA** U.S.C. § 1531 *et seq.*) for **actions** and **to** the continued authorization of the **use** of **chemical dispersants, including Corexit**, pursuant to the Clean Water **Act**, 33 C.F.R. § 1321(d) and its implementing regulations. **These** dispersants **are known to** or **likely to adversely affect** **multiple threatened and endangered species**, including **sea turtles**, **Gulf sturgeon**, and **others**. This **letter is provided pursuant to the 60-day notice requirement** of the citizen suit provision of the ESA, **to the extent such notice is** **by a court. See** 16 U.S.C. § 1540(g).

The **ongoing BP Deepwater Horizon oil** spill disaster in the Gulf has **already** become the **worst** oil spill in **U.S.** **even the 1989 Exxon Valdez disaster in scope and**

Arizona - California - Nevada - New Mexico - Alaska - Oregon - Montana - Illinois - Minnesota - Vermont - Washington, DC

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complexity. The amount of oil spewing into the Gulf of Mexico is unprecedented, as is the extensive use of dispersants to break up the oil. To date, spill responders have applied over 980,000 gallons of Corexit 9500A and Corexit 9527A in an effort to minimize the oil reaching the ocean surface and shore. Approximately 755,000 gallons have been applied to the surface, while about 225,000 gallons have been applied near the source of the leak, nearly a mile below the ocean surface. As wildlife the deployment of massive quantities of chemical dispersants, including significant quantities deployed in very deep an uncontrolled experiment on the Gulf of Mexico ecosystem. In her May 24 press conference, EPA Administrator Lisa Jackson noted that the amount of dispersant being used to break up the oil spewed by the Deepwater Horizon was approaching record.¹ The effects of using volumes of these chemicals, or of using them at such depths, have never been tested, much less thoroughly evaluated. However, at least two of the dispersants EPA and the Coast Guard have approved for use, Corexit 9500 and Corexit 9527, have been banned by the United Kingdom due to their adverse effects on the marine environment.

EPA's and the Coast Guard's decision to authorize the use of chemical dispersants without ensuring that the use of such chemicals is not likely to jeopardize the continued existence of threatened and endangered species, or destroy or adversely modify critical habitat, violates the agency's duties under the ESA. The agencies have duties in at least three respects. First, EPA has violated ESA Section 7 by listing Corexit 9500A, 9527A, and other dispersants for use in oil spill response activities as part of the NCP Product Schedule without and otherwise ensuring that result in jeopardy to a species or destruction or of critical habitat. Second, EPA and the Coast Guard failed to undertake timely and adequate Section 7 consultation with respect to the use of dispersants authorized by the Region 4 and Region 6 Regional Response Team policies for dispersant use in ocean and coastal waters in response to offshore oil spills. Third, EPA and the Coast Guard have failed to ensure that their current decision to allow the unprecedented and unstudied use of huge amount deployed at great depth, to respond to the BP Deepwater Horizon disaster is not likely to jeopardize listed species or adversely modify their critical habitat.

EPA and the Coast Guard must examine or re-examine each of these agency actions pursuant to its obligations under Section 7 of the ESA in order to comply with its duty to ensure against harm to species and their critical habitat. The reinitiation of Section 7 consultation and completion of a thorough new biological opinion are necessary to inform the ongoing spill response activities, however long they may that future response activities do not pose an unnecessary threat to listed species and their habitats, and foster improved planning and response in the future.

¹ Statement by EPA Administrator Lisa P. Jackson from Press Conference on Dispersant Use in the Gulf of Mexico with U.S. Coast Guard Rear Admiral Landry (May 24, 2010).

I. LEGAL AND FACTUAL BACKGROUND

A. Oil Spill Response and Dispersant Approval under the Federal Water Pollution Control Act ("Clean Water Act") and the Plan

The federal government's oil spill response duties and procedures are set forth in Section 311 of the federal Clean Water Act. In the event of an oil spill, this provision requires the President to take actions necessary to ensure effective and immediate removal of the discharged oil, as well as mitigation or prevention of a substantial risk of discharge of oil into the waters of the United States.² The President's duties with respect to responding to oil spills have been delegated to EPA and the Coast Guard, among others.³ Removal pursuant to a detailed National Contingency Plan ("NCP") for the removal of oil and hazardous substances.⁴ Among other requirements, the NCP

A schedule, prepared in cooperation with the States, identifying-

- (i) dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the Plan,
- (ii) the waters in which such dispersants, and other spill mitigating devices and substances may be used, and
- (iii) the quantities of such dispersants, chemicals, or other spill mitigating device or substance which can be used safely in such waters, which schedule shall provide in the case of any such spill mitigating device or substance, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants, other chemicals, and other spill mitigating devices and substances which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.⁵

is known as the NCP

EPA's regulations implementing Section 311(d) set forth the process for maintaining the NCP Product Schedule as well as adding products to it.¹ These regulations require that a product attain a 45% or greater effectiveness value to be added to the schedule. Results of toxicity testing factor into the determination of the effectiveness value.⁸ EPA retains the right to conduct its own testing to verify industry results and to weigh EPA testing results in determining whether the product meets listing criteria.⁹ The regulations specify that "[t]he listing of a

² 33 C.F.R. § 1321(c)-(d).

³ Exec. Order 12777 (Oct. 18, 1991).

⁴ 33 C.F.R. § 1321(c)-(d).

⁵ 33 C.F.R. § 1321(d)(2)(G).

⁶ 40 C.F.R. 300.905(a).

⁷ *Id.* at 300.905(a) and 300.920.

⁸ 40 C.F.R. 300.920(a).

⁹ *Id.* at 300.920(a).

product on the NCP Product Schedule does not constitute approval of the product¹⁰ for use on an oil spill. However, EPA's listing of a given product on the NCP Product Schedule is a prerequisite that makes the product lawfully available for use in future oil response activities.

Regional response teams ("RRTs") and Area Committees, both of which include representatives from and are overseen by EPA and the Coast Guard, may authorize the use of a given dispersant listed on the NCP Product Schedule as part of their planning activities and include these as part of their preauthorization plans.¹¹ Preauthorization plans may address factors such as the type of oil likely to be spilled, likely source of spill, and environmentally sensitive areas. The plans must be approved by EPA representatives, among others.¹² For situations that are not addressed by the preauthorization plan, the federal on-scene coordinator ("FOSC") may authorize the use of dispersants listed on the NCP Product Schedule with the concurrence of EPA and other representatives of the RRT.¹³ Generally, the Coast Guard acts as the lead agency with respect to responding to offshore oil spills and the FOSE is a representative of the Coast Guard.¹⁴

1. Listing of Dispersants on NCP Product Schedule

EPA's NCP Product Schedule currently lists 14 dispersants, 4 of which belong to the Corexit brand.¹⁵ EPA most recently updated its NCP Product Schedule on May 11, 2010, 21 days after the Deepwater Horizon explosion. The only change in listed dispersants was the re-listing of Corexit 7664 under the name Corexit EC7664. The two principal dispersants being employed by BP - despite significant questions regarding their safety - have been listed and remain listed today. Corexit 9500 was listed under Subpart J on April 13, 1994; it was re-listed December 18, 1995 under the name Corexit EC9500A (commonly referred to as "Corexit 9500A"). Corexit 9527 was originally listed on March 10, 1978 and was re-listed December 18, 1995. This dispersant is DOW listed under the name Corexit EC9527A (commonly referred to as "Corexit 9527A").¹⁶ EPA's NCP Product Schedule Guide indicates that Corexit 9500A and 9527A are most appropriate for surface application and have average effectiveness rates around 50%.¹⁷

The recommended application volume for Corexit 9500A and 9527A is 2 to 10 gallons per acre.¹⁸ Thus far, BP has applied more 755,000 gallons of these dispersants to the surface of the Gulf of Mexico, and more than 225,000 gallons to the deep waters near the source of the leak - nearly a mile below the depth at which the product is generally supposed to be applied.

¹⁰ *Id.* at 300.920(e).

¹¹ *Id.* at 300.910(a).

¹² *Id.*

¹³ *Id.* at 300.910(b).

¹⁴ *Id.* at 300.5.

¹⁵ EPA, NCP Product Schedule (May 11, 2010).

¹⁶ *Id.*

¹⁷ EPA, Guide to Using the NCP Product Schedule Notebook (May 11, 2010) at 2-3 and 12-13.

¹⁸ *Id.*

2. EPA Coast Guard Authorization of Dispersant Use through Regional Response Team Dispersant Use Policies and Guidelines

EPA and the Coast Guard have also approved policies and guidelines at the regional level for the use of dispersants in response to offshore oil spills. EPA Region 4, the states of Mississippi, Alabama, and Florida, and Region 6, which includes Louisiana and Texas, have both approved such policies and guidelines to implement Subpart 1 of the National Oil and Hazardous Substances Contingency Plan ("NCP"). These approvals are federal agency actions subject to ESA Section 17 consultation.

Region 4

EPA and the Coast Guard, as co-chairs of the Region 4 RRT, approved the Regional Response Team Oil Spill Dispersant Use Policy ("Region 4 Policy") in 1996. The Region 4 Policy "preauthorizes limited use of dispersants by the pre-designated United States Coast Guard (USCG) On-Scene Coordinator (OSC) on oil discharges impacting Federal waters and other specifically designated areas....."¹⁹ The Region 4 Policy specified that further consultation would not be required for areas so long as the appropriate RRT agencies are immediately notified and applicable protocols followed. Dispersant use is pre-authorized for "green zone" areas, which are defined as offshore areas at least three miles from shore, outside state jurisdictions, where the water is at least ten meters deep. In "yellow zones," the Coast Guard must from the RRT. Yellow zones are waters under state or management, such as wildlife refuges, National Park Service areas, or proposed or designated critical habitats; waters within three miles offshore or within state jurisdiction; or waters less than ten meters deep. EPA and the affected states must concur, and consultation with NMFS and FWS must be completed before use may be authorized.²⁰ Dispersant use is prohibited in "red zones" unless necessary to prevent or mitigate risk to human health or safety. No red zones have been designated.²¹

The Region 4 RRT, including EPA and the Coast Guard, conducted biological assessments of the Region 4 Policy on species under the jurisdiction of NMFS and FWS. Notably, the assumptions made in the BAs regarding the amounts of dispersants that would be applied, the depth at which they would be applied, and the duration of wildlife and ecosystem exposure are nothing like the the Gulf of Mexico DOW. The BAs assumed that dispersants would largely be applied at the surface of the water, in moderate amounts, early in the spill response effort.²² For example, the BAs assumed that food chain effects from prey contamination were unlikely due to "low concentrations and short duration of exposure to dispersed oil."²³ opined that dispersants would

¹⁹ Biological Assessment of Effects on Use Policy (NMFS & FWS) at 33 & 72.

²⁰ *Id.* at 34 & 73.

²¹ *Id.* at 34-35 & 73.

²² *See, e.g., id.* at 35, 39-40, 83-84.

²³ *Id.* at 40; *see also id.* at 84. 1

additional harm to birds or fur-bearing destroying their
ability to insulate themselves or repel water, because "[w]ithin the normal range of operating
dosages, biological effects are due to the dispersed oil, not the dispersant."²⁴ The BAs
acknowledged that sea turtles could experience higher exposure to oil and dispersants in the
water column following dispersant application, that "exposure will be short-
low" due to 28

Based on these assumptions – and scant information regarding dispersant effects in
general, the BAs opined that dispersant use "under appropriate conditions" was "not likely to
adversely affect listed species beyond the potential effects of the spilled oil or add to the
cumulative environmental stresses currently acting on the species."²⁶ The
specified that "[c]onsultation will be additional information not previously
available indicating adverse effects to listed species or critical habitat form
the identified action."²⁷

Region 6

EPA Region 6 re-approved its Dispersant Pre-Approval Guidelines and Checklist
("Region 6 Guidelines" on January 24, 2001.²⁸ The Region 6 Guidelines provide pre-approval
authority to the FOSC for dispersant use in the U.S. Exclusive Economic Zone and
Louisiana coasts. Under the Guidelines, "[t]he only product selection
is that the dispersant must be included on the NCP Product Schedule and considered appropriate
by the FOSC for existing environmental and physical conditions."²⁹ The guidelines clearly
contemplate surface application of dispersants, setting forth pre-approval and criteria for aerial
spraying and surface boat spray systems.³⁰ While "alternative platforms" may
none are specified or discussed.

The "Bioassessment of the Resulting from Dispersant Use in Offshore
Waters in the Gulf of Mexico" ("Region 6 BA") likewise bases its findings on the assumption
that dispersants will be applied to the surface of the ocean at rates.³¹
The Region 6 BA bases its from dispersant on the
whether at the surface and/or in offshore waters. For example, it assumes that sea
turtles, sperm whales, and red snapper are only at "medium" risk of being directly affected by
dispersant use because the species were thought to have low offshore (sea

²⁴ *Id.* at 39, 83.

²⁵ *Id.*

²⁶ *Id.* at 86.

²⁷ *Id.*

²⁸ Federal Region VI Regional Response Team, FOSC Dispersant Pre-Approval Guidelines and Checklist
2001 ("Region 6 Guidelines").

²⁹ Region 6 Guidelines at 1.

³⁰ *Id.* at 2-3, 14.

³¹ *Id.* at App. D, pp. Appendix-5 to Appendix-9; see also Minerals Management Service, Final Supplemental
Environmental Impact Statement: Gulf of Mexico Oil and Gas Lease Sales: 2009-2012 (Sept. 2008) at 3-26
(assuming a 4,600 the most likely size of an offshore oil spill).

turtles) or preferred deep water habitat (spenn whales and red snapper).³² The Region 6 BA found that important prey species, such as Gulf menhaden and blue crabs, had a high risk of negative impacts from dispersant use, since these organisms occur in the water column in

The Region 6 BA did not discuss particular impacts to mammals, relying instead on a 1994 statement by NMFS, made in response to a request for ESA consultation, that "the species under our purview are not likely to be adversely affected by the use of chemical countermeasures in response to an oil spill."³⁴ The Region 6 BA also discounted the possibility that dispersants could adversely affect birds.³⁵

3. EPA and Coast Guard Authorization of Dispersant Use in Response to the BP Deepwater Horizon Oil Spill in the Gulf of Mexico and Species Affected

As demonstrated above, the use of dispersants in response to the disaster is completely different in methodology, scale, and scope of impacts than anything EPA or the Coast Guard has considered or authorized in the past. BP has applied dispersants that are known to be toxic to the marine environment in a wholly unprecedented, unanalyzed, and arguably unauthorized manner. Yet these agencies to allow the use of enormous amounts of Corexit and other dispersants on the surface and deep waters of the Gulf of Mexico without ensuring that will species or adversely affect their critical habitat.

Early in the response effort, EPA and the Coast Guard simply deferred to DP's choice of dispersants and allowed the company to apply virtually unlimited amounts. Within 3 weeks of the start of the Deepwater EPA issued its updated NCP Product Schedule and accompanying guide, both of which retained Corexit 9500A and 9S27A as permissible dispersants and neither of which addressed subsurface use of the chemicals, even though such deployment was already well way. On May 10, EPA issued a directive to BP regarding its subsurface use of dispersants. The a large-scale experiment by BP, under which DP was first required to determine that chemically breaking up the oil and then to sample and delineate the dispersed plume.³⁶ The directive set forth minimal criteria for subsurface dispersant application, requiring the Regional Response Team to be consulted if dissolved oxygen near the plume falls below 2 mg/L or toxicity tests reveal of a toxicity response.³⁷

Testing soon revealed that use of the has killed up to 25% of all organisms living 500 feet below the surface in areas where the dispersant was used.³⁸ After

³² *Id.* at Appendix-7.

³³ *Id.* at Appendix-8.

³⁴ *Id.* at Appendix-13.

³⁵ *Id.* at Appendix-13 to Appendix-14.

³⁶ EPA, Dispersant Monitoring and Assessment Directive for Subsurface Dispersant Application (May 10, 2010).

³⁷ *Id.* at 3.

³⁸ Farren, L. and B. Blackburn, May 21, 2010, "EPA May Not Force BP to Change Dispersants," ABC World News, avail. at <http://abcnews.go.com/WN/epa-bp-dispersants/story?id=10711367>.

significant outcry by the public and scientific experts and the utterly untested manner of their use, EPA issued an addendum to its directive wherein the agency gave BP 24 hours to identify dispersants on the NCP Product Schedule that were more effective at dispersal and less toxic than BP's products. The addendum further provided that

[w]ithin 72 hours after submitting the list of alternatives, and after receiving EPA approval, BP shall immediately use only the approved alternative dispersant. Should DP not be able to identify alternative dispersant products, BP shall provide the FOSC and EPA RRT CO-Chair a detailed description of the products investigated, the reason the products did not meet the standards described above.³⁹

The next day, BP responded to EPA, refusing to use on the grounds that the alternative or were not available in sufficient quantities. EPA expressed disappointment in BP's response and initiated its own toxicity testing of alternative products.⁴⁰ However, EPA permitted BP to keep using Corexit 9500A and 9527A.

Finally, on May 26, EPA issued a third addendum to its directive to BP, this time directing BP to of dispersants in order to by as much as 75%.⁴¹ However, EPA expressly allowed the continued use of subsurface - the method with the least testing and most uncertain effects, and limited the quantity applied in a single day to 15,000 gallons.⁴² As of June 1, EPA and the Coast Guard have permitted the application of over 755,000 gallons of dispersants to the surface of the Gulf and over 225,000 gallons deep below the surface.

8. Act

1. Procedural and Substantive Duties under the ESA

The Endangered Species Act, 16 U.S.C. §§ 1531-1544, ("ESA") was enacted, in part, to provide a "means whereby the ecosystems upon which endangered species and threatened species depend may be conserved... [and] a program for the conservation of such endangered species and threatened species..."⁴³

The ESA for administering and enforcing the statute with the Secretaries of Commerce and Interior. The Secretaries of Commerce and Interior have delegated this responsibility to the National Marine Fisheries Service ("NMFS") and the U.S. Fish and

³⁹ EPA, Dispersant Monitoring and Assessment Directive - Addendum 2 (May 20, 2010).

⁴⁰ Statement by EPA Administrator Lisa P. Jackson from Press Conference on Dispersant Use in the Gulf of Mexico with U.S. Coast Guard Rear Admiral Landry (May 24, 2010).

⁴¹ EPA, Dispersant Monitoring and Assessment Directive - Addendum 3 (May 26, 2010).

⁴² *Id.*

⁴³ 16 U.S.C. § 1531(b).

Wildlife Service ("FWS") respectively.⁴⁴ NMFS has responsibility for the sperm whale and other listed whale species, Gulf sturgeon, smalltooth sawfish, and listed coral species. FWS has responsibility for the piping plover, wood stork, and other listed bird species, as well as terrestrial and freshwater species. NMFS and FWS share responsibility for the five listed sea turtle species that occur in the Gulf: hawksbill, leatherback, and green sea turtles.

Section 2(0) of the ESA establishes that it is the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and in furtherance of the purposes of this Act.⁴⁵ The ESA defines "conservation" to mean "...the use of all methods and procedures which are necessary to bring any species or subspecies to the point at which the measures provided pursuant to this Act are no longer necessary."⁴⁶ Section 7(a)(1) of the ESA directs that the Secretary review "...other programs administered by him and utilize such programs in furtherance of the purposes of the Act."⁴⁷

In order to fulfill the substantive purposes of the ESA, federal agencies are required to conduct Section 7 consultation with FWS or NMFS, depending on the issue, to "insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the adverse modification of habitat of such species... determined to be critical."⁴⁸

Section 7 consultation is required for "any action [that] may affect a species or critical habitat."⁴⁹ Agency "action" is defined in the ESA's implementing regulations to include "(b) the promulgation of regulations; (c) the granting of licenses, contracts, rights-of-way, permits, or grants-in-aid; or (d) actions directly or indirectly causing modifications to the land, water, or air."⁵⁰

At the completion of consultation, FWS or NMFS will issue an opinion that determines if the agency action is likely to jeopardize the species. If so, the opinion may specify reasonable and prudent alternatives that will avoid jeopardy and allow the agency to proceed with the action.⁵¹ FWS or NMFS may also "suggest modifications" to the action during the course of consultation to avoid jeopardy of the listed species even when not necessary to avoid jeopardy.⁵²

⁴⁴ 50 C.F.R. § 402.01(b).

⁴⁵ 16 U.S.C. § 1531(c)(1).

⁴⁶ 16 U.S.C. § 1532(3).

⁴⁷ 16 U.S.C. § 1536(a)(1).

⁴⁸ 16 U.S.C. § 1536(a)(2) (Section 1 consultation).

⁴⁹ 50 C.F.R. § 4Q2.14.

⁵⁰ 50 C.F.R. § 402.02.

⁵¹ 16 U.S.C. § 1536(b).

An agency's **duty** to avoid **jeopardy** is **continuing**, and "where **discretionary Federal involvement or control** over the **action** has **been retained** or is **authorized by law**," the agency **must in certain circumstances reinstate formal consultation**:

- (a) If the amount or extent of taking specified in the incidental take statement is exceeded;
- (b) If new information of the action that may affect listed species or critical habitat in a manner or to an extent;
- (c) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or
- (d) If a new species is listed or critical habitat designated that may be affected by the identified action.⁵³

Section 7(d) of the ESA, 16 U.S.C. § 1536(d), provides that once a federal agency on under the ESA, the agency, as well as any applicant for a federal permit, "shall not make any irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures which would not violate subsection (a)(2) of this section." The purpose of Section 7(d) is to maintain the environmental status quo pending the completion of consultation. Section 7(d) prohibitions remain in effect throughout the consultation period and until the federal agency has satisfied its obligations under Section 7(a)(2) that the action will not result in jeopardy to the species or adverse modification of its critical habitat.

of dispersants on the NCP Product Schedule under the Clean Water Act is a federal agency action subject to the ESA Section 7 consultation requirement. Clean Water Act Section 311(d) and its implementing regulations set forth the process and requirement by which EPA selects dispersants for that may be used in Clean Water Act Section 311(d)(2)(G) authorizes EPA to for the NCP Product Schedule and to subscribe the location and manner of their use as well as the quantities in may be used.⁵⁴ EPA's specify that, before on the NCP Product Schedule, a dispersant must be demonstrated to achieve a minimum rate of effectiveness, which includes consideration toxicity.⁵⁵ EPA expressly to conduct its own, separate analyses of a dispersant's effectiveness and toxicity, as well as to request further information from the manufacturer, to aid its determination whether to place the dispersant on the NCP Product Schedule.⁵⁶

While the use of a particular dispersant is, in theory, subject to further approval through Regional Response Team plans, RRTs and RRT plans rely heavily on EPA's

⁵³ 50 C.F.R. § 402.16.

⁵⁴ 33 U.S.C. § 1321(d)(2)(G).

⁵⁵ 40 C.F.R. 300.915(a)(7)-(8), 300.920(a).

⁵⁶ *Id.* at 300.920(a).

determination via listing on the NCP Product Schedule that the dispersant is appropriate, effective, and safe for use in responding to oil spills. None of the dispersants being used in the Gulf of Mexico or elsewhere could lawfully be used without EPA's first listing the product on the NCP Product Schedule. By establishing that a product's use is permissible and for its use, EPA has undertaken an agency action subject to ESA Section 7 obligations. Yet EPA has failed entirely to comply with those obligations.

2. Consultation Duties and Requirements during Oil Spill Response Actions

The procedures by which EPA and the Coast Guard are to consult with expert wildlife agencies regarding oil spill effects are outlined in the 2001 Interagency Memorandum of Agreement Regarding Oil Spill Planning and Response the Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the ESA ("MOA").⁵⁷ The MOA authorizes emergency ESA consultations pursuant to 40 C.F.R. § 402.05 for spill response activities.⁵⁸ When listed species or critical habitat are or could be present in the area affected by the spill, the Federal On Scene Coordinator ("FOSC") designated under the NCP must initiate emergency ESA consultation by contacting the FWS and NMFS ("Services"). The NOAA Regional Response Coordinator ("RRC") and Scientific Support Coordinator ("SSC") are tasked with coordinating species expertise, which may involve participation by Service staff from local field offices as well as in the FOSC Incident Command System.⁵⁹

During the consultation, the Services must provide and collect certain information. The Services must provide the FOSC with species expertise as well as timely recommendations for avoiding or minimizing impacts to listed species and their critical habitat. The Services must also advise the FOSC if incidental take is anticipated but no means of reducing or avoiding such take are apparent. Any such incidental take must be documented.⁶⁰ The Services must also notify the FOSC of circumstances such as seasonal migration or other natural occurrences affecting the resources. In turn, the FOSC must keep the Services apprised of changes in response actions due weather, extended operations, or other factors.⁶¹

In addition, the FOSC and the Services must maintain a record of written and oral communications during the spill response and specific information required to initiate formal consultation in cases where listed species or critical habitat have been adversely affected by response activities.⁶² Information required for formal consultation includes, among other things,

⁵⁷ U.S. Coast Guard, U.S. EPA, FWS, NMFS, National Ocean Service, and Department of the Interior, Interagency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities Under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act (2001) ("MOA").

⁵⁸ *Id.* at 7; see also SO

⁵⁹ MOA at 7.

⁶⁰ *Id.* at 8.

⁶¹ *Id.*

⁶² *Id.*

a description of the oil spill response, "evaluation of emergency response actions and their impacts on listed species and their habitats, including documentation of how recommendations were made and the results of implementation in minimizing take."⁶³ All such information should be collected by the time the emergency response actions are complete.⁶⁴

When response is complete and have adversely affected a listed species or critical habitat, formal Section 7 consultation must be initiated. Informal emergency consultation must remain active until the response action is complete and the case is closed in accordance with 40 C.F.R. 300.320(b).⁶⁵

D. Impacts of Dispersants on Listed Species

1. Endangered and Threatened Species in the Gulf of Mexico and Florida

The Gulf of Mexico is home to numerous threatened and endangered species of marine mammals, sea turtles, seabirds, and fish. Endangered whales in the Gulf include sperm whale (*Physeter macrocephalus*), blue whale (*Balaenoptera musculus*), fin whale (*B. physalus*), sei whale (*B. borealis*), and humpback whale (*Megaptera novaeangliae*). In addition, the West Indian manatee (*Trichechus manatus*) frequents shallow coastal waters of the Gulf. Five of the world's seven sea turtles species occur in the Gulf of Mexico; all are protected under the ESA. The Kemp's ridley (*Lepidochelys kempi*), hawksbill (*Chelonia mydas*), and leatherback (*Dermochelys coriacea*) are listed as endangered. Green sea turtles (*Chelonia mydas*) are listed as endangered in Florida and threatened elsewhere. Loggerheads (*Caretta caretta*) are currently listed as threatened but NMFS and FWS have proposed to change the status of the species to endangered. ⁶⁶ Protected fish species include the Gulf sturgeon (*Acipenser oxyrinchus desotoi*) and smalltooth sawfish (*Pristis pectinata*).

A number of ESA-listed coastal birds may also be affected by dispersants directly or indirectly. These include piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), and wood stork (*Mycteria americana*).

Protected elkhorn (*Acropora palmata*) and staghorn corals (*A. cervicornis*), which occur in the Florida Keys, are also at risk as dispersed oil droplets and dispersants become entrained in the Loop Current and carried through the Florida Strait.

⁶³ *Id.* at App. B.

⁶⁴ *Id.* at 8.

⁶⁵ *Id.* at 9.

⁶⁶ 75 Fed. Reg. 12598 (March 16, 2010).

Several of these including elkhorn and staghorn coral and smalltooth sawfish, after EPA and the Coast Guard approved the Region 4 Policy and Region 6 Guidelines.⁶⁷ In addition, critical habitat was the Gulf sturgeon, smalltooth sawfish, and elkhorn and staghorn coral after these plans were approved.⁶⁸ To our knowledge; neither EPA nor the Coast Guard ever reinitiated Section 7 consultation on either of these Policies or Guidelines in response to these new listings and designations. Moreover, to our knowledge EPA did not engage in or complete Section 7 consultation regarding the effects of re-listing Corexit 9500A or 9527A or any other dispersant when it updated the NCP Product Schedule in May 2010¹

2. Likely Effects of Dispersants on Wildlife and Habitat

Dispersants and dispersed oil have been shown to have significant negative impacts on many forms of marine life, including plankton, fish, corals, and birds. Dispersants release toxic break-down products from oil that, alone or in combination with chemicals, can make dispersed oil more harmful to marine life than Both the short-term and long-term impacts of dispersants on marine life have not been adequately tested. As acknowledged by the EPA, the "long term effects [of dispersants] on aquatic life are unknown."

Species in the Gulf can be affected by dispersants through a number of pathways. For fin, blue, and sei whales feed by skimming plankton, small fish, and squid from the surface. This puts them at risk of and as well as food contaminated with In addition, both whales and sea to breathe, and in doing so can breathe in fumes from or ingest dispersants and dispersed oil. According to the Minerals Management Service, dispersant by sea turtles can affect their organs and interfere with digestion, excretion, and respiration.⁶⁹

Birds diving into the water to feed may be exposed through direct contact with dispersants and dispersed oil as well as through contaminated prey. Studies have found that dispersed oil, including oil dispersed by Corexit 9527, damages the of seabird untreated oil, making the birds more susceptible to hypothermia and death.⁷⁰ Dispersants and dispersed oil have also been shown to have toxic effects on bird eggs

⁶⁷ 68 (April 1, 2003) (listing smalltooth sawfish under ESA); 71 Fed. Reg. 26352 (May 4, 2006) and staghorn coral).

⁶⁸ 68 Fed. Reg. 13370 (March 19, 2003) (Gulf sturgeon critical habitat designation); 73 Fed. Reg. 72210 (Nov. 26, 2008) (staghorn and designation); 74 Fed. Reg. 45353 sawfish critical habitat designation).

⁶⁹ Minerals Management Service, Final Environmental Impact Statement: Gulf of Mexico Oil and Gas Lease Sales: 2007-2012 (April 2007) ("MMS FEIS") at 4-282.

⁷⁰ Jenssen, B.M., Review Article: Effects of Oil Pollution, Chemically Treated Oil, and Cleaning on the Thermal Balance of Birds, *Environmental Pollution*, 86: 207-15 (1994).

that ate **similar or worse** than from **untreated oil**.⁷¹ **Birds exposed to dispersed oil that return to risk contaminating their eggs, which can lead to the death of those eggs.**⁷²

Dispersants and dispersed oil in the water column are of at least equal concern, particularly given the unprecedented use of large volumes of dispersants in very deep water. Sea turtles, whales, and fish may all **be exposed to dispersants and dispersed oil as they swim and feed in the water column.** While the effects of dispersants and dispersed oil are well known and sea turtles, studies have shown **that dispersants create a toxic environment for fish by releasing harmful oil break-down products into the water.** Dispersed oil has been shown to be **toxic to fish at all life stages, from eggs to larval fish to adults, according to numerous laboratory studies that have tested a variety of species.**⁷³

Dispersed oil that reaches the Florida Keys, they could harm the elkhorn coral and dispersed oil leading scientists to call for a ban on dispersant use in the coral reef and dispersed oil harm the early stages of corals by increasing death rates, and dispersed oil on reefs, and altering behavior.⁷⁴ A formulation of one of the **dispersants being used in the BP spill response, Corexit 9527, has been shown to prevent fertilization of mature eggs and hinder the development of young life stages of reef-building corals.**⁷⁵

Moreover, the **extensive use of dispersants the EPA has permitted appears to have resulted in the deepwater oil spill as far as twenty miles from the leak.**⁷⁶ **Species that frequent and feed in deep water, like the pod of sperm whales residing in this area of the Gulf, could suffer serious effects from this deep water contamination.** Sperm whales are likely **to be exposed to significant levels of toxins by swimming through dispersed oil plumes and through feeding on tainted prey.** The effects of these plumes are unlikely to remain isolated to deep water.

Indeed, the **enormous volumes of dispersants and dispersed oil now circulating in the Gulf of Mexico have the potential to harm the entire ecosystem from the bottom up.** Reports on monitoring data have **indicated that the use of the Corexit dispersants killed up to 25% of all**

⁷¹ MMS PEIS at 2-17.

⁷² Albers, P.H. Effects of Corexit 9527 on the Hatchability of Mallard Eggs, *Bull. Environm. Contam. Toxicol.*, 23: 661-68 (1979).

⁷³ Khan, R.A. and I.F. Payne, Influence of a Crude Oil Dispersant, Corexit 9527, and Dispersed Oil on Capelin (*Mallotus villosus*), Atlantic Cod (*Gadus morhua*), Longhorn Sculpin (*Myoxocephalus octodecemspinosus*) and Cunner (*Tautoglabrus adspersus*), *Bull. Environm. Contam. Toxicol.* 75: 50-56 (2005); Anderson, B.S. et al., Preliminary investigation of the effects of dispersed Prudhoe Bay Crude Oil on developing topsmelt embryos, *Atherinops affinis*, *Environmental Pollution*, 137: 1058-61 (2009).

⁷⁴ Shafir, S., J. Van Rijn, and B. Rinkevich, Short and Long Term Toxicity of Crude Oil and Oil Dispersants on Two Representative Coral Species, *Environ. Sci. Technol.* 41: 5571-74 (2001).

⁷⁵ Venn, A.A., J. Quinn, R. Jones, and A. Bodnar, P-glycoprotein (multi-xenobiotic) shock protein gene expression in the reef coral *Monastraea franksi* in response to environmental toxicants, *Aquatic Toxicology* 93: 188-95 (2009).

⁷⁶ Eitperin, J., O. Fahrenthold, and A. MacGillis, "Oil spreading much farther than thought; Obama returns to Gulf Coast," *Washington Post* (May 29, 2010).

organisms living 500 feet below the surface in areas where the dispersant was used.⁷¹ Significant reductions in dissolved oxygen have been reported in the vicinity of oil plumes. are likely to lead to in plankton, fish, and other prey species upon which listed species – and their ecosystems – depend. These occurring on top of the ecological “dead zone” formation in the Gulf-the annual formation of a large area of oxygen-poor ocean that can barely support life. Species that normally move to deeper water farther from shore in order to escape the dead zone will now be moving into plumes of dispersant and dispersed oil. There can be no doubt that EPA's and the Coast of dispersant use is having and will continue to have significant of threatened and and their critical habitat.

II. VIOLATIONS OF LAW

A. Failure to Insure Against Jeopardy to

As demonstrated above, EPA and the Coast Guard have violated their procedural and substantive obligations under ESA Section 7 to ensure that their actions are not likely to jeopardize listed species or destroy or adversely modify their critical habitat. First, EPA has listed dispersants on the NCP Product Schedule, including Corexit 9500A and 9527A, that “may affect” listed species without engaging in Section 7 consultation regarding the effects of listing these products for use in oil spill response. None of the dispersants on the NCP Product Schedule, including Corexit 9500A and 9527A, could be lawfully used in the United States absent listing by the EPA. EPA's listing of dispersants constitutes “agency action” under the ESA, and since such action, at a minimum, “may affect” their critical habitat, EPA is required by Section 7 of the ESA to ensure through consultation that listing of these dispersants does not jeopardize the of listed species or destruction or modification of their critical habitat. EPA has utterly failed to comply with this procedural and

Second, EPA and the Coast Guard, in their role as members and overseers of the RRTs, failed to comply with their Section 7 duties regarding the effects of authorizing dispersant use, including the use of Corexit 9500A and 9527A, through the Region 4 Policy and Region 6 Guidelines. As EPA and the Coast Guard recognized when BAs that accompanied these plans, the Region 4 Policy and Region 6 Guidelines are agency to Section 7 consultation. The duty to consult regarding the effects of these authorizations and ensure that they are not likely to result in jeopardy or is even if the effect” findings of the outdated BAs were valid at the time, they were made,

⁷¹ Farren, L. and B. Blackburn, May 21. May Not Force BP to Change Dispersants,” ABC World News, avail. at <http://abcnews.go.com/WN/epa-bp-dispersants/story?id=10711367>.

⁷² Clearly, ESA-listed species in the face of EPA's failure to comply with its Section 7 consultation duties. However, both the consequences of listing dispersants on the NCP Product Schedule and EPA's related duties under Section 7 to ensure that these listings do not cause jeopardy or adverse modification extend to all ESA-listed coastal and marine species that occur in areas that may be affected by U.S.-authorized dispersant use.

intervening circumstances render **completely inapplicable** now. Specifically, the **listing of new** of **areas, and the unprecedented, never** **manner and volume of** in the Gulf of Mexico clearly **trigger the duty to** **on the Region 4 Policy and Region 6 Guidelines.** EPA and the Coast Guard must **and obtain a new biological opinion in order to comply with their duties** to ensure that their actions are not likely to cause **jeopardy or adverse modification.**

Finally, EPA's land the **case-specific decision** to allow the use of **dispersants**, including **Corexit 9500A and 9527A**, in **snivel and wholly untested** manner to **from the** **rig also violates the agencies' duties** under **ESA Section 7(a)(2).** The agencies have **continued to authorize the use of products** known to be **toxic** to the **marine** environment in a **manner never before contemplated in any environmental analysis.** The agencies have **allowed this to happen despite evidence** that use is **including oxygen** depletion and the **formation of massive** subsea plumes of **dispersed oil.** These authorizations, like the A's and the Coast Guard's **duty to ensure** against **jeopardy and adverse** the best available **scientific information.**

In order to correct these violations, EPA must **undertake consultation regarding** the **listing of Corexit 9500A, 9527A**, and other **dispersants on the NCP Product Schedule**, and EPA and the **Coast Guard must** reinitiate **consultation regarding** their **authorization of dispersant** use via the **Region 4 Policy and Region 6 Guidelines.** Finally the agencies must **engage** in rigorous monitoring, data **collection**, and **analysis** of the **effects of dispersants already injected into the Gulf ecosystem.** **releasing to the public sufficient information to** **jeopardy to listed species or destruction or adverse modification of critical habitat are** **to occur.** Thus far, **public** **by these agencies**, as well as the **Services, indicate that none of the agencies has such information**, much less any confidence **that dispersant use is not** or adverse modification.

C. **Violation of Conservation Obligations**

Section 2(c) of the ESA **establishes that** it is "...the **policy of Congress** that all **Federal departments and agencies** shall seek to **conserve endangered species and threatened species** and shall **utilize** their authorities in **furtherance** of the purposes of this **Act.**" 16 U.S.C. § 1531(c)(1). The ESA **defines "conservation" to mean**.....the use of all **methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary.**" 16 U.S.C. § 1532(3). **Similarly, Section 7(a)(1) of the ESA directs** that the **Secretary review** other **programs administered by him and utilize** such programs in **furtherance of the purposes of the Act.**" 16 U.S.C. § 1536(a)(1). The **Supreme Court** stated in **TVA v. Hill** of the ESA **create a "stringent mandatory language [that] reveals an explicit** to **require agencies to afford first priority to** the declared national policy of saving **endangered species."** **TVA v. Hill.** 437 U.S. 153, 183 and 185 (1978). EPA has failed to satisfy this duty by

Ms. Lisa Jackson, EPA & Admiral Robert Papp, Coast Guard, et al.
Notice of Intent to Sue **Re** Violations of **ESA Related** to Dispersant **Use & Approval**
June 2, 2010
Page 17 of 17

failing to **use its authorities** to **regulate** in the **Gulf of Mexico** so **as to** avoid the **adverse impacts** of **dispersants** on the **Gulf of Mexico ecosystem**, **threatened** and **endangered species that occur therein**, and **their** critical habitat.

M. CONCLUSION

In **sum**, EPA and the Coast Guard **have failed** to comply **with their** **ESA Section 7** duties to **protect** listed **species** and their **habitats** at **step** of the **process**. EPA's listing of **Corexit 9500A**, **dispersants** **consultation** on the **impacts** of their **use** on **multiple threatened** and **endangered species** constitute ongoing violations of **Section 1** of the **ESA**. Similarly, **EPA's** and the **Coast** of dispersant use **via** the **Region 4 Policy** **6 Guidelines**, as well as **their current, case-specific** **authorization** of **dispersant** use **in response to** the **BP** **disaster**, constitute **plain** and of **ESA Section 7**. If EPA and the **Coast Guard** do **not act within** 60 days to **correct** the **violations described** in the **Center** will **pursue litigation** against in **Federal Court** and **seek declaratory and injunctive** relief. An **appropriate remedy** that would **prevent** litigation would be for the EPA to **regarding the effects** of the **dispersants it has listed and continues** to list on the **NCP Product Schedule** on **threatened and** particularly in the **Gulf of Mexico**, and for EPA and the **Coast Guard** to **reinitiate** formal **consultation** under **ESA Section 7** regarding the **effects** of these **dispersants** on **threatened and endangered species**, particularly in the **Gulf of Mexico**, including **analyzing** the **effects** of using **large quantities** of the **dispersants** and deploying the **dispersants** **depths below** the **surface**.

If you have any questions, wish to meet to **discuss** this **matter**, or **feel this** notice is in **error**, please contact me at **415-436-9682** x306. **Thank you** for your **concern**.

Sincerely,

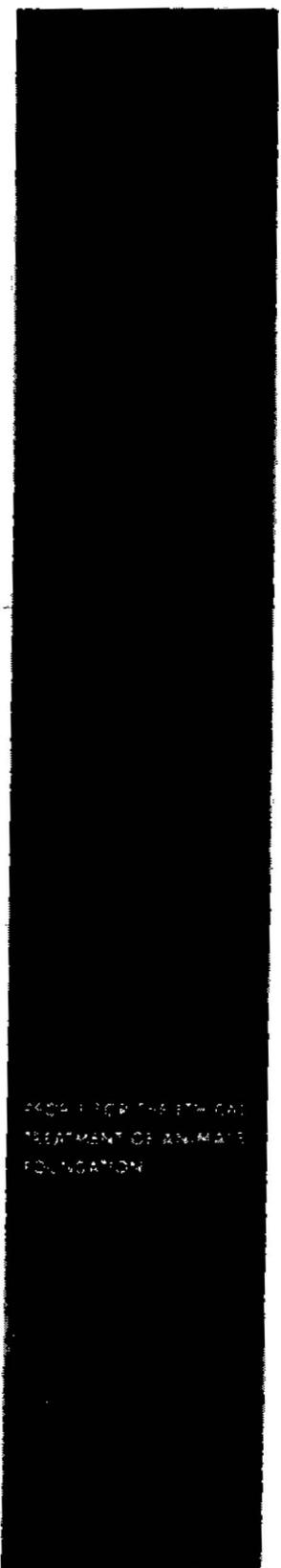


Andrea A. Treece
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June 22, 2010

VIA FACSIMILE ((202) 208-6965, (201) 372-4960)
AND FIRST-CLASS MAIL

Rowan W. Gould, Acting Director
U.s. Fish and Wildlife Service
1849 C St., N.W.

Admiral Robert J. Papp, Jr.
Commandant
U.S. Coast Guard
2100 Second St., SW Stop 7101
Washington, DC 20593-7101

Dear Mr. **Gould** and **Adm. Papp**:

I am general counsel to **PETA** and I'm writing to you that the U.S. Fish and Wildlife **Service and Coast Guard ensure** that BP is **no longer permitted to hinder** you to save **animals** from the **devastation of the oil spill or burn endangered animals** alive in violation of the **Endangered Species Act. See** 16 U.S.C. § 1538.

Recent reports indicate that BP has ordered ships trailing fireproof booms to diland large strands of seaweed to which endangered sea turtles cling "and torch it into hundred-foot flames."¹ **Through the wholesale of living sea turtles, BP has engaged in the unauthorized take of hundreds of endangered animals in direct violation of the Endangered Species Act, punishable by a fine of up to \$25,000 for each separate violation. See** 16 U.S.C. §§

Additionally, BP is preventing the Florida Fish and Wildlife Conservation Commission (FWC),⁸ as well as individuals allegedly employed by BP and the U.S. Coast Guard, from rescuing the endangered turtles being corralled. As a result, they are being burned alive although rescuers stand ready to search the seaweed and remove them, a task that can be accomplished both quickly and easily according to experts on the scene.

¹ See Kim Murphy, *Death by Fire in the Gulf*, L.A. TIMES, June 17, 2010, available at <http://articles.latimes.com/2010/jun/17/nation/la-na-oil-spill-burnbox-20100617>.

PROUDLY THE ETHICAL
TREATMENT OF ANIMALS
FOUNDATION

At least one rescue operator alleges that he has been "run off" by BP and subsequently ordered by BP to leave the affected areas and abandon all efforts to rescue. As a result of BP's interference, the work will end as early as Wednesday.²

A person involved in the efforts to save the turtles reports, "In a perfect world, [BP would] gather up the material and let us search it before they burned it... But the lines of communication aren't there."³ Instead, rescue crews have had to "fall back" and watch turtles with the many turtles who might have been saved, be gathered and burned.⁴

Please let us know that the Fish and Wildlife Service and Coast Guard will ensure that those lines of communication are opened immediately and that BP will no longer be permitted to burn animals alive, thwart rescue efforts for Gulf Coast animals, or violate the Endangered Species Act with impunity.

Jeffrey S. Kenner

cc: Mike

Relentless Sportfishing

² See BP is Burning Sea Turtles Alive, <http://www.buzzfeed.com/turtlefeed/bp-is-burning-turtles-ruc> (video interview with Mike Ellis, a boat captain who has been thwarted by BP in his attempt to rescue animals imperiled by the spill) (last visited June 22, 2010).

³ See Murphy, *supra* note 1.

⁴ *Id.*



Response and Rescue Plans for Marine Mammals and Sea Turtles Impacted by the Deepwater Horizon Oil Spill In the Gulf of Mexico



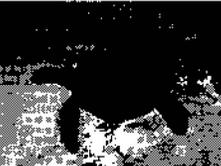
The Wildlife Branch of the Unified Command has organized trained wildlife care providers and investigators to assist sea birds, marine mammals and sea turtles that will be impacted by the Deepwater Horizon Oil Spill. The marine mammal and sea turtle response teams include authorized personnel from the Health and Stranding Response Program and the Sea Turtle Stranding and Salvage Network who respond to stranded marine animals in the upper Gulf of Mexico and consist of experts from federal and state agencies, academia, wildlife and veterinary professionals and The overall response will build upon the local stranding programs but will call upon the national network to assist as needed. This is an outstanding example of collaborative conservation efforts that are being brought together to assist marine animal wildlife in this oil spill event.



NOAA's National Marine Fisheries Service and the U.S. Fish and Wildlife Service have identified primary responders and rehabilitation facilities in the local areas for live cetaceans, manatees and sea turtles. Facilities have also been identified and are being readied for necropsies of dead marine mammals and sea turtles. Federal and state agencies are partnering with bird rehabilitation experts to provide facilities and care for sea birds.



Given the long time frame for this effort, experts from other areas of the country are also being identified and brought into the region. These are personnel who are highly trained in the special needs required for handling and treating marine mammal or sea turtles and will be used as the response progresses and as needed to assist the local rescue teams.



Additional rehabilitation and necropsy facilities outside of the upper Gulf region have already been identified and are on standby to assist or receive animals if circumstances demand.

What to Do If You Find Oiled, Injured or Dead Marine Mammals, Sea Turtles or Birds

If you find an oiled, injured or dead marine mammal, sea turtle, or bird, please contact the Wildlife Hotline at:

866-557-1401

Please DO NOT touch or try to approach the animal. Handling oiled wildlife may pose a serious health and safety risk to both you and the animal you are trying to rescue. The chemicals in oil are toxic and only trained personnel with gear and equipment should handle and treat oiled animals.



NOAA Fisheries Service



U.S. Fish and Wildlife Service



UC Davis Oiled Wildlife Care Network

If an oiled animal please call Hotline immediately. Helpful information you can provide us **includes:**

- **Type of animal** (*i.e.* bird, mammal or turtle);
- Location (be as specific as possible, e.g., beach name, **where** on beach in the specific state);
- Time last **seen**; and
- Your **name and phone** number in case **we** need to **reach** you,

We will **deploy trained wildlife** rescue personnel to **collect** the animal.

Other Ways to Help

Members of **the public who** wish to **volunteer** to **assist with** this effort should **contact** the **Community Information Line** at:

866-~~448~~-5816

Experienced marine mammal and sea turtle responders and veterinarians should **contact their** regional or **state stranding** coordinator to be placed on a standby response list.

For Additional Information

Oiled Wildlife Care **Network** Homepage:

<http://www.owcn.org/>

Marine Mammal Health and Stranding **Response** Program:

<http://www.nmfs.noaa.gov/pr/health/>

NOAA website on Deepwater Horizon Oil Spill Response:

<http://response.restoration.noaa.gov/deepwaterhorizon>

NOM Home Page:

<http://www.noaa.gov/>

U.S. Fish and Wildlife Service website on Deepwater Horizon **Oil Spill** Response:

<http://www.fws.gov/home/dhoilspill/index.html>



NOAA Fisheries Service



U.S. Fish and Wildlife Service



UC Davis Oiled Wildlife care Network

Scientist: BP oil wouldn't severely harm coral

Kevin Wadlow

May 19, 2010 (Florida Keys Keynoter -McClatchy-Tribune Information Services via COMTEX) --

Florida Keys corals **likely** can survive limited exposure to oil from the **Deepwater Horizon** spill, says one of the foremost experts on the Keys reef system.

"I'm not concerned about the corals," said Eugene Shinn, a scientist who worked on Keys and South Florida corals extensively during a 31-year career with the U.S. Geological Survey.

"If the oil reaches the Keys, it probably will be in the form of tar balls that will float right over the reef," Shinn said.

"There could be problems with turtles and sea birds, in the mangroves and on the beaches," he said. "Be prepared for one heck of a mess at the shoreline before this is over."

Shinn said he expects that "by the time the spilled oil reaches the Florida Keys, the most toxic components of the spill "will have evaporated. Bacterial breakdown will have reduced the oil to a less toxic goopy mess that can foul beaches, mangroves, and affect sea birds."

In the early 1970s, Shinn experimented with crude oil's effect on corals. In a local project near Tavernier, he used plastic domes and plastic bags to hold oil in contact with living staghorn coral and **staghorn coral** in 15 feet of water.

To his own surprise, he recounted in a written summary: "Corals retracted their polyps but the oil would not stick to the coral because of its mucus. When I removed the all, there was no oil on the coral. Fifteen days later the corals were living and appeared normal."

He said he also dipped **staghorn** coral into samples of natural crude oil from Louisiana. "I took it out after two hours, and [the coral] continued to grow;

He learned a researcher in Australia used a garden sprayer to coat corals exposed at low tide with oil "every day for several days. His results were similar to mine."

Adult reef fish that swim below floating oil also do not appear to suffer from limited exposure, he said.

In the wake of the BP oil spill, Shinn wrote to fellow coral researchers; "The

lesson *from* this and **other** research was that if and when the oil from this spill reaches the Florida Keys, the damage will be limited mainly to mangrove shoreline habitats, sea birds, and beaches. Dive-boat operations will likely be affected, but it will not harm corals or reef fish. "

Shinn wrote In his report, "The best teacher is history. The Keys and the East Coast of the U.S. were often awash in oil from torpedoed tankers during [World War II] and there have been numerous tanker spills and oil from bilge cleaning over the past 50 years with no documented impact to Florida's coral reefs."

However, Shinn warned that corals cannot be exposed to chemical dispersants like those now being **used** at record levels in the northern Gulf of Mexico.

"Under no circumstances should dispersants be used on an oil slick in the vicinity of a coral reef," Shinn **said**. "Dispersants solubilize the oil and allow it dissolve in the water and come in **direct** contact with coral and fish.

"In addition, oil-containment booms should not be deployed in the vicinity of coral reefs because of possible entanglement and physical destruction. The history of oil spills is **that** cleanup efforts -- such as use of live steam, solvents and digging -- often do more damage than the oil."

Shinn now is an associate professor with the University of South Florida.

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Keywords: australia career **crude+oil** email florida local louisiana mexico oil research **toxic** water

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Senate Environment and Public Works Subcommittee on Oversight Hearing

Aug 05, 2010 (Congressional Documents and Publications/ContentWorks via COMTEX) --

Chairman Boxer and members of the Committee: I am Ronald J. Kendall, Director of The Institute of Environmental and Human Health (TIEHH), and Professor and Chairman of the Department of Environmental Toxicology at Texas Tech University. I have been engaged in research, along with my colleagues, on the science of the **Deepwater Horizon** Oil Spill (DHOS).

I appreciate the **opportunity** to appear before the Committee today to testify on the use of oil **dispersants** in the Gulf. Before I begin my remarks, I would like to extend my most sincere condolences to the families of those individuals who lost their lives at the outset of the **Deepwater Horizon** incident, and to all Americans whose lives have, or will be negatively impacted by this event.

As of early August 2010, the DHOS has resulted in the release of an estimated high end volume of **over** 180 million gallons of crude oil into the Gulf of Mexico. A total volume of 1,843,786 gallons of dispersant has been used in the Gulf since the oil leak **began** on **April 20, 2010**

(<http://www.deepwaterhorizonresponse.com/go/doctype/2931/533391>).

Approximately 42% of that total has been applied at the leaking wellhead located between 4,000-5,000 **feet** below the surface. Application of **dispersant** at these depths is unprecedented. Corexit 9500 has been the predominant dispersant **used**. Though **application** of dispersant at the wellhead may indeed have limited damage to some components of the Gulf of Mexico ecosystem (beaches, wetlands, etc.), it is unknown how, where, or to what extent the oil-dispersant mixtures will alter **overall** ecosystem structure and/or function. I will testify before you today as to why my colleagues and I believe that the DHOS represents an ongoing **ecotoxicological** experiment that is being conducted on a massive scale. These **reasons** are as follows:

1. We have very limited information on the environmental fate and transport of **the** mixture of **dispersant** and oil, particularly in the deep ocean.
2. We have very little **information** on the ecological effects of this particular oil and dispersant mixture in **terms** of **acute**, chronic, and indirect effects on marine and **coastal** organisms.
3. Given the volume of **oil** and dispersant that has been released into the Gulf of Mexico, we have a **very** poor **understanding of** ultimate ecosystem level effects which may occur in **the** weeks to months to years ahead.

These issues warrant **serious** concern among environmental toxicologists such as

myself and of my colleagues across the nation that are considering this event from an perspective (Kendall et al., 2010). Perhaps most disconcerting is the uncertainty of how dispersant-oil mixtures may influence the ecology of the Gulf. When considered holistically, the Gulf ecosystem spanning the deep ocean, continental shelf, bays, estuaries, and marshlands extraordinarily **interconnected** and complex. It is too soon, and there are insufficient data available to begin to predict outcomes. There is an urgent need for independent, peer-reviewed research that will help us understand the ramifications of using dispersants en masse, and at the bottom of the Gulf. The scientific community **must** engage this issue with an unbiased, science-based approach.

My testimony today, **August 4, 2010**, will draw upon current research efforts conducted by myself and colleagues at TIEHH in both the field and laboratory to evaluate the response of wildlife to oil, dispersant, and mixtures wherein dispersant is applied to the oil. I will also draw upon 40 years of experience in conducting field and laboratory research on the effects of environmental contaminants on wildlife resources, and our most recent book "Wildlife TOXicology: **Emerging Contaminant and Biodiversity Issues**" published May, 2010, by eRC Press.

Environmental **Chemistry** of the Mixture of **Deepwater Horizon Oil and Dispersant**

Oil spill dispersants are used to facilitate the physical mixing of crude oil with water. The interaction of dispersants with crude oil alters the chemical and physical properties of the oil and thus changes how the oil behaves in the environment. Such changes can determine the likelihood that marine organisms will be exposed to the various components of crude oil. The use of dispersants in no way reduces the amount of oil entering the environment, but does reduce the potential for slicks of oil to wash ashore and contaminate **shoreline** and coastal wetland habitats. Thus in theory, dispersant use limits the exposure of animals such as birds and marine mammals that may exist near the water surface or shoreline to the components of crude oil. However, it is recognized (and accepted once the decision is **made**) that dispersant use increases exposure potential for water-column and **benthic** organisms.

Crude oil is a **complex** mixture of thousands of chemical compounds; **however**, the aromatic **hydrocarbons** (both simple and polycyclic) are considered the **most** toxicologically important. Simple aromatics (benzene, toluene, xylenes) are volatile and are rapidly lost from the oil in most instances. It is not clear what impact the depth of the well and the use of dispersants at depth might have on the fate of the volatile **components** in the oil. Although oil from the DHOS is reported to have lower concentrations of petrogenic polycyclic aromatic hydrocarbons (PAHs) compared to **crude** oil from other sources (NOAA, 2010), burning of the oil is **likely** to produce significant concentrations of pyrogenic

PAHs. It is **well established** that multi-ring PAHs are carcinogenic and important toxicologically from a chronic exposure standpoint.

There are uncertainties with regard to the environmental fate and transport of oil to which dispersant has been applied at depth. What happens to the volatile components in crude oil when dispersants are applied at such depths? What is the impact of dispersant on the mobility of oil? How is the mobility of dispersed oil affected by weather events such as tropical storms? Does dispersed oil biodegrade faster or slower than non-dispersed oil at these depths? Is there a greater oxygen demand created by the degradation of dispersed oil? Is dispersed oil more susceptible to abiotic process such as photodegradation or photoactivation?

Toxic Effects of **Deepwater Horizon** Oil and Dispersant

Crude oil can have **physical**, toxic, and indirect (e.g. food web-related) effects on fish and wildlife. The **physical** effects of crude oil exposure most often result in the **loss** of thermoregulation from the oiling of feathers or fur, but may also result in suffocation, and **starvation**. Toxic effects from crude oil **exposure** can arise from direct ingestion of the oil, inhalation of volatile components of the crude, or uptake of the water **accommodated** (soluble) fraction (WAF) of crude oil across exposed membranes. The **use** of all dispersants enhances the likelihood of exposure and subsequent effects by producing smaller droplets of oil that could be mistaken as food, by increasing the amount of the water accommodated fraction (CEWAF, or **chemically** enhanced WAF) of crude oil, and by exposing aquatic organisms to the dispersant itself.

As previously stated, Corexit 9500 has been the dispersant most **widely** used in response to the DHOS. The U.S. EPA's National Health and Environmental Effects Laboratory recently **reported** that Corexit 9500 could be characterized as "slightly toxic" to Mysid shrimp (*Americamysis bahia*: 48hr LCSO of 42 pprrt), and "practically non-toxic" to the inland **silverside** (*Menidia beryllina*: 96hr LeSO of 130 ppm; Hemmer et al., 2010). Among eight different dispersant formulations evaluated, four were less toxic to shrimp, but only one other dispersant was less toxic to the silverside. **Though** other National Contingency Plan-listed dispersant formulations may be less toxic than Corexit 9500, none are dramatically safer according to **limited research** directly comparing dispersants **under** similar protocols and conditions. EPA has concluded that "all of the dispersants are roughly equal in **toxicity** and generally less toxic than oil"

Recent efforts by EPA to characterize dispersant toxicity to marine organisms represent a step in the right direction in the development of a weight-of-evidence approach to assessing the impact of dispersant use. However, critical data gaps exist with respect to the potential impacts of dispersant use and the fate, transport, and effects of dispersed oil. The data gaps exist partially because of a lack of information on the toxicological interactions of **crude** oil and dispersants in

general, and partially because of the unprecedented use of dispersants at depth in the DHOS specifically. **While** some aquatic toxicity data are available for various crude oil and dispersant combinations (NRC, 2Q05), additional data are needed from **site-specific** toxicity tests on crude oil emanating from the DHOS.

The combination of dispersant and oil in aqueous mixtures **appears** to be of greater risk to aquatic organisms than dispersant or oil **alone**. Dispersants enhance the availability of the crude oil and therefore **potentially** increase uptake of crude oil components into marine organisms. Dispersants also promote formation of micelles or oil droplets within aqueous matrices. A large majority of studies that seek to **compare** toxicity of oil alone versus dispersed oil demonstrate that **dispersant-aided** changes in crude oil solubility enhance exposure and toxicity among aquatic organisms.

It should be noted that nearly all research conducted on the chemical fate, transport, and toxicity of dispersants and dispersant-oil mixtures has been performed in settings and **under conditions** vastly different than those that **exist** deep in the Gulf where much of the dispersants have been applied. Extreme pressure, low temperatures and light, and reduced oxygen concentrations can dramatically alter **physical**, chemical, and biological processes. Further, extrapolation of toxicity data from a limited number of species indigenous to the Gulf may **not** provide **sufficient** information on the sensitivity of a broad array of ocean-dwelling organisms, particularly those that occupy deepwater niches.

Potential Gulf of Mexico Ecosystem Effects from **Deepwater Horizon** Oil Release and Use of Dispersants

All of us recognize that the Gulf of Mexico is an extremely important resource for the United States of America for many reasons including its natural beauty and wildlife, seafood and commercial fishing industry, tourism, and energy production, particularly oil. Although natural disturbances such as hurricanes can have substantial impact on the Gulf environment, these natural events come and go and are part of the way of life in the Gulf of Mexico. However, the DHOS is now the largest oil spill in American history, and the decision was made to add to that enormous volume of oil an unprecedented volume of dispersant. In toxicology, it is broadly accepted that "the dose makes the poison". Therefore, we have significant potential for toxicity among Gulf organisms which may manifest as ecosystem level impacts as we move into the future. Why consider this at the ecosystem level? Take for instance the Kemp's ridley sea turtle (*Lepidochelys kempii*), an endangered species for which extensive recovery efforts have been made. Many female Kemp's ridleys nest along the coast of Texas before returning to the Gulf (Seney and Landry, 2008). They then head to feeding grounds, often off Louisiana or the **west** coast of Florida. The Kemp's ridley sea turtle utilizes the Gulf of Mexico ecosystem **throughout its** life cycle (Shaver et al., 2005). **To** date, we have seen hundreds of dead turtles reported in the last several **months** (since April 2010). Kemp's ridley sea turtles are highly

susceptible to anthropogenic stressors oil spills which **may** cause mortality **or** disrupt normal behaviors. When Kemp's ridley eggs hatch, the young, which may be only about 1.5 inches long, return to the ocean where they leave the near shore environment and enter an open ocean developmental stage; moving with Gulf currents, feeding predominantly on jellyfish, fish and crabs (Schmid and Witzell, 1997). It is thought that young turtles at sea may associate with Sargassum (floating seaweed) for refuge, rest and/or food. Oil-dispersant impacts on seaweed could result in serious negative impacts among young turtles. If oil affects the food supply of the Kemp's ridley or disturbs critical stages of its life cycle, **we** may not see oiled, dead Kemp's ridleys, but their population abundance could be imperiled by subtle **indirect** effects of dispersed oil **on** the environment.,

Another example is the: **sperm whale** (physeter macrocephalus), also **an** endangered species. Sperm whales are the largest of the toothed Whales, and they hunt relatively larger bodied prey (e.g. squid) in deep water. Dispersant-oil mixtures suspended in **the** water column, partiCULARly in deep water, could be toxic to both adult and juvenile sperm whales, (Knap et al., 2002). Sperm whales are in the Gulf of **Mexico** during the summer **which** is also **an** important calVing period (Blaylock et al., 1995). Young animals are often **more** susceptible to environmental contaminants than adults. This increases concern for juvenile sperm **whales**. In an **ecosystem** context, these whales feed heavily on cephalopods (particularly sqUid) and disruption of the food chain could be of considerable detriment to adults caring for young. Moreover, whales may be forced to abandon critical calVing or feeding grounds due to the presence of suspended oil-dispersant mixtures. Therefore, we could potentially see both direct and indirect effects from the DHOS as a result of dispersed oil and associated toxic constituents in areas where sperm whales **are** known to occur in the Gulf of Mexico (Godard et al., 2004).

As a final example, the western Atlantic population of bluefin tuna (Thunnus thynnus) has experienced a tremendous decline over the last few decades. The DHOS may present additional negative impacts to this marine resource because primary spawning areas are located within the Gulf. The eastern Gulf spawning area is within the general vicinity of the well and potential plumes of dispersed oil (Teo and Brock, 2010). In the Gulf of Mexico, bluefin tuna catch per unit effort **peaks** in **April**, suggesting that the majority of spawning occurs during **the** March to May time frame. Thus, larval bluefin most likely occupy Gulf waters from the peak spawning times onward through the summer, suggesting a temporal overlap with the presence of dispersed **oil**, oil plumes, and oil sheen in the Gulf of Mexico. Bluefin tuna **spawn** in the open **waters** of **the** Gulf of Mexico, and larval tuna generally utilize surface layers of the Gulf, Larvae are carried by currents and accumulate in convergence zones. Pelagic Sargassum seaWeed also accumulates in these zones and provides important habitat for larval fish (Comyns et al., 2002). **It is** likely that oil on the surface of the Gulf also accumulates in these **areas** and the potential exists for interactions between oil

and Sargassum habitat that may ultimately bluefin tuna. One current unanswered question is whether oil (tar balls and/or dispersed) may bind or physically associate with Sargassum, increasing the risk of toxicity to larval bluefin tuna and other pelagic species.

In other habitats, the diet of larval tuna includes crustaceans prior to shifting to a fish based diet (Llopiz et al. 2010). Potential toxicity due to Corexit 9500 and mixtures in the Gulf of Mexico may influence zooplankton and other crustaceans. The LC50 of Corexit 9500 has been reported to be 21 and 5.2 ppm for shrimp (L. setiferus) and copepods (Eurytemora affinis), respectively (George-Ares and Clark, 2000). Thus a potential for indirect effects of dispersants on tuna include reduced abundance of food resources. In addition, toxicity resulting from dispersed oil well below the surface could feasibly impact zooplankton and other crustaceans important to larval bluefin tuna due to their vertical water column migrations. Further, the direct toxic effects of Corexit 9500 on larval pelagic fish species such as bluefin tuna are relatively unknown.

Like everyone else, I received news that the well has been capped with great relief and guarded optimism. In the days since the flow of oil into the Gulf has stopped, many have begun to ask the question, "Where is the balance of the oil that leaked out?" I believe that the extensive use of dispersant has resulted in much of the oil released from the **Deepwater Horizon** site to remain suspended in the Gulf, dispersed in the water column.

A simple estimate drawn on experience gained during the Exxon Valdez oil spill of 1989 can be used to illustrate. There, approximately 11 million gallons of oil was released into Prince William Sound resulting in oiling of over 1,000 miles of shoreline. In the present oil spill, which is upwards of 20 times greater in volume than the Exxon Valdez spill, we have only seen 600 miles of oiled shoreline. Therefore, it may be surmised that, aside from volatilization, burning, and other remedial efforts, much of the oil remains at sea.

I appreciate the opportunity to testify today. This hearing will encourage the scientific community to generate much needed data related to use of dispersants in response to the DHOS. Again, I believe there is an urgent need for independent, applied research to fill data gaps on the potential impacts of dispersed oil on Gulf wildlife. Hopefully, information generated in future studies will aid in the assessment of effects, identification of effective remedial strategies, and with the restoration and preservation of the Gulf Coast ecosystem.

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Reducing Risks to Sea Turtles During Surface Oil Burning

Is BP burning turtles as well as oil?

The Unified Command, not BP, is managing the burn operations undertaken as part of the response. Protocols include looking for wildlife prior to ignition of oil, however it is possible that **turtles** and other wildlife have been by burn operations.

Why have you allowed **turtles** to be **harmed** during burn operations?

The Unified Command is to make sure the harmful effects of these on wildlife are minimal, but **we** recognize that every animal can be protected.

Why not stop burning?

Of threats posed by this spill, the oil is the greatest with potential to foul the animals, their nests, food, habitat, and the **long term** health. Burning is a very efficient way to remove oil that would otherwise spread and **persist**, removing up to 90% of the **oil** at maximum **efficiency**.

What have you done to **remove** turtles from burn areas?

Protocols for burn operations include looking for turtles in the area prior to ignition and not conducting operations if **they** are spotted. The Unified **Command marine** mammal/sea turtle unit has been conducting **directed** surveys in oiled waters and to date, has collected 90 sea turtles. Of these, 83 of these are being cared for in rehabilitation facilities while the rest were dead when collected or died in **rehab**. **These** operations most recently have concentrated search efforts in areas that are also likely targets for controlled burns.

How will the burn team **and** the wildlife team be working together in the future?

We **have contracted** for up to 20 turtle monitors. They will **monitor** for turtles both for burn and skimming operations. A pilot **program** launched **June 21**, added the first sea turtle monitor to a burn unit team to better determine how turtles in danger can be seen, rescued or captured prior to operations. This will expand the overall protection effort by further increasing personnel numbers involved in this effort.

Have you recovered any burned sea turtles?

No, but we do not **expect to find** remains after a burn. **They** are **likely** incinerated or sink.

What will the sea turtle observer do?

The observer will watch for and rescue any turtles in oil before the oil is corralled into booms for burning. One observer will be deployed to each team working on a given day.

What will happen to **any turtles that** are collected?

If live turtles are collected **they** will be transported via the **crew** boat **daily**, met by transport. **and** taken to one of the **primary** de-oiling facilities. Dead turtles are also collected and held for necropsy and as documentation of the **impacts** of this spill.

Why are turtles in burn **areas**?

In **offshore** waters, both free-floating patches of sargassum **seaweed** and spilled oil tend to accumulate in **convergence** zones, places in the Ocean where strong opposing currents meet.

Sea turtles, especially juveniles, use these areas for food and cover. Burn operations there because of the aggregated oil.

In areas that burned, have you found many live turtles?

Directed surveys have found turtles in adjacent areas where controlled burns are occurring, but safety concerns have precluded working in the immediate vicinity of burns. Increased coordination between burn teams and observers will provide more opportunity to reduce risks to turtles that may be present in the area.

How do you evaluate the relative benefits of reducing oil through controlled burns and the risk of harming wildlife?

It's a matter of reducing the risk as much as we can while reducing the oil as much as we can, recognizing that some wildlife will be harmed. Oil that remains at sea where it is likely to persist or spread into coastal areas can harm large numbers of animals for extended periods of time.

Monitoring for and rescuing sea turtles before controlled burns can harm to individual animals while the removal of large quantities of oil (up to 90 percent at maximum efficiencies) from the water.