Subject: BMPs for skimmers and offshore burns
From: Robert Hoffman <Robert.Hoffman@noaa.gov>
Date: Fri, 11 Jun 2010 10:35:52 -0400
To: Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Sarah Wilkin <Sarah.Wilkin@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, mhziccardi@ucdavis.edu

Here is my first crack, I still havce to do some for booming and the new near shore burning idea. Please review and comment asap

BMPs Oil Spill.doc	**Content-Type:** application/msword **Content-Encoding:** base64

BEST MANAGEMENT PRACTICES TO PROTECT SEA TURTLES AND MARINE MAMMALS

Skimmer Operations:

Sea Turtles

- Use of oil skimmers can adversely affect sea turtles through possible capture and/or entrainment.

Best Management Practices To Reduce Skimmer Impacts to Sea Turtles

- Collection of all live and dead turtles needs to be conducted according to the attached protocols.
- The best possible mitigative measure would be to have turtle rescue vessels (with trained rescue personnel, if available) accompany selected skimming task forces to collect turtles in the area. If this is not possible then the following should be considered:
    - Have a trained observer (if available) or a crew member dedicated to looking for sea turtles (and marine mammals) that maybe affected by equipment.
    - If possible and if the skimming platform allows (i.e. size of vessel) and there is no risk to human safety collect live and dead sea turtles according to the attached protocols.
    - Contact the Wildlife Hotline (866-557-1401) or your supervisor to report the turtle to the Wildlife Branch as quickly as possible.
    - If the retrieval of sea turtles is not possible then it would be advisable to have the observer record the number of sea turtles that are spotted during operations.
    - If possible all healthy sargassum should be avoided.

Marine Mammals:

- Use of oil skimmers can adversely affect marine mammals through possible capture and/or entrainment.

Best Management Practices To Reduce Skimmer Impacts to Marine Mammals

- Have a trained observer, if available, or a crew member dedicated to looking for marine mammals that maybe affected by equipment or are impacted by oil.
- Contact the Wildlife Hotline (866-557-1401) or your supervisor to report any marine mammal that is impacted by skimming operations or that has signs of oil impacts to the Wildlife Branch as quickly as possible.
- If possible avoid skimming operations where marine mammals have been spotted, if a marine mammal is spotted during operations, if possible, stop operations until the animal is outside the operations area.

In-Situ Burning (Offshore):

Sea Turtles

- Sea turtles can be adversely affected during corralling of oil and oiled vegetation by being herded by the booms into oil, turtles may also be in the oil already as they may mistake it for cover (to a turtle the floating oil may look like sargassum). Any turtles in the boomed oil and oiled vegetation will be burned when the oil is ignited.

Best Management Practices to Reduce In-Situ Burns Impacts to Sea Turtles

- Collection of all live and dead turtles needs to be conducted according to the attached protocols.
- The best possible mitigative measure would be to have turtle rescue vessels (with trained rescue personnel, if available) accompany the burn taskforce into the burn box and to rescue turtles while oil is being boomed. If this is not possible then the following should be considered:
    - Send turtle rescue vessels (with trained rescue personnel, if available) into the next day's projected burn box to rescue turtles.
    - Have a trained observer (if available) or a crew member dedicated to looking for sea turtles (and marine mammals) during oil corralling operations and if possible have this person collect observed turtles according to the attached protocol.
    - Contact the Wildlife Hotline (866-557-1401) or your supervisor to report the turtle to the Wildlife Branch as quickly as possible.
    - If the retrieval of sea turtles is not possible then it would be advisable to have the observer record the number of sea turtles that are spotted during operations.
    - If possible all healthy sargassum should be avoided.
    - If possible a survey should be conducted in the burn area after the burn is complete and all dead sea turtles should be counted and if possible collected.

Marine Mammals:

- Marine mammals can be adversely affected by in-situ burns if they are in the burn area during burning. It is expected that marine mammals will avoid the area once the oil is ignited.

Best Management Practices to Reduce In-Situ Burns Impacts to Marine Mammals

- Have a trained observer, if available, or a crew member dedicated to looking for marine mammals that maybe affected by the burn or are impacted by oil.
- Contact the Wildlife Hotline (866-557-1401) or your supervisor to report any marine mammal that is impacted by burn operations or that has signs of oil impacts to the Wildlife Branch as quickly as possible.

- If possible avoid skimming operations where marine mammals have been spotted, if a marine mammal is spotted during operations, if possible, stop operations until the animal is outside the operations area.

Subject: Re: BMPs for skimmers and offshore burns
From: Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>
Date: Fri, 11 Jun 2010 14:45:05 -0400
To: Robert Hoffman <Robert.Hoffman@noaa.gov>
CC: Sarah Wilkin <Sarah.Wilkin@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, mhziccardi@ucdavis.edu

Thoughts attached with the draft observer form. Thoughts welcomed on all of this.
Cheers, A

Robert Hoffman wrote:

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BMPs Oil SpillATGcomments.doc	**Content-Type:** application/msword **Content-Encoding:** base64

B003 Obs Form 01vi10 MG comments-1AG.doc	**Content-Type:** application/msword **Content-Encoding:** base64

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    - If possible and if the skimming platform allows (i.e. size of vessel) ~~and there is no risk to human safety collect live and dead sea turtles according to the attached protocols.~~crew's are requested to recover sea turtle using the attached protocols (see attached).
    - Contact the Wildlife Hotline (866-557-1401) or your supervisor to report the turtle to the Wildlife Branch as quickly as possible.
    - ~~o~~ If the retrieval of sea turtles is not possible then it would be advisable to have the observer record the number of sea turtles that are spotted during operations, the GPS coordinates of the turtle ,etc, as indicated on the attach observer form (see attached)~~.~~
    - If possible all healthy sargassum (e.g, seaweed or large mats of vegetation) should be avoided.

Marine Mammals:

- Use of oil skimmers can adversely affect marine mammals through possible capture and/or entrainment.

Best Management Practices To Reduce Skimmer Impacts to Marine Mammals

- Have a trained observer, if available, or a crew member dedicated to looking for marine mammals that maybe affected by equipment or are impacted by oil. Complete attached observer form.
- Contact the Wildlife Hotline (866-557-1401) or your supervisor to report any marine mammal that is impacted by skimming operations or that has signs of oil impacts to the Wildlife Branch as quickly as possible.

- If possible avoid skimming operations where marine mammals have been spotted, if a marine mammal is spotted during operations, if possible, stop operations until the animal is outside the operations area.

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    - If the retrieval of sea turtles is not possible then it would be advisable to have the observer record the number of sea turtles that are spotted during operations.
    - If possible all healthy sargassum (also known as seaweed) should be avoided.
    - If possible a survey should be conducted in the burn area after the burn is complete and all dead sea turtles should be counted and if possible collected.

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- Marine mammals can be adversely affected by in-situ burns if they are in the burn area during burning. It is expected that marine mammals will avoid the area once the oil is ignited.

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- Contact the Wildlife Hotline (866-557-1401) or your supervisor to report any marine mammal that is impacted by burn operations or that has signs of oil impacts to the Wildlife Branch as quickly as possible.
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Marine Animal Observation Form

Vessel:			Start Date:	Start Time (CDT):	
Start Location (Lat/Long): End Location (Lat/Long):			End Date:	End Time (CDT):	
Task Force:			Trip #:	Capt Name:	
Number of Vessels in Task Force:			Length (ft):	Depth:	
Mission:			Lat:	Long:	
# vessels within 1 nmi radius _____			Beaufort Sea State: ____		
Observer(s):					
e-mail:		Phone:		Mobile:	
Water Oiling Cond:	heavy oil _	med oil _	light oil _	sheen _	no vis oil _
Animal Behavior:	traveling _	direction _	milling _	avoid ship _	bowriding _
Status:	alive _	injured _	dead _	If injured or dead, ph: 985 493 7829	
Obs Cond:*	excellent _	good _	fair _	poor _	
Species:	sm dolphin _	# _____	Species ID, or description if possible (e.g., approx size, amount of oiling, etc.):		
	lg dolphin _	# _____	Species ID, if possible:		
	whale _	# _____	Species ID, if possible:		
	manatee _	# _____	Species ID, if possible:		
	turtle _	# _____	Species ID, if possible:		
Photos:					

Comment [MG1]: Specify water (not animal for this field)

Comment [MG2]: This field doesn't need to be so big if more room is needed elsewhere on sheet. Maybe a statement about photos elsewhere OR a Y/N field.

Please return completed forms to
Mark A. Fraker, maf@terramarresearch.com, mobile: 250-661-0696 OR

Comments:

* excellent = nothing to interfere with sighting; good = minor interference (e.g., glare / rough water); fair = some interference; poor = significant interference.

There is considerable interest in the response of whales, dolphins, sea turtles, and manatees to the MC252 oil spill. Observers on vessels operating in the vicinity of the spill would be making an important contribution if they would report observations on the above form. There are nearly 30 whale and dolphin species known from the Gulf of Mexico. Most are rare and difficult to identify.

The Sperm Whale is large and relatively easy to ID. Bryde's Whale is the only large baleen whale likely to be seen, but it is rare.

Photos can be very helpful for confirming ID.

Suggested ID guide: Wynne, Kate, and Malia Schwartz. 1999. Guide to marine mammals and turtles of the US Atlantic and the Gulf of Mexico.

Please return completed forms to:
Mark A. Fraker, maf@terramarresearch.com, mobile: 250-661-0696 OR

Stacy,Brian A

From: Barbara.Schroeder [Barbara.Schroeder@noaa.gov]
Sent: Tuesday, June 29, 2010 10:53 AM
To: Stacy,Brian A
Cc: Pamela Lawrence; Mark Hodor
Subject: Re: [Fwd: Guidance on law firm contact]

Brian, all you need to do is refer them to Mark Hodor and Pam Lawrence, their emails are just like ours: mark.hodor@noaa.gov and pamela.lawrence@noaa.gov. The main number for NOAA General Counsel staff in Silver Spring (where Mark and Pam are) is 301-713-2231. That's all you need to do, it's then up to General Counsel to follow up with them. If they call you again, just tell them that they must speak with NOAA attorneys. We pass it to our attorneys and then they will deal with it as they determine appropriate.

Stacy,Brian A wrote:

> This email is regarding a request to speak with Bill Eubanks, a lawyer with Meyer Glitzenstein & Crystal. I just received an email request to speak with Mr. Eubanks following the phone call yesterday. I would greatly appreciate guidance on this matter as this group clearly is wanting a timely response.
>
> Regards,
>
> Brian A Stacy, DVM, PhD, DACVP
> NOAA/NMFS/Protected Resources
> Marine Animal Disease Laboratory
> University of Florida, College of Veterinary Medicine
> Aquatic Animal Health Program

Dr. Stacy,

We spoke yesterday morning briefly about the oil spill and its impacts on turtles (specifically the burn boxes occurring througout the aquatic ecosystem). Assuming you've received clearance from NOAA attorneys (who we work with frequently if you'd like me to speak to anyone there), I'd still like to speak for a few brief minutes to discuss various alternatives that exist for oil containment with less turtle impacts (for example, skimming, burning with observers and a strict protocol, etc.). Please give me a call at your earliest convenience and we can talk then.

Sincerely,

Bill Eubanks

Meyer Glitzenstein & Crystal

1601 Connecticut Avenue NW, Suite 700

Washington, DC 20009

(202) 588-5206, ext. 14

(202) 588-5049 (fax)

www.meyerglitz.com

From: Barbara.Schroeder [mailto:Barbara.Schroeder@noaa.gov]
Sent: Monday, June 28, 2010 9:38 AM
To: Brian Stacy
Cc: Pamela Lawrence; Mark Hodor; Helen Golde; David Cottingham
Subject: [Fwd: Guidance on law firm contact]

Hi Brian,
For anything that comes to you for anything legal related in any way -- please refer them immediately to Mark Hodor and Pam Lawrence, our attorneys in the NOAA General Counsel Office in Silver Spring. I am copying Mark and Pam here. Mark and Pam, please handle, thanks.
Barbara

-------- Original Message --------
Subject: Guidance on law firm contact
Date: Mon, 28 Jun 2010 09:34:09 -0400
From: Stacy,Brian A <bstacy@ufl.edu>
To: 'Barbara.Schroeder' <Barbara.Schroeder@noaa.gov>
References: <FA9822F11A2EDB4EABEB80DFA3534B97054D392C@HSC-CMS01.ad.ufl.edu> <4C289F4F.2010101@noaa.gov> <FA9822F11A2EDB4EABEB80DFA3534B97054D3933@HSC-CMS01.ad.ufl.edu> <4C28A29E.4000403@noaa.gov>

Hi Barbara,

I was just contacted by Bill Eubanks of Meyer, Glitzenstein and Crystal. They would like to ask questions regarding impacts on turtles and are especially interested in the in situ burning. He said they are not planning immediate action, but are fact-finding at the moment. I told him I would have to get permission from NOAA before answering questions. How do I handle this?

Brian

Brian A Stacy, DVM, PhD, DACVP
NOAA/NMFS/Protected Resources
Marine Animal Disease Laboratory
University of Florida, College of Veterinary Medicine
Aquatic Animal Health Program
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From: Barbara.Schroeder [mailto:Barbara.Schroeder@noaa.gov]
Sent: Monday, June 28, 2010 9:25 AM
To: Stacy,Brian A
Cc: 'Gale.Heim'
Subject: Re: Travel orders for Dr. Joe Flanagan

Hi Gale, Bill Payne was handling on Friday. Can you check in with Bill please, thanks.

Stacy,Brian A wrote:
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> I believe Barbara handled this while you were out. I don't want to duplicate anything, so I am cc'ing her here to confirm.
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> Thanks,
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>> Hello Gale,
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>> We are bringing Dr. Joe Flanagan of the Houston Zoo to New Orleans on invitational travel to participate in a meeting with a rehab center. He will be coming in the July 1st and leaving the 2nd. Joe has traveled under NOAA orders before, so I hope he is already in the system. If not, his email is jflanagan@houstonzoo.org. Thank you very much.
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>> University of Florida, College of Veterinary Medicine Aquatic Animal
>> Health Program
>>
>>

Stacy,Brian A

From: Helen Golde [Helen.Golde@noaa.gov]
Sent: Tuesday, June 29, 2010 10:50 AM
To: Stacy,Brian A
Cc: 'Barbara.Schroeder'; Pamela Lawrence; Mark Hodor; David Cottingham
Subject: Re: [Fwd: Guidance on law firm contact]

I think that you do not talk to these folks.

Mark/Pam-- do you all want to respond in some way? There must be some guidance from NOAA GC about how to respond to these requests per the spill.

At this point, Brian needs to know where he should direct Mr. Eubanks.

-- Helen

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www.meyerglitz.com

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NOAA/NMFS/Protected Resources
Marine Animal Disease Laboratory
University of Florida, College of Veterinary Medicine

Aquatic Animal Health Program
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From: Barbara.Schroeder [mailto:Barbara.Schroeder@noaa.gov]
Sent: Monday, June 28, 2010 9:25 AM
To: Stacy,Brian A
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>>

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Stacy,Brian A

From: Helen Golde [Helen.Golde@noaa.gov]
Sent: Tuesday, June 29, 2010 10:57 AM
To: Barbara.Schroeder
Cc: Stacy,Brian A; Pamela Lawrence; Mark Hodor; David Cottingham
Subject: Re: [Fwd: Guidance on law firm contact]

I agree-- I want to know from GC who these folks should be referred to. I bet it is someone n GCNR who is dealing w/ all spill related stuff, not GCF.

Barbara.Schroeder wrote:

> All we can do is refer them to Mark or Pam, or whoever they tell us to if it's not them. We are not going to speak to attorneys, I passed this along yesterday. I know they will continue to bug Brian or others on our side but all we can do is tell them we cannot speak with them and that they must call GC -- it's up to GC to handle.
>
> Helen Golde wrote:
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> > I think that you do not talk to these folks.
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>>

>> Brian A Stacy, DVM, PhD, DACVP
>> NOAA/NMFS/Protected Resources
>> Marine Animal Disease Laboratory
>> University of Florida, College of Veterinary Medicine Aquatic Animal
>> Health Program
>>
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Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

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Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Subject: RE: .ppt that you used to train burn observers
From: Blair Witherington <witherington@cfl.rr.com>
Date: Sat, 24 Jul 2010 12:28:55 -0400
To: 'Barbara Schroeder' <Barbara.Schroeder@noaa.gov>
CC: "'Alexis.Gutierrez'" <Alexis.Gutierrez@noaa.gov>, 'Sara McNulty' <Sara.McNulty@noaa.gov>, 'Phil Williams' <Phil.Williams@noaa.gov>

Too big to email, but here is a shortened version I sent to Sherry. Blair

-----Original Message-----
From: Barbara Schroeder [mailto:Barbara.Schroeder@noaa.gov]
Sent: Saturday, July 24, 2010 11:54 AM
To: Blair Witherington
Cc: Alexis.Gutierrez; Sara McNulty; 'Phil Williams'
Subject: .ppt that you used to train burn observers

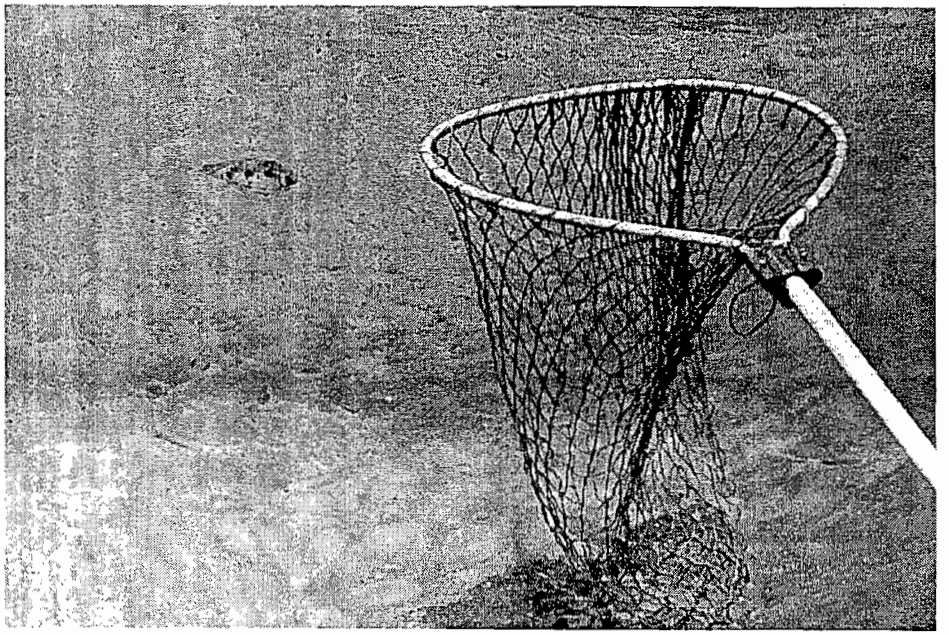
Hi Blair,
Phil Williams called today (he is in Houma now) shortly after Sherry emailed you regarding what versions of various things he should be using for observer training. I couldn't help him on most of that since I haven't been involved in the training - but I said I would contact you and ask if you could email the .ppt that you used in Destin, with the burn observers. He had not heard of that and I told him I assumed it was already incorporated into the training they are conducting this weekend, but, just in case, can you email it around? Sara/Alexis if you know something different or more, please add, thanks.
Thanks, Barbara

Observer Training 2 July 1800].ppt	**Content-Type:** application/vnd.ms-powerpoint **Content-Encoding:** base64

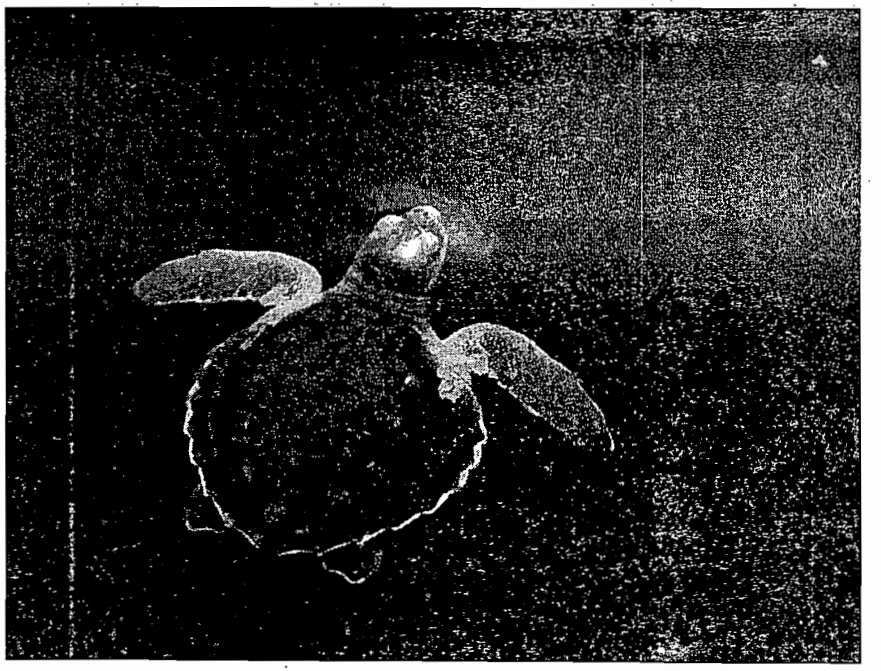
Example of pelagic phase green turtle in ***healthy sargassum weedline***

Example of pelagic phase Kemp's ridley in ***healthy sargassum weedline***

Example of oiled pelagic phase Kemp's ridley sea turtles

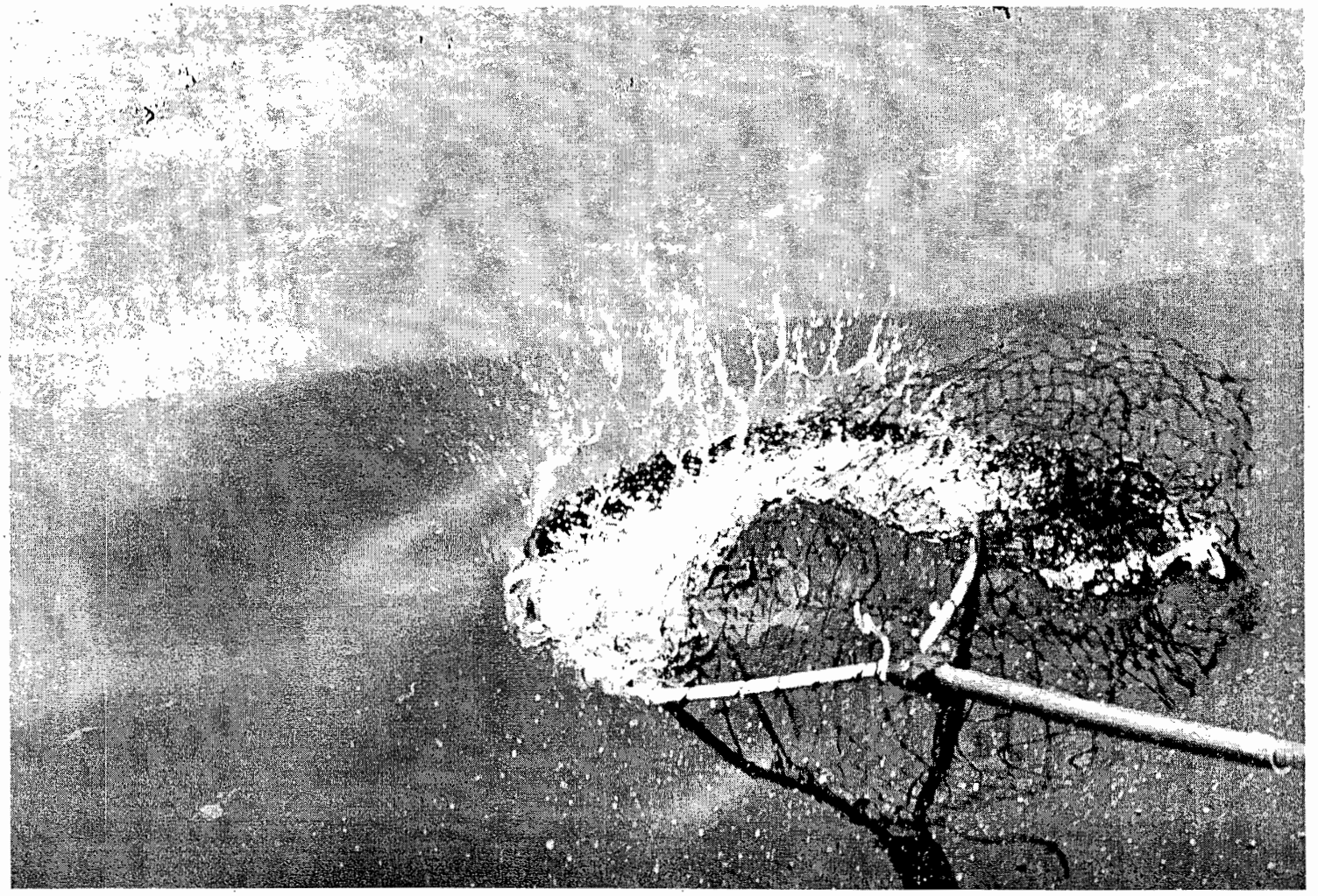


In thick oil

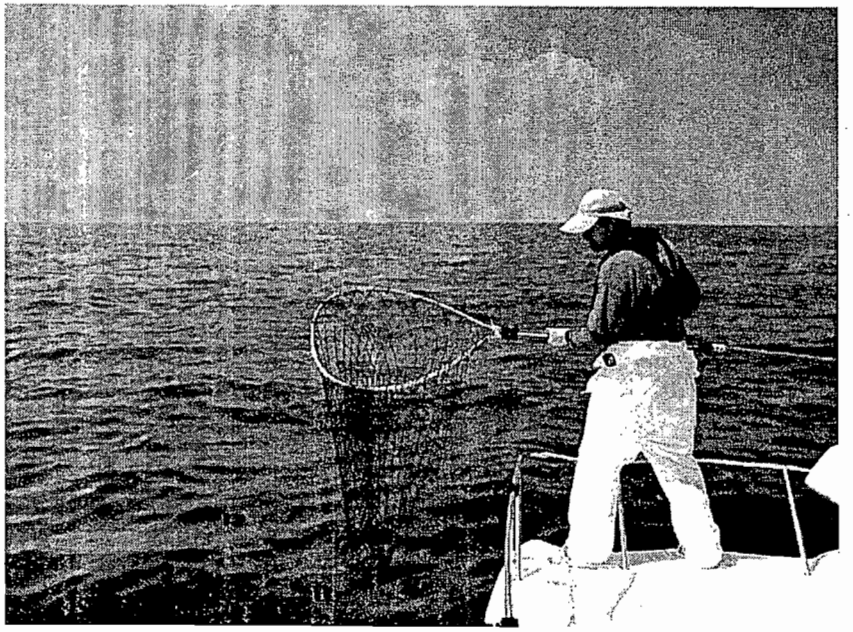


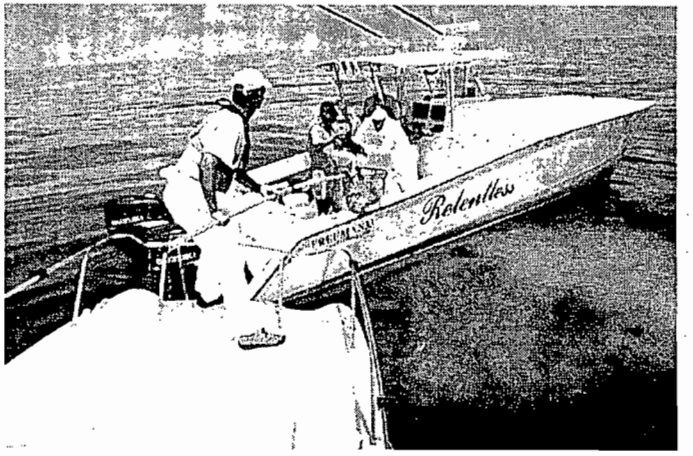
In open water near oil

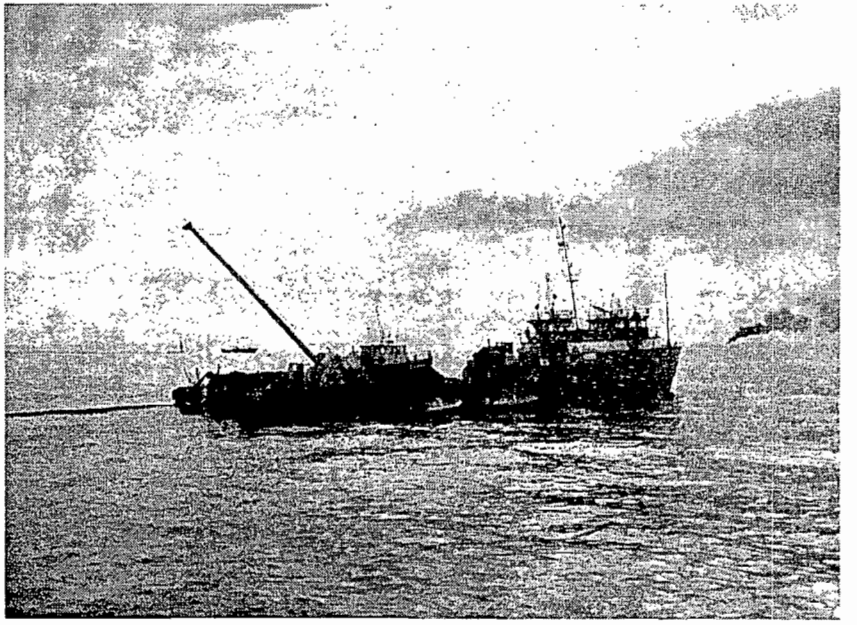
Net capture of a pelagic phase Kemp's ridley near oil



Sea turtles encountered during the survey will be captured with a dip net. A GPS position will be recorded, and the turtle will be transported to the support vessel

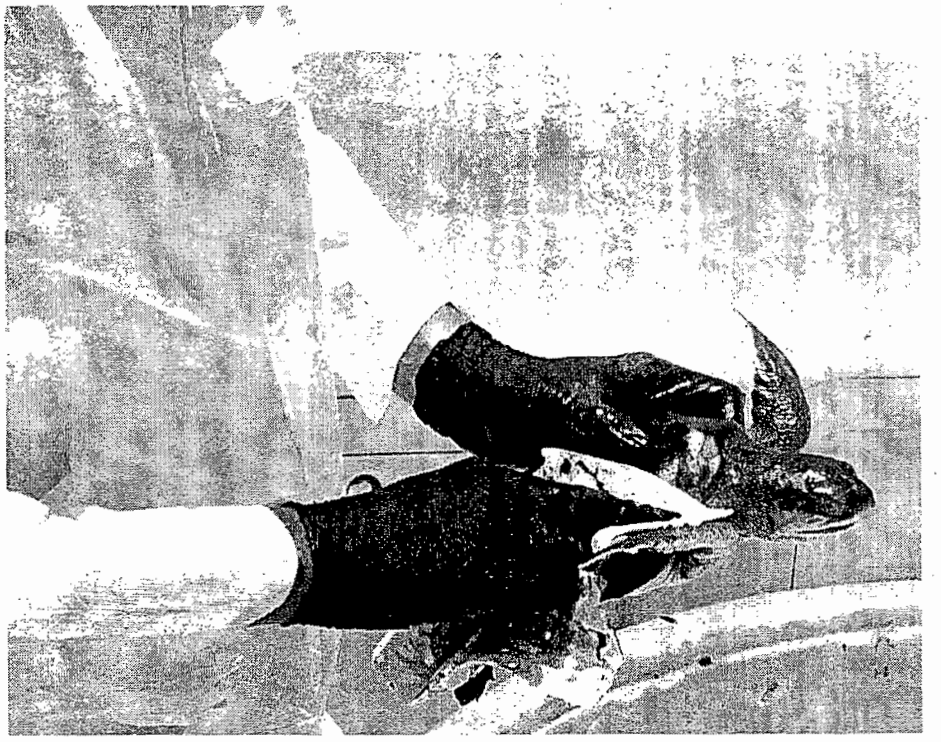






Support vessel with 2 ignition boats alongside

Support vessel crew will photograph, swab-sample, and initially clean turtles, and place them in shaded containers for transport. Dead turtles will be iced in coolers.



Subject: Re: .ppt that you used to train burn observers
From: Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>
Date: Sat, 24 Jul 2010 19:58:37 -0400
To: "'Luke@aisobservers.com'" <Luke@aisobservers.com>, "'Alexis.Gutierrez@noaa.gov'" <Alexis.Gutierrez@noaa.gov>, "'witherington@cfl.rr.com'" <witherington@cfl.rr.com>
CC: "'Barbara.Schroeder@noaa.gov'" <Barbara.Schroeder@noaa.gov>, "'Sara.McNulty@noaa.gov'" <Sara.McNulty@noaa.gov>, "'Phil.Williams@noaa.gov'" <Phil.Williams@noaa.gov>, "'Teresa.Turk@noaa.gov'" <Teresa.Turk@noaa.gov>, "'Trevor.Spradlin@noaa.gov'" <Trevor.Spradlin@noaa.gov>

No worries. Figured that you would have it covered. Hope today went well, A

From: Luke Szymanski <Luke@aisobservers.com>
To: Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>; Blair Witherington <witherington@cfl.rr.com>
Cc: Barbara Schroeder <Barbara.Schroeder@noaa.gov>; Sara McNulty <Sara.McNulty@noaa.gov>; Phil Williams <Phil.Williams@noaa.gov>; Teresa Turk <Teresa.Turk@noaa.gov>; Trevor Spradlin <Trevor.Spradlin@noaa.gov>
Sent: Sat Jul 24 16:49:51 2010
Subject: RE: .ppt that you used to train burn observers

Hello Alexis,

I apologize for the delayed response. I spoke to Phil concerning the ppt. in question. We ran through several of the slides to demonstrate the types of oil they will encounter and to stress the size of the targets that they will be looking for while at sea. We do not plan to present the whole in-situ training since it is not likely that the observers will be deployed on this type of platform. Should this change we will present the entire ppt. prior to deploying the observers with the in-situ team. They have been provided with a hard copies of the ppt., In-situ burn operations plan, and the data forms.

Luke

Luke Szymanski
Marine Projects Manager
A.I.S., Inc
89 North Water Street
New Bedford, MA 02740
774-265-0596
www.aisobservers.com

From: Alexis Gutierrez [mailto:Alexis.Gutierrez@noaa.gov]
Sent: Sat 7/24/2010 14:01
To: Blair Witherington
Cc: 'Barbara Schroeder'; 'Sara McNulty'; 'Phil Williams'; Luke Szymanski; Teresa Turk; Trevor Spradlin
Subject: Re: .ppt that you used to train burn observers

Hi! I am rather confused about this email chain. Luke, cced here, has the most up-to-date observer training ppt (July 6) on the In-Situ Burn

Unit. This is the last one that I have. Not sure why there is confusion.
Cheers, A

Blair Witherington wrote:
> Too big to email, but here is a shortened version I sent to Sherry. Blair
>
> -----Original Message-----
> From: Barbara Schroeder [mailto:Barbara.Schroeder@noaa.gov]
> Sent: Saturday, July 24, 2010 11:54 AM
> To: Blair Witherington
> Cc: Alexis.Gutierrez; Sara McNulty; 'Phil Williams'
> Subject: .ppt that you used to train burn observers
>
> Hi Blair,
> Phil Williams called today (he is in Houma now) shortly after Sherry
> emailed you regarding what versions of various things he should be using
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> burn observers. He had not heard of that and I told him I assumed it
> was already incorporated into the training they are conducting this
> weekend, but, just in case, can you email it around? Sara/Alexis if you
> know something different or more, please add, thanks.
> Thanks, Barbara

Subject: FYI
From: Abbie Mimiko <Abbie.Mimiko@noaa.gov>
Date: Wed, 07 Jul 2010 12:50:25 -0400
To: David Cottingham <David.Cottingham@noaa.gov>, Angela Somma <Angela.Somma@noaa.gov>, Therese Conant <Therese.Conant@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>
CC: Helen Golde <Helen.Golde@noaa.gov>

--

Kind Regards,

Abbie J. Mimiko
Tel: 301-713-2332 Ext. 135
Fax: 301-713-4060
Office of the Director
Protected Resources
National Marine Fisheries Service
Silver Spring, MD 20910
Abbie.Mimiko@noaa.gov

NOI to Sue Violations of ESA 27470.pdf	**Content-Type:** application/pdf **Content-Encoding:** base64

pc

Folder

Folder ID	56387
Tracking ID	10-015515-
Category	Executive Secretariat
To/Owner	EXECSEC (Group)
From	Ms. Atwood, Amy R.
Addressed To	Secy
Folder Types	(None)
Mail Type	Fax
Subject	Notice of Intent to Sue: Violations of the Endangered Species Act Related to the Controlled Burn Activities in the Gulf of Mexico
Keyword Summary	

Reason for Delay ACQUISITIONS-ForeignNone

File Codes

Record Status* Permanent

Date Signed

ExecSec POC

White House Control Number

Date of Document 06/29/2010 Date Received 06/29/2010 Date Due 07/07/2010 Date Closed Created By 06/29/2010 13:54:51 Jones, Sarah Modified By 06/29/2010 18:15:22 Jones, Sarah

Attachments

Type	Description	Document Status	Category	Owner	Created Modified
Adobe Acrobat Reader	incoming		Executive Secretariat	Jones, Sarah	06/29/2010 06/29/2010

Assignments

Action	Assigned By	Assigned To	Status	Work Sequence	Date Assigned	Date Due	Closed
Appropriate Action	Jones, Sarah	NOAA (Group)	Closed		06/29/2010	Never	06/29/2010
FYI	Jones, Sarah	GC (Group)	Active		06/29/2010	Never	
FYI	Jones, Sarah	OPSP (Group)	Active		06/29/2010	Never	

- WebDocFlow 4.7 - Tuesday, June 29, 2010 - 6:15:34 PM -

10-015515

DS EXECUTIVE SECRETARIAT

2010 JUN 29 PM 1:16

CENTER for BIOLOGICAL DIVERSITY

Via Facsimile and Certified Mail/Return Receipt Requested

June 29, 2010

Tony Hayward
Chief Executive Officer
BP America, Inc.
501 Westlake Park Blvd.
Houston, Texas 77079
Fax: 281-336-5901

Robert Dudley
Managing Director
BP PLC
1 St. James's Square SW1Y 4PD
London, ENG SW1Y 4PD
United Kingdom
Fax: 312-856-4883

Andy Inglis
Chief Executive, Exploration & Production
BP America, Inc.
501 Westlake Park Blvd.
Houston, Texas 77079
Fax: 281-336-5901

Lamar McKay
Chairman & President
BP America, Inc.
501 Westlake Park Blvd.
Houston, Texas 77079
Fax: 281-336-5901

Admiral Thad Allen, National Incident Commander
Unified Command, Deepwater Horizon Oil Spill
U.S. Coast Guard Headquarters
Washington, D.C. 20593-7101
Fax: 202-208-6965

Admiral Robert Papp, Commandant
U.S. Coast Guard
U.S. Coast Guard Headquarters
Washington, D.C. 20593-7101
Fax: 202-208-6965

RE: Notice of Intent to Sue: Violations of the Endangered Species Act Related to the Controlled Burn Activities in the Gulf of Mexico

This letter serves as official notice by the Center for Biological Diversity and Turtle Island Restoration Network of our intent to sue BP America, Inc. ("BP America"), Admiral Thad Allen, Admiral Robert Papp, and the Unified Command for the Deepwater Horizon Oil Spill ("Unified Command") and its members and individuals,[1] for violations of the Endangered

[1] Members of the Unified Command include: BP; Transocean; U.S. Coast Guard; Minerals Management Service (a.k.a. Bureau of Ocean Energy Management, Regulation and Enforcement); National Oceanic and Atmospheric Administration; U.S. Environmental Protection Agency; U.S. Department of Homeland Security; U.S. Department of the Interior; U.S. Department of Defense; U.S. Fish and Wildlife Service; U.S. National Park Service; U.S. Department of State; U.S. Geological Survey; Centers for Disease Control and Prevention; and Occupational Safety and Health Administration.

Tucson · Phoenix · San Francisco · San Diego · Los Angeles · Joshua Tree · Silver City · Portland · Washington, DC
PO Box 11374 · Portland, OR 97211-0374 tel: (503) 283-5474 fax: (503) 283-5528 www.BiologicalDiversity.org

Species Act ("ESA") (16 U.S.C. § 1531, *et seq.*) resulting from actions and inactions related to the burning of oil and gas on ocean surface waters in the Gulf of Mexico. BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals have recently begun to use "controlled burns" of oil and gas on the surface of U.S. territorial seas in the Gulf of Mexico – which is trapping protected species, including Kemp's ridley sea turtles, and burning them alive – without authorization for the "take" of listed species as required by the ESA. 16 U.S.C. § 1638(a)(1)(A) (prohibiting any person from committing the "take" of listed species "within the United States or the territorial sea of the United States"); 16 U.S.C. § 1532(19) ("The term 'take' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.").

In addition, federal agencies within the Unified Command – which include the U.S. Coast Guard; Minerals Management Service (a.k.a. Bureau of Ocean Energy Management, Regulation and Enforcement); National Oceanic and Atmospheric Administration; U.S. Environmental Protection Agency; U.S. Department of Homeland Security; U.S. Department of the Interior; U.S. Department of Defense; U.S. Fish and Wildlife Service; U.S. National Park Service; U.S. Department of State; U.S. Geological Survey; Centers for Disease Control and Prevention; and Occupational Safety and Health Administration – have allowed these actions to proceed without consulting with and seeking the assistance of the Secretary of the Interior, as required by Section 7(a)(1) of the ESA. 16 U.S.C. § 1536(a)(1).

"Controlled burns" of oil and gas on the ocean surface, which are being carried out in an attempt to control the oil that is still spewing from the Deepwater Horizon ruptured wellhead, are being done with little to no regard for the fate of oiled sea turtles and other listed species that are trapped within the perimeter and burned alive. Researchers are being prevented from searching trapped material and rescuing wildlife before vegetation and the marine life it supports are burned.

Thus, by this letter the Center puts BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals on official notice that the Center and TIRN believe that these activities are resulting in the unlawful take of threatened and endangered species, including but not limited to the Kemp's ridley sea turtle, in violation of the ESA. 16 U.S.C. § 1538. 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 deemed necessary by a court. *See* 16 U.S.C. § 1540(g).

I. Legal and Factual Background

A. The Endangered Species Act

The 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." 16 U.S.C. § 1531(b).

Section 9 of the ESA specifically prohibits the "take" of an endangered species, 16 U.S.C. § 1538(a)(1)(B), a term broadly defined to include harassing, harming, pursuing, wounding or killing such species. 16 U.S.C. § 1532(19). The term "harm" means "an intentional or negligent omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering." 50 C.F.R. § 17.3. The ESA's legislative history supports "the broadest possible" reading of "take." *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687, 704-05 (1995). "Take" includes direct as well as indirect harm and need not be purposeful. *Id.* at 704; *see also Nat'l Wildlife Fed'n v. Burlington No. R.R.*, 23 F.3d 1508, 1512 (9th Cir. 1994). Consistent with these provisions and precedent, controlled burns that are being carried out by BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals can be the legal cause of a prohibited taking under Section 9 of the ESA. Persons who are knowingly carrying these activities are liable for take and subject to civil and criminal penalties, including imprisonment. *Bennett v. Spear*, 520 U.S. 154, 170 (1997) ("'any person' who knowingly 'takes' an endangered or threatened species is subject to substantial civil and criminal penalties, including imprisonment." (citing 16 U.S.C. §§ 1540(a), (b) (authorizing civil fines of up to $25,000 per violation and criminal penalties of up to $50,000 and imprisonment for one year); *Babbitt v. Sweet Home Chapter, Communities for Great Oregon*, 515 U.S. 687 (1995) (upholding interpretation of the term "take" to include significant habitat degradation).[2]

In addition, courts have repeatedly held that government actions authorizing third parties to engage in harmful activities can constitute an illegal taking under Section 9 of the ESA. *See Strahan v. Coxe*, 127 F.3d 155, 158, 163-64 (1st Cir. 1997), *cert. denied*, 525 U.S. 830 (1998) (state agency caused takings of the endangered right whale because it "licensed commercial fishing operations to use gillnets and lobster pots in specifically the manner that is likely to result in violation of [the ESA]"); *Defenders of Wildlife v. Admin'r, Envtl. Prot. Agency*, 882 F.2d 1294, 1300-01 (8th Cir. 1989) (federal agency caused takes of endangered black-footed ferret through its "decision to register pesticides" even though other persons actually distributed or used the pesticides); *Animal Prot. Inst. v. Holsten*, 541 F. Supp. 2d 1073 (D. Minn. 2008) (state agency liable for take under the ESA for its licensing and regulation of trapping that resulted in the incidental take of Canada lynx); *Loggerhead Turtle v. City Council of Volusia County*, 148 F.3d 1231, 1253 (11th Cir. 1998) (county's inadequate regulation of beachfront artificial light sources may constitute a taking of turtles in violation of the ESA). Consistent with this precedent, the Unified Command federal agencies' authorization, approval, and allowance of controlled burns can be the legal cause of a prohibited taking under Section 9 of the ESA.

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[2] "Person" is defined in the ESA to include "an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government; any State, municipality, or political subdivision of a State; or any other entity subject to the jurisdiction of the United States." 16 U.S.C. § 1533(13).

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). 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 ESA vests primary responsibility for administering and enforcing the statute with the Secretaries of Interior and Commence. The Secretaries of Interior and Commerce have delegated this responsibility to the FWS and the NMFS, respectively. 50 C.F.R. §402.01(b). NMFS has primary responsibility for administering the ESA with regards to most marine species, while FWS has responsibility for terrestrial species.

B. Gulf of Mexico Threatened and Endangered Species

The Gulf of Mexico is one of the most productive and fragile marine ecosystems in the nation. It supports a staggering array of marine life and represents an important contribution to the Gulf coast economy. The Gulf is home to thousands of marine species, ranging from simple invertebrates such as gastropods and sponges to complex and highly evolved fish and marine mammals. It is estimated that there are tens of thousands of shore and coastal birds, thousands of species of invertebrates, at least 600 species of fish, and 29 species of cetaceans in the Gulf. More than 300 species of coral, combined with other hard-bottom communities, wetlands, seagrass beds, mangroves, and soft-bottom communities, provide the necessary habitat to support this rich assemblage of marine life. These diverse and highly complex habitats provide food, shelter, and spawning grounds for all of the Gulf's species at different points during their life history.

The rich biodiversity found in the Gulf of Mexico includes several threatened and endangered species marine mammals, 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*), humpback whale (*Megaptera novaeangliae*), and North Atlantic right whale (*Eubalaena glacialis*). Protected fish species include the gulf sturgeon (*Acipenser oxyrinchus desotoi*) and smalltooth sawfish (*Pristis pectinata*). Protected elkhorn *(Acropora palmata)* and staghorn corals *(A. cervicornis)* occur in the Florida Keys. Coastal species under the jurisdiction of FWS include West Indian manatee (*Trichechus manatus*), piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), wood stork (*Mycteria americana*), Alabama red-belly turtle (*Pseudemys alabamensis*), Alabama (*Peromyscus polionotus ammobates*), Choctawhatchee (*P. polionotus allophrys*), St. Andrew (*P. polionotus peninsularis*), and Perdido Key (*P. polionotus trissyllepsis*) beach mice.

In addition, five of the world's seven species of sea turtles reside in or migrate to the Gulf of Mexico, including leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*), Kemp's

ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta*), and hawksbill (*Eretmochelys imbricata*) sea turtles. All of these species are listed as threatened or endangered under the ESA. FWS and NMFS share jurisdiction pursuant to the ESA over sea turtles.

The Kemp's ridley sea turtle, believed to be the smallest marine turtle in the world, is found throughout the Gulf of Mexico as well as the U.S. Atlantic Seaboard. Kemp's ridleys are found in many different areas within the Gulf, with males migrating annually between feeding and breeding grounds and females migrating to and from nesting beaches in Mexico. Kemp's ridley sea turtles are renowned for the "arribada" ("arrival" in Spanish), a synchronized nesting habit whereby large groups of Kemp's ridleys gather off a nesting beach and then come ashore in waves. It is not known what triggers an arribada. Females next from May to July, laying to two to three clutches of about 100 eggs that hatch after incubating for 50-60 days. After emerging from the next, hatchlings must enter the water and swim quickly to avoid predators, and then develop in the ocean for years before returning to "neritic" zones – muddy or sandy bottoms where prey are found, including swimming crabs, fish, jellyfish, and mollusks – to feed and develop into adulthood. Hatchlings ride the Gulf current and can be swept out of the Gulf, around Florida and into the Atlantic, by the Gulf Stream. Like other sea turtles, Kemp's ridleys utilize floating sargassum seaweed mats for refuge, rest, and food, particularly during this developmental stage of life.

Even before the BP disaster, Kemp's ridley sea turtles were extremely endangered as a result of egg poaching and fisheries bycatch, especially in trawls and gill nets. The species' arribada near Rancho Nuevo, Mexico, believed to have numbered 42,000 turtles in the late 1940s, collapsed to just 5,000 individuals within 20 years, and between 1978 and 1991, only 200 Kemp's ridleys nested there annually. Before the BP disaster, nesting Kemp's ridleys were increasing steadily, with 2,000 nesting females at Rancho Nuevo in 2000, an arribada of 1,000 turtles in 2001, and 3,600 turtles producing more than 8,000 nests in 2003. In 2006, 12,143 nests were documented in Mexico, including 7,866 at Rancho Nuevo. A record-breaking 127 Kemp's ridley nests were recorded on the Texas coast in 2007, including 73 nests at Padre Island National Seashore. Although egg poaching has been reduced, it still occurs, and bycatch in shrimp trawls remains a significant problem despite turtle excluder device requirements. Still, Kemp's ridley sea turtles were showing promising signs of recovery and were poised to become a success story before the BP disaster hit.

Now, of the five listed species of sea turtles in the Gulf of Mexico, Kemp's ridley sea turtles are likely being affected the most by the BP disaster because they rely most extensively on the Gulf's many environments. Kemp's ridley and other threatened and endangered sea turtles are being found in growing numbers in thick pools of oil near shore and miles out into the Gulf of Mexico. *See* NPR, *Sea Turtles Among Oil Spill Victims* (June 10, 2010). Oil causes toxic poisoning and interferes with breathing and feeding. Only a fraction of Kemp's ridleys are nesting at Padre Island National Seashore this year, where tar balls and tar mats have recently been seen. *See* National Parks Traveler, *Sea Turtle Hatchlings Set Free at Padre National Seashore Despite Tar Balls* (June 18, 2010). Hatchlings heading for the ocean are likely barraged by tar balls and oil in the water that can cause them to choke. Kemp's ridleys have

recently been documented heading directly for the oily water in the Gulf. The same sargassum mats that provide a refuge and feeding area for many species of developing turtles are found in the same ocean zones where the oil is collecting.

C. Take of Listed Species from the Burning of Oil and Gas on the Ocean Surface in the Gulf

BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals have recently begun to use controlled burns to contain the oil spill. Fire-resistant booms are used to corral an area of oil that often also includes sargassum seaweed mats where juvenile turtles aggregate. Juvenile turtles may not be able to distinguish between sargassum mats and globs of oil. When the oil is encircled with booms and burned, animals trapped within are burned alive. Kemp's ridleys – and probably loggerhead, green, hawksbill, and leatherback sea turtles as well as other species – are being killed in this way. As of the date of this letter, there have been almost 300 controlled burns in the Gulf, about 30 every week. *See* Mother Jones, *Backlash on Possible Sea Turtle Burning* (June 2010). Meanwhile, rescue boats and crews seeking to rescue trapped marine life from these areas before burning are being turned away by BP America and others who are subject to this notice, which may be letting the animals die in order to avoid liability under the ESA. *See* Longboat Key News, *Oil Watch: Oil Spill Stirs Strategic Responses* (June 25, 2010).

II. Violations of the Endangered Species Act

A. BP America, Admiral Allen, Admiral Papp, and the Unified Command and its Members and Individuals, Are Liable for Take Under Section 9 of the ESA.

BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals are in violation of Section 9 of the ESA for the unauthorized take of threatened and endangered species resulting from controlled burns in the Gulf of Mexico. These burns are killing Kemp's ridley sea turtles, as well as other sea turtles and protected marine life, by burning them alive. BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals are carrying out these controlled burns without take authorization under the ESA, as no take of ESA-listed sea turtles or other species has been authorized for BP disaster-related controlled burns in the Gulf. As such, BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals are violating the take prohibition found in Section 9 of the ESA.

Additionally, the federal agencies of the Unified Command are authorizing, approving and allowing such activities which are indisputably resulting in take of ESA-listed species like Kemp's ridley sea turtles. No take authorization has been granted for these activities. The of the Unified Command federal agencies' authorization, approval, and allowance of controlled burns has been documented to take Kemp's ridley sea turtles and therefore is the legal cause of such

take. Such take is ongoing and likely to continue to occur. As such these federal agencies are violating Section 9 of the ESA by authorizing, approving, and allowing controlled burns.

B. The Unified Command's Federal Agencies Have Failed to Comply with ESA Section 7 In Connection With the Burning of Oil and Gas.

The Unified Command federal agencies' actions authorizing, approving, and allowing controlled burn activities in the Gulf of Mexico are agency programs that must, in consultation with and with the assistance of NMFS and FWS, be utilized in furtherance of the purposes of the ESA – *i.e.*, in furtherance of the conservation of threatened and endangered species and their habitat. 16 U.S.C. §§ 1536(a)(1), 1532(b). By authorizing, approving, and allowing controlled burn activities to occur without consulting with or seeking the assistance of NFMS and FWS, these agencies are violating their duty, under Section 7(a)(1) of the ESA, to utilize their authorities in furtherance of the purposes of the ESA and to carry out their BP oil spill disaster-related activities for the conservation of threatened and endangered species. 16 U.S.C. § 1536(a)(1).

III. Conclusion

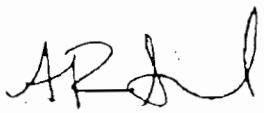
As stated above, BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals are violating the ESA as a result of their actions and inactions related to the burning of oil and gas on ocean surface waters in the Gulf of Mexico. BP's, Admiral Allen's, Admiral Papp's, and the Unified Command's controlled burn activities, and the federal agencies of the Unified Command's authorization, approval, and allowance of controlled burn activities, constitute violations of Section 9 of the ESA. In addition, the Unified Command federal agencies' failure to consult with and seek the assistance of NMFS and FWS to ensure the conservation of threatened and endangered species in connection with controlled burns constitutes violations of Section 7(a)(1) of the ESA.

If BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals do not act to correct the violations described in this letter, the Center and TIRN will pursue litigation against BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals in U.S. District Court in 60 days from your receipt of this notice. The Center and TIRN will seek injunctive and declaratory relief, and legal fees and costs regarding these violations. An appropriate remedy that would prevent litigation would be for BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals to immediately cease controlled burn activities until they can do so without taking listed species and in consultation with and with the assistance of NMFS and FWS. Specifically, all oil spill response vessels, including those conducting controlled burns, should have measures to rescue listed species and observers to document incidental take of threatened and endangered species. Each response vessel – in particular, each skimmer boat – must carry a qualified observer to identify and remove wildlife from response areas before any such areas are burned or dispersant is applied. BP must allow access to areas that allow for efforts to conserve listed species. Additionally, federal agencies must require that BP allow access to these areas,

and refrain from conducting any surface burn activities until these survey and rescue operations are complete.

If you have any questions, wish to discuss this matter, or feel this notice is in error; please contact me at 503-283-5474.

Sincerely,



Amy R. Atwood
Center for Biological Diversity

cc: *Via Certified Mail/Return Receipt Requested and Facsimile or Email (where indicated)*

Ken Salazar, Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240
Fax: 202-208-6956

Rowan Gould, Acting Director
U.S. Fish and Wildlife Service
1849 C Street, NW, 3256 MIB
Washington, DC 20240
Fax: 202-208-6965
Rowan_Gould@fws.gov

Gary Locke, Secretary of Commerce
Department of Commerce
1401 Constitution Avenue, N.W., Room 5516
Washington, DC 20230
Fax: 202-482-2741
TheSec@doc.gov

Eric Schwaab, Assistant Administrator
NOAA Fisheries/NMFS
1315 East-West Highway
Silver Springs, MD 20910
Fax: 301-713-1940
eric.schwaab@noaa.gov

General Michael Bromwich, Director
U.S. Bureau of Ocean Management,
Regulation, and Enforcement
1849 C Street, NW
Washington, DC 20240

Lisa P. Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Janet Napolitano, Secretary
Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Robert Gates, Secretary
U.S. Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Jonathan Jarvis, Director
U.S. National Park Service
1849 C Street, NW
Washington, DC 20240

James Steinberg, Deputy Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Marcia McNutt, Director
U.S. Geological Survey
John W. Powell Federal Building
12201 Sunrise Valley Drive
Reston, Virginia 20192

Thomas R. Frieden, Director
Centers for Disease Control and Prevention
1600 Clifton Rd.
Atlanta, GA 30333

David Michaels, Assistant Secretary of
Labor for Occupational Safety and Health
Occupational Safety and Health
Administration
U.S. Department of Labor
200 Constitution Avenue
Washington, D.C. 20210

Subject: In situ burns response
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Tue, 20 Jul 2010 10:38:11 -0400
To: Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Sarah Wilkin <Sarah.Wilkin@noaa.gov>, Sara McNulty <Sara.McNulty@noaa.gov>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Pamela Lawrence <Pamela.Lawrence@noaa.gov>

The attached is a document that the Coast Guard attorney gave us when we were in NO. I was supposed to give a copy to Sarah Wilkin on Saturday to take back to Houma, but I forgot. So here it is.

Pam-- I will bring a hard copy to you at 11:30

-

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Lawsuit PDF.pdf	**Content-Type:** application/pdf **Content-Encoding:** base64

Meyer Glitzenstein & Crystal
1601 Connecticut Avenue, N.W.
Suite 700
Washington, D.C. 20009-1056

Katherine A. Meyer
Eric R. Glitzenstein
Howard M. Crystal
Joshua R. Stebbins
William S. Eubanks II
Jessica Almy (licensed in New York)

Telephone (202) 588-5206
Fax (202) 588-5049
meyerglitz@meyerglitz.com

July 13, 2010

By Electronic Mail
Lawson Fite
U.S. Department of Justice
Environment and Natural Resources Division
Lawson.Fite@usdoj.gov

Martha Mann
U.S. Department of Justice
Environment and Natural Resources Division
Martha.Mann@usdoj.gov

Re: Comments From Independent Biologists On Draft Protocols For In-situ Burns – Animal Welfare Institute v. BP, Civ. No. 10-1866 (E.D. La)

As a result of plaintiffs' lawsuit against BP and the Coast Guard seeking the creation and expeditious implementation of in-situ burn practices and protocols related to sea turtle protection, and pursuant an interim agreement entered between the parties on July 2, 2010, the Coast Guard provided plaintiffs with draft Best Management Practices ("BMPs") on July 6, 2010 for observer inclusion and for sea turtle search, rescue, and rehabilitation as part of in-situ burns. Pursuant to the interim agreement, plaintiffs and other independent sea turtle biologists are entitled to provide comments on those draft practices and protocols.[1]

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[1] The plaintiffs have consulted with many leading sea turtle biologists including Dr. Jim Spotila, Dr. Pamela Plotkin, Dr. Wallace J. Nichols, Dr. Christopher Pincetich, Jack Woody, Todd Steiner, and Mark Dodd.

Accordingly, in no particular order, the following comments constitute serious concerns raised by the independent scientific community with respect to the Coast Guard's draft protocols. These concerns should be timely addressed and incorporated into any final practices and protocols adopted by the Coast Guard and BP, in order to maximize assurances that endangered and threatened sea turtles have been removed from areas where they will be harmed, and hence to avoid further litigation over these issues:

- The BMPs and other in-situ burn protocol documents frequently use precatory language such as "if possible." Such language allows the Unified Command, the Coast Guard, and any contractors broad discretion to avoid certain obligations imposed on them under various federal laws, including the Outer Continental Shelf Lands Act ("OCSLA") and the Endangered Species Act ("ESA"). As such, precatory language of this nature should be deleted from the BMPs and related documents to ensure that each of the actors involved does not kill, harm, or harass any listed sea turtles in violation of the ESA and other pertinent federal laws.

- The BMPs indicate that the Coast Guard should catch turtles <u>if possible</u> before commencing burns. However, because of the rarity of these species, as well as the legal obligation of the Coast Guard and BP to comply with the ESA with respect to these listed species unless and until BP and the Coast Guard are granted an incidental take permit from NMFS pursuant to section 10 of the ESA, the BMPs must be changed to mandate that a burn <u>cannot</u> commence unless all turtles observed in a burn box are first caught and removed. Further, if it is impossible to remove a turtle for logistical reasons, a burn at that site should be deemed inappropriate and other oil containment strategies should be explored. Indeed, this is precisely the approach being taken by Unified Command with respect to marine mammals – if they are present in a given area, burning is <u>not</u> allowed.

- The protocols indicate that trained people should be used <u>if possible</u>. Because there are many trained sea turtle biologists on the ground in Louisiana waiting for the opportunity to join turtle search and rescue teams (and the Coast Guard has had some of these individuals' CVs and biographies for more than a week), there is no reason to allow anyone other than trained biologists to serve as observers or rescuers.

- It is critical that more biologists be permitted to assist in turtle observation, search, and rescue efforts both related to in-situ burns and otherwise as part of the oil spill response. There are many leading sea turtle experts on the ground in Venice, Louisiana and in other important Gulf locations who have not been allowed on the water despite their expertise in these issues. Such a failure to include these prominent biologists in the cleanup is irresponsible under the circumstances, and these individuals should be immediately included in any further search and rescue efforts.

- In addition to idle sea turtle biologists in the Gulf who are prepared to assist with turtle efforts, there are a number of idle boat captains in Venice, Louisiana who are similarly prepared to assist with turtle rescue efforts. The Coast Guard and Unified Command should contract with some of the idle captains (and biologists) to do search and rescue missions unrelated to burn teams in areas where turtles are expected to be found (i.e., sargassum).

- It appears that most of the equipment listed on the Coast Guard's equipment sheet is for collecting and rescuing juvenile Kemp's Ridley turtles, which are much smaller than adult loggerhead and leatherback turtles. The Coast Guard must ensure that each burn team has the proper equipment to collect and rescue all turtle sizes that exist in the Gulf. Because reproductive age sea turtles are the most important to sustaining Gulf sea turtle populations, the BMPs must require that any observation and rescue teams have equipment and staff available to bring adult turtles on board (which can weigh up to 1,000 pounds for Leatherback turtles). This would include enough staff to rescue large adults, as well as boats with rear ramps or hoists and large nets to bring these adults towards the boat. Also, breakaway dip nets should be available in case they are needed.

- While having at least one observer on each burn team is a step in the right direction, plaintiffs believe that having multiple observers on the boats would increase the turtle rescue rate. Further, there should also be a dedicated wildlife boat that operates with each burn team. That boat should survey the general area (i.e., the same oil line and other nearby areas where turtles would be expected) and collect any turtles that are spotted. Searching only in the burn box and immediately adjacent to the booms and burn box would mean that many oil-soaked turtles in need of attention are purposely being passed over, and such a result is not permissible in light of the ESA.

- The Coast Guard should immediately set up a Sea Turtle Rescue Task Force to be part of the Joint Incident Command. The task force should contain multiple boats for high-quality search, rescue, and rehabilitation efforts for sea turtles. Sea Turtle Rescue Task Force teams can search approximately 100-200 square miles each day, and the number of Task Force teams on the water each day must be scaled to the size of the incident response. Appropriate numbers of task force boat teams should be combined and deployed throughout the incident area to search the entire incident area each week.

- Firsthand information indicates that logistics out of Venice are difficult and basing in Destin is impractical. Thus, the Coast Guard should consider where additional efforts could be based with sea turtle rescue and protection in mind. A

ship-based team would be ideal, and there are a number of idle vessels and turtle biologists that are willing to assist with this effort.

- First page/Memo to Area Unified Command: the sentence "Due to area, environmental, and situational differences amongst the unique operation areas, we recommend that the Environmental Units in the incident commands reserves the authority to amend these BMPs as they deem necessary, and have them approved by their respective commands." This statement provides too much discretion to individuals who are not turtle experts – as it is worded currently, it provides an opportunity for anyone at anytime to deviate from the BMPs and burn sea turtles in direct violation of the ESA. This sentence must be deleted.

- First page of BMP/Section on BMPs to reduce impacts to sea turtles: "Have trained observer (if available) or a crew member dedicated to looking for sea turtles (and marine mammals) during corralling operations." Observers must be required to do more than look and observe. Looking and observing will help them find adult and large juvenile turtles, but it will likely not help them find hatchling turtles. Hatchlings will often float very quietly within sargassum and other flotsam at the surface of the water column. They remain very still and will be missed from observation unless one actually "stirs" the sargassum/oil mixture to elicit a response. The observers need to literally make contact with the oil patches in the corralled area before the burn. They can do this very simply using a long pole from the boat to gently stir the sargassum/oil. Observers need to be trained to look for/observe all life stages.

- First page of BMP/Section on BMPs to reduce impacts to sea turtles: "If possible all sargassum that is not oiled or is only very lightly oiled should be avoided." This statement appears to be better placed in a BMP that identifies what areas of the Gulf should and should not be skimmed for oil, rather than in the BMP for burn operations for sea turtles and marine mammals. If, however, the intent of this statement is to avoid looking/observing for turtles in sargassum that is not oiled or lightly oiled and within the corral, it must be stricken completely. As currently written, our interpretation of this statement is that this is a directive to not search for turtles (avoid) if clean or lightly oiled sargassum is found in the corral before the burn.

- Incorporate acoustic deterrence methods before burns commence (could be mounted to the boats). Much research has been done on the effectiveness of acoustic methods to deter marine mammals and sea turtles, but these methods are not being implemented by the Coast Guard and BP as part of their burns. Such methods should be incorporated, to the extent that these methods will not themselves harass sea turtles.

- Unless and until an ITP is granted by NMFS (which would first require the Coast Guard and BP to submit an ITP application), the Coast Guard must provide plaintiffs (and preferably the public at large) with all information related to any turtles taken (killed, harmed, harassed, or otherwise taken as defined by Section 9 of the ESA) during the in-situ burn operations in the Gulf. The information should provide specific details on the species taken and the circumstances surrounding the unauthorized take.

- The rarest of these species, which also appears to be disproportionally affected by this oil spill, is the Kemp's Ridley species. Because of its rarity, and the ever-increasing number of dead turtles being collected by the Coast Guard in the Gulf due to the oil spill, Unified Command must maximize its efforts to find and remove them from the oil spill area. Any sea turtle hatchling, juvenile, or adult that is found within the oil areas, whether in clean sargassum or oiled sargassum, whether in clean water or oiled water, should be picked up and removed to a safe place. A safe place should be truly safe – not an area that will allow them back into the heavily oiled areas (and may include aquariums for the time being until the turtles can be safely returned to the Gulf or relocated to an appropriate area). The turtles should not be taken to the Atlantic Ocean because that is outside their normal development habitat and will cause long-term problems for these species.

- Any amendments to the BMPs or other protocol documents should not occur without at least 48 hours of notice to plaintiffs and an opportunity to comment on such amendments prior to incorporation.

- Because turtles can swim long distances, the concept of conducting surveys a full day in advance of a planned burn is unworkable. An area cleared on Day 1, for example, could have multiple turtles on Day 2. Thus, thorough surveys must be completed immediately prior to the burn, and burns should not commence until qualified observers are satisfied that all turtles have been removed from the area to be burned and adjacent areas.

- A survey of the area to be burned should be mandatory, and all pertinent data must be included on the observer data sheets. Those sheets must be made available to plaintiffs as soon as practicable (and preferably to the public at large via the internet) to increase the transparency of the burn operations and to ensure that all federal laws are being complied with.

- The Sea Turtle At-Sea Retrieval Protocol and the Observer Protocol contain contradictory statements about the use of a wet towel. One says that the towel should cover the turtle; one says the turtle should be on top of the towel. Please clarify this discrepancy.

- Because turtles can appear comatose for up to 24 hours when they are in fact alive, no definitive status of a particular turtle should be concluded without first having a qualified turtle veterinarian or biologist confirming that a turtle is actually dead.

Plaintiffs and the independent scientific community believe that the above comments are important considerations that should be timely adopted in any final protocols on in-situ burns by the Coast Guard, Unified Command, and/or BP. Please let me know if you have any questions.

Sincerely,

William S. Eubanks II
Katherine A. Meyer

Subject: [Fwd: Fw: Reminder - GCNR Friday (Twice-a-Week) Call re DH/BP Spill]
From: Amy Hapeman <Amy.Hapeman@noaa.gov>
Date: Fri, 25 Jun 2010 09:39:02 -0400
To: Barbara Schroeder <Barbara.Schroeder@noaa.gov>

Barb, I am forwarding this in case you know anything.

Amy

-------- Original Message --------
Subject: Fw: Reminder - GCNR Friday (Twice-a-Week) Call re DH/BP Spill
Date: Fri, 25 Jun 2010 09:35:51 -0400
From: Sheila O'Brien <Sheila.O'Brien@noaa.gov>
To:'David.Bernhart@noaa.gov' <David.Bernhart@noaa.gov>, 'Pamela.Lawrence@noaa.gov' <Pamela.Lawrence@noaa.gov>, 'Gary.Ott@noaa.gov' <Gary.Ott@noaa.gov>, 'Amy.Hapeman@noaa.gov' <Amy.Hapeman@noaa.gov>, 'Robert.Hoffman@noaa.gov' <Robert.Hoffman@noaa.gov>

I wish I had never gotten involved in this issue of the monitors on the response vessels, but I did. People are asking me for updates, and my u

----- Original Message -----
From: Sheila O'Brien
To: 'Robert.A.Taylor@noaa.gov' <Robert.A.Taylor@noaa.gov>; 'Duane.Smith@noaa.gov' <Duane.Smith@noaa.gov>; 'Sheila.O'Brien@noaa.gov' <Sheila.O'Br
Sent: Fri Jun 25 09:17:07 2010
Subject: Re: Reminder - GCNR Friday (Twice-a-Week) Call re DH/BP Spill

Well for one the monitors are still not onboard. They're under contract, but not being deployed.

----- Original Message -----
From: Robert A. Taylor <Robert.A.Taylor@noaa.gov>
To: 'Duane.Smith@noaa.gov' <Duane.Smith@noaa.gov>; 'Sheila.O'Brien@noaa.gov' <Sheila.O'Brien@noaa.gov>
Sent: Fri Jun 25 09:02:06 2010
Subject: Re: Reminder - GCNR Friday (Twice-a-Week) Call re DH/BP Spill

Duane - recent press reports suggest turtles are being trapped and killed in the 'burn boxes' (at-sea zones where oil is burned). It would be gc

Sent from Blackberry. Cell number 206-849-8615

----- Original Message -----
From: Duane.Smith <Duane.Smith@noaa.gov>
To: Branden.S.Blum <Branden.S.Blum@noaa.gov>
Cc: Christopher Plaisted <Christopher.Plaisted@noaa.gov>; Craig R O'Connor <Craig.R.O'Connor@noaa.gov>; Gail E Siani <Gail.E.Siani@noaa.gov>; Gw
rlington@noaa.gov>; Marguerite Matera <Marguerite.Matera@noaa.gov>; Marjorie Sams <Marjorie.Sams@noaa.gov>; M.E. Rolle <MaryElliott.Rolle@noaa.g
Sent: Fri Jun 25 08:37:28 2010
Subject: Re: Reminder - GCNR Friday (Twice-a-Week) Call re DH/BP Spill

I plan on being on the call if there are any enforcement related questions.

Branden.S.Blum wrote:
> All:
>
> Friday's GCNR call is scheduled for noon (eastern). Please send me
> any agenda items by 9:30 a.m. (eastern) tomorrow. Thanks --
> Branden
>
> P.S. Call info: 877-718-8637
> 6866174#

--
Duane Smith
Enforcement Attorney
Southeast Region
duane.smith@noaa.gov
Office: 727-824-5386
Fax: -5376
Cell: 727-946-3613

--
Amy Hapeman
Fishery Biologist

National Marine Fisheries Service
Office of Protected Resources
Permits, Conservation and Education Division
1315 East-West Highway, Room 13702,
Silver Spring, MD 20910

Tel: 301-713-2289 ext. 163
Fax: 301-713-0376
http://www.nmfs.noaa.gov/pr/

Subject: AP wants comment on Center for Biol. Diversity press release on burning turtles by 3 p.m. today
From: Monica Allen <Monica.Allen@noaa.gov>
Date: Mon, 28 Jun 2010 14:11:02 -0400
To: "Gilson, Shannon" <SGilson@doc.gov>, Scott Smullen <Scott.Smullen@noaa.gov>
CC: Justin Kenney <Justin.kenney@noaa.gov>, "Teri.Frady" <Teri.Frady@noaa.gov>, Connie Barclay <Connie.Barclay@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Christine Patrick <Christine.Patrick@noaa.gov>

Shannon and Scott,

John Flesher,Associated Press.231-944-9133 has just called for comment on the pasted below press release on burning turtles from the Center for Biological Diversity. They want a comment from NOAA before 3 p.m..
Do you want to handle this or do you want one of us to use the talking points to give our response?
Thank you,
Monica

From: Rose Braz [mailto:rbraz@biologicaldiversity.org]
Sent: Monday, June 28, 2010 12:20 PM
To: Flesher, John
Subject: More than 150,000 Call on BP and Federal Officials to Stop Burning Endangered Sea Turtles Alive

For Immediate Release, June 28, 2010

Contact:

Andrea Treece, atreece@biologicaldiversity.org <mailto:atreece@biologicaldiversity.org>, (415) 378-6558

Becky Bond, bbond@credomobile.com <mailto:bbond@credomobile.com>, (415) 595-0040

*More than 150,000 Call on BP and Federal Officials to *

*Stop Burning Endangered Sea Turtles Alive *

SAN FRANCISCO— More than 150,000 people today called on BP to stop burning alive endangered sea turtles in the chaotic clean-up efforts in the Gulf of Mexico. They also called on the federal government to put an immediate end to this gruesome practice. CREDO Action and the Center for Biological Diversity will deliver petitions with more than 150,000 signatures to those overseeing the cleanup and urge BP to stop blocking efforts to rescue sea turtles from such a horrific death.

"The worst environmental disaster in U.S. history gets grimmer and grimmer," said Center Oceans Program Director Miyoko Sakashita. "Hundreds of species in the Gulf are being killed or harmed by the toxic oil, but the plight of the Kemp's ridley is particularly heartbreaking since it had been poised to become an endangered species success story. Now, once again, the species is moving toward extinction."

A boat captain who had been leading efforts to rescue the sea turtles reported that BP blocked his crews from entering the areas where the animals were trapped, effectively shutting down the rescue operation and condemning the ancient creatures to being burned alive.

BP is using "controlled burns" in an attempt to contain the spill. Boats create a corral of oil by dragging together fire-resistant booms and then lighting the enclosed "burn box" on fire. If turtles are not removed from the area before the fire is lit, they are burned alive. The same */Sargassum/* seaweed mats that are collecting oil also draw sea turtles, which use them for food and shelter. Unfortunately, that leaves turtles, particularly young ones, vulnerable to being oiled and burned.

Anyone responsible for killing the endangered turtles is liable for criminal penalties that could include prison and civil fines of up to $25,000 per violation. "As a result, BP perversely has a financial incentive to allow the endangered turtles to burn rather than allow them to be rescued from the burn boxes before the containment fires are lit," says Becky Bond, political director of CREDO Action. "Blocking the rescue of these ancient creatures is tragically indicative of the clean-up response as whole."

Background

As of today, at least 429 sea turtles have been found dead in the Gulf, and many more have likely been hurt or killed but not found. The Kemp's ridley had been driven toward extinction by egg poaching and fisheries bycatch, particularly in trawls and gill nets. While some egg poaching still exists, it has been significantly reduced.

In addition to the Kemp's ridley, four other endangered sea turtles are found in the Gulf of Mexico: green, loggerhead, hawksbill and leatherback sea turtles. They rely on areas throughout the Gulf of Mexico for nesting, reproduction, feeding and migration.

Of the five species of sea turtles present in the Gulf, Kemp's ridleys rely most extensively on this area. They nest on the beaches, feed in shallow waters and migrate throughout the Gulf.

Other species in the Gulf include the extremely threatened Atlantic bluefin tuna, which gather in the area to breed this time of year, and sperm whales, which inhabit deepwater areas in the northern Gulf. Seabirds, sharks, whales and other marine mammals are also at risk from the oil, while fisheries and other businesses will suffer ill effects for years to come.

Click here
<http://www.biologicaldiversity.org/programs/public lands/energy/dirty energy development/oil and gas/gulf oil spill/kemps ridley photo.html>
for a photo of the Kemp's ridley.

--
Monica Allen
NOAA Communications & External Affairs
National Marine Fisheries Service
U.S. Department of Commerce
1315 East West Highway
Room 14502
Silver Spring, Md. 20910
Tel.: (301) 713-2370
Fax: (301) 713-1452
Cell: (202) 379-6693
E-mail monica.allen@noaa.gov
Join us on Facebook: www.facebook.com/noaa.lubchenco

Subject: [Fwd: FW: BP Turtle Burning Lawsuit to be Filed]
From: tfrady@mercury.wh.whoi.edu
Date: Tue, 29 Jun 2010 12:56:48 -0400 (EDT)
To: Scott.Smullen@noaa.gov, Christine.Patrick@noaa.gov, Connie.Barclay@noaa.gov, Jennifer.Austin@noaa.gov, Justin.kenney@noaa.gov, Monica.Allen@noaa.gov, Teri.Rowles@noaa.gov
CC: Barbara.Schroeder@noaa.gov, David.Cottingham@noaa.gov, Joseph.J.Dillon@noaa.gov, KGriffis@doc.gov, mhziccardi@ucdavis.edu

FYI
---------- Original Message ----------
Subject: FW: BP Turtle Burning Lawsuit to be Filed
From: "Coulon, Chris - Columbus, OH" <Chris.Coulon@oh.usda.gov>
Date: Tue, June 29, 2010 12:43 pm
To: "david.p.miller@noaa.gov" <David.P.Miller@noaa.gov>

Regarding AP inquiry, background info.

From: Flesher, John [mailto:jflesher@ap.org]
Sent: Tuesday, June 29, 2010 12:41 PM
To: Coulon, Chris - Columbus, OH
Subject: FW: BP Turtle Burning Lawsuit to be Filed

From: Kunzelman, Michael
Sent: Tuesday, June 29, 2010 11:25 AM
To: News - South Desk Oil Rig
Subject: Fw: BP Turtle Burning Lawsuit to be Filed

From: Sea Turtle Restoration Project <tshore@tirn.net>
To: 'Teri Shore' <tshore@tirn.net>
Sent: Tue Jun 29 11:24:32 2010
Subject: BP Turtle Burning Lawsuit to be Filed
For Immediate Release: June 29th, 2010
Contact:

Todd Steiner, Turtle island Restoration Network (TIRN), (415) 663-8590 x 103 tsteiner@tirn.net<mailto:tsteiner@tirn.net>
Carole Allen, 281-444-6204,Gulf Director, (TIRN), Houston, Texas, carole@seaturtles.org<mailto:carole@seaturtles.org>
Miyoko Sakashita, Center for Biological Diversity
miyoko@biologicaldiversity.org<mailto:miyoko@biologicaldiversity.org>
(415) 658-5308

Lawsuit Launched to Force BP to Stop Burning of Sea Turtles Alive

Killing of Sea Turtles in â€œBurn Boxesâ€ Violates Endangered Species Act
[cid:image002.jpg@01CB1764.478DE0C0]<http://www.seaturtles.org/img/original/Kemp%20

SAN FRANCISCOâ€" The Center for Biological Diversity and Turtle Island Restoration Network today officially notified BP and the U.S. Coast Guard of their intent to sue to stop the burning alive of endangered sea turtles in the chaotic clean-up efforts in the Gulf of Mexico. The 60-day notice letter is a first step to filing a lawsuit under the Endangered Species Act. Download PDF of letter.<http://www.seaturtles.org/downloads/TurtleBurnNOIwCBD6.pdf>

â€œBP is burning turtles alive and it is cruel, heartless and a crime we canâ€™t and wonâ€™t allow to continue,â€ said Todd Steiner, biologist and executive director of Turtle Island Restoration Network (TIRN). â€œSea turtles were critically endangered before BP created Americaâ€™s worst environmental catastrophe, and every effort possible must be taken to rescue endangered turtles from this oil spill. BP needs to reverse course and help double our efforts to rescue sea turtles, not prevent their recovery.â€

The spill occurred as rare Kempâ€™s ridley sea turtles started nesting in the Gulf of Mexico. Several females have been tracked directly to the oil spill. Millions of hatchlings are racing to the sea now from nests in the Gulf of Mexico and are likely to face oiled waters as they seek out Gulf currents.

â€œKempâ€™s ridleys have struggled back from near extinction; they deserve more than dying in purposefully set oil fires,â€ said Carole Allen, Gulf Director and TIRN board member.

Turtle Island Restoration Network sounded the alarm about sea turtles being burned alive after a boat captain who had been rescuing sea turtles reported that BP started a burn operation before the rescue crew could survey the area and rescue the turtles. Since then the Obama administration has confirmed the burning of sea turtles by BP crews. BP is using â€œcontrolled burnsâ€ in an attempt to contain the spill. Boats create a corral of oil by dragging together fire-resistant booms and then lighting the enclosed â€œburn boxâ€ on fire. If turtles are not removed from the area before the fire is lit, they are burned alive.

â€œThe spill was tragically timed for sea turtles that are nesting in the Gulf right now,â€ said Miyoko Sakashita, oceans director for the Center. â€œNewly hatched sea turtles are swimming out to sea and finding themselves in a mucky, oily mess. News that BP has blocked efforts to rescue trapped sea turtles before theyâ€™re burned alive in controlled burns is unacceptable.â€

Todayâ€™s notice letter puts BP and federal agencies involved in the Deepwater Horizon response on official notice that their practices in the Gulf are resulting in the illegal and deeply inhumane deaths of threatened and endangered species, particularly the Kempâ€™s ridley sea turtle. The letter asks BP and the Coast Guard to place qualified observers in the Gulf of Mexico who can survey for, and rescue, endangered turtles and other wildlife.

As of today at least 429 sea turtles have been collected dead in the Gulf area since the oil spill due to oiled waters as well as capture in shrimp trawls. Many more have likely been injured or killed but not found. In addition to the Kempâ€™s ridley, four other endangered sea turtle species are found in the Gulf of Mexico: greens, loggerheads, hawksbills and leatherbacks. They rely on areas throughout the Gulf of Mexico for nesting, reproduction, feeding and migration. All of these turtles are at risk from poisoning from oil and careless controlled burns.
###

Teri Shore
Program Director
TURTLE ISLAND RESTORATION NETWORK
Check out our blog http://blog.seaturtles.org/

tshore@tirn.net<mailto:tshore@tirn.net>
PH. 415 663-8590, ext. 104
* Mobile 707-583-4428 *
Mail: PO Box 370, Forest Knolls, CA 94933 USA
Location: 9255 Sir Francis Drake Blvd, Olema, CA 94950
Visit our WEB sites:
http://www.seaturtles.org<http://www.seaturtles.org/>
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Regarding AP inquiry, background info.

From: Flesher, John [mailto:jflesher@ap.org]
Sent: Tuesday, June 29, 2010 12:41 PM
To: Coulon, Chris - Columbus, OH
Subject: FW: BP Turtle Burning Lawsuit to be Filed

From: Kunzelman, Michael
Sent: Tuesday, June 29, 2010 11:25 AM
To: News - South Desk Oil Rig
Subject: Fw: BP Turtle Burning Lawsuit to be Filed

From: Sea Turtle Restoration Project <tshore@tirn.net>
To: 'Teri Shore' <tshore@tirn.net>
Sent: Tue Jun 29 11:24:32 2010
Subject: BP Turtle Burning Lawsuit to be Filed

For Immediate Release: June 29th, 2010

Contact: Todd Steiner, Turtle island Restoration Network (TIRN), (415) 663-8590 x 103 tsteiner@tirn.net
Carole Allen, 281-444-6204,Gulf Director, (TIRN), Houston, Texas, carole@seaturtles.org
Miyoko Sakashita, Center for Biological Diversity miyoko@biologicaldiversity.org (415) 658-5308

http://www.seaturtles.org/img/spacer.gif
Lawsuit Launched to Force BP to Stop Burning of Sea Turtles Alive

Killing of Sea Turtles in "Burn Boxes" Violates Endangered Species Act

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http://www.seaturtles.org/img/pic

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TURTLE ISLAND RESTORATION NETWORK
Check out our blog http://blog.seaturtles.org/
tshore@tirn.net
PH. 415 663-8590, ext. 104
* Mobile 707-583-4428 *
Mail: PO Box 370, Forest Knolls, CA 94933 USA
Location: 9255 Sir Francis Drake Blvd, Olema, CA 94950
Visit our WEB sites:
http://www.seaturtles.org
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http://www.SpawnUSA.org

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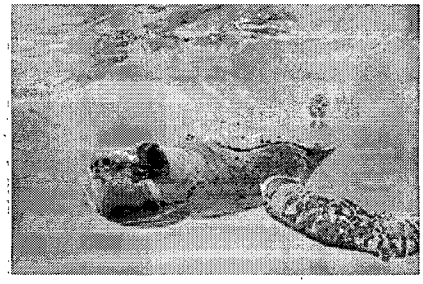

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image001.png	**Content-Type:** image/png **Content-Encoding:** base64

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image002.jpg	**Content-Type:** image/jpeg **Content-Encoding:** base64

Subject: Re: [Fwd: Approved Travel Authorization: PLEASE ISSUE TICKET]
From: Michael Ziccardi <mhziccardi@ucdavis.edu>
Date: Sun, 20 Jun 2010 07:05:39 -0500
To: "Barbara.Schroeder" <Barbara.Schroeder@noaa.gov>
CC: Sara.McNulty@noaa.gov, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Blair Witherington <witherington@cfl.rr.com>

Hi-

Just to be clear on this, the unit does not use respirators. They are not 40 hr trained so, if determined to be at that level, they have to leave. They have safety officers imbedded with them who are air testing for BTEX.

MZ

On Jun 19, 2010, at 8:27 AM, Barbara.Schroeder wrote:

> can we get clarity on whether the unit requires or uses respirators -- Mike you've been saying all along these respirators need to be formally fit to each individual
>
> Sara.McNulty@noaa.gov wrote:
>
> > I spoke to Mark last night about some of the safety equipment. He asked about the respirator as well. He told me he could potentially buy a small respirator to have on hand, if the burn folks and safety are not able to provide them.
>
> ----- Original Message -----
>
> From: "Barbara.Schroeder" <Barbara.Schroeder@noaa.gov>
>
> Date: Friday, June 18, 2010 7:08 pm
>
> Subject: Re: [Fwd: Approved Travel Authorization: PLEASE ISSUE TICKET]
>
> > so does he need to go to Houma first to get this stuff?

also, do we know anything about the use of respirators if he is down in heavy, corralled oil, in a small boat that is igniting burns

Mike, I really want to be sure that we are not sending Mark into a safety situation that we ourselves would not go into.

Michael Ziccardi wrote:

Hi-

Confirmed w/ the Burn Group today. We are a go for Mark working

w/

them starting as soon as he gets here. They suggest no women on

the

boat for safety sake. They did indicate, however, that he would

be on

the smaller Ignitor boat with two others so would have

assistance

during capture if needed. Berth space for one observer/capture

person

is being confirmed, but should not be an issue.

We need to get him a life jacket, nomex coverall and gloves, steel-toed boots and hard hat. He should bring close-toed shoes

for

walking on deck and shower shoes. Sara, can you put in a 213

for

these items?

Thx!

Mike

On Jun 18, 2010, at 9:36 AM, Alexis Gutierrez wrote:

Mark Dodd is go. He is just awaiting instructions of where to

go. I

told him we would call him after our 1pm call. Cheers, A

*From: *Abbie Mimiko <Abbie.Mimiko@noaa.gov <mailto:Abbie.Mimiko@noaa.gov>>

*Date: *June 18, 2010 9:24:12 AM CDT

*To: *DOC Call Center <doccallcenter@adtrav.com <mailto:doccallcenter@adtrav.com>>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov <mailto:Alexis.Gutierrez@noaa.gov>>, MARK.DODD@DNR.STATE.GA.US <mailto:MARK.DODD@DNR.STATE.GA.US>

*Subject: **Approved Travel Authorization: PLEASE ISSUE TICKET*

Traveler: MARK DODD

Travel start date: 06/20/10

Thanks for helping with this.

--

Kind Regards*/,

Abbie F. Mimiko/*

Tel: 301-713-2332 Ext. 135

Fax: 301-713-4060

Office of the Director

Protected Resources

National Marine Fisheries Service

Silver Spring, MD 20910

Abbie.Mimiko@noaa.gov

<APPROVED TA MARK DODD.pdf>

****

Michael Ziccardi DVM MPVM PhD

Director, Oiled Wildlife Care Network

Assoc. Professor, Clinical Wildlife Health

Wildlife Health Center

School of Veterinary Medicine

University of California

Davis, CA 95616

O: (530) 754-5701

C: (530) 979-7561

F: (530) 752-3318

E: mhziccardi@ucdavis.edu <mailto:mhziccardi@ucdavis.edu>

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

****
Michael Ziccardi DVM MPVM PhD
Director, Oiled Wildlife Care Network
Assoc. Professor, Clinical Wildlife Health
Wildlife Health Center
School of Veterinary Medicine
University of California
Davis, CA 95616
O: (530) 754-5701
C: (530) 979-7561
F: (530) 752-3318
E: mhziccardi@ucdavis.edu
www.owcn.org

Subject: In-Situ Burn Logistics
From: Michael Ziccardi <mhziccardi@ucdavis.edu>
Date: Sun, 20 Jun 2010 09:37:04 -0500
To: Sara McNutly <Sara.McNulty@noaa.gov>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Kate.Sampson@noaa.gov, Blair Witherington <witherington@cfl.rr.com>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Mark Dodd <Mark.Dodd@dnr.state.ga.us>

Departure: On crew boat "Gulf Storm" leaving at 1200 from Venice (308 Haliburton Rd.). Tell check point you are with the In-Situ Burn Team.

Berthing: Staying on the "Mr. Andre".

Comms: A BP sat phone is on board. Unclear on internet access on this vessel, but tere is access on many of them out there.

Supplies: Plenty of room on crew boat to bring capture gear

****

Michael Ziccardi DVM MPVM PhD
Director, Oiled Wildlife Care Network
Assoc. Professor, Clinical Wildlife Health
Wildlife Health Center
School of Veterinary Medicine
University of California
Davis, CA 95616
O: (530) 754-5701
C: (530) 979-7561
F: (530) 752-3318
E: mhziccardi@ucdavis.edu
www.owcn.org

Subject: [Fwd: Notice of Intent to Sue: Sea Turtle burns]
From: Gloria Thompson <Gloria.Thompson@noaa.gov>
Date: Wed, 30 Jun 2010 09:20:20 -0400
To: Samuel Rauch <Samuel.Rauch@noaa.gov>, Deb Lambert <Deb.Lambert@noaa.gov>, Adam Issenberg <Adam.Issenberg@noaa.gov>, Mark Hodor <Mark.Hodor@noaa.gov>, Angela Somma <Angela.Somma@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>

Eric received via fax on June 29, 2010.

-------- Original Message --------
Subject: Notice of Intent to Sue: Sea Turtle burns
Date: Wed, 30 Jun 2010 08:27:39 -0400
From: Jessica Kondel <Jessica.Kondel@noaa.gov>
To: John Oliver <John.Oliver@noaa.gov>, Brian T Pawlak <Brian.T.Pawlak@noaa.gov>, Deb Lambert <Deb.Lambert@noaa.gov>, Gloria Thompson <Gloria.Thompson@noaa.gov>, "'John.Rapp@noaa.gov'" <John.Rapp@noaa.gov>, Brycen Swart <Brycen.Swart@noaa.gov>
CC: Tanya Dobrzynski <Tanya.Dobrzynski@noaa.gov>

```
Hi--
Attached is the CBD's Notice of Intent to Sue BP and the Unified Command
over ESA issues related to the controlled burn activities.  I received
from a Hill staffer so wanted to pass it along.

Jessica
```

Gloria Thompson <gloria.thompson@noaa.gov>
Special Assistant to the Asst Administrator for Fisheries
NOAA Fisheries Service
301/713-2239

TurtleBurnNOIwCBD6.pdf	**Content-Type:** application/pdf **Content-Encoding:** base64

CENTER for BIOLOGICAL DIVERSITY

Via Facsimile and Certified Mail/Return Receipt Requested

June 29, 2010

Tony Hayward
Chief Executive Officer
BP America, Inc.
501 Westlake Park Blvd.
Houston, Texas 77079
Fax: 281-336-5901

Robert Dudley
Managing Director
BP PLC
1 St. James's Square SW1Y 4PD
London, ENG SW1Y 4PD
United Kingdom
Fax: 312-856-4883

Andy Inglis
Chief Executive, Exploration & Production
BP America, Inc.
501 Westlake Park Blvd.
Houston, Texas 77079
Fax: 281-336-5901

Lamar McKay
Chairman & President
BP America, Inc.
501 Westlake Park Blvd.
Houston, Texas 77079
Fax: 281-336-5901

Admiral Thad Allen, National Incident Commander
Unified Command, Deepwater Horizon Oil Spill
U.S. Coast Guard Headquarters
Washington, D.C. 20593-7101
Fax: 202-208-6965

Admiral Robert Papp, Commandant
U.S. Coast Guard
U.S. Coast Guard Headquarters
Washington, D.C. 20593-7101
Fax: 202-208-6965

RE: Notice of Intent to Sue: Violations of the Endangered Species Act Related to the Controlled Burn Activities in the Gulf of Mexico

This letter serves as official notice by the Center for Biological Diversity and Turtle Island Restoration Network of our intent to sue BP America, Inc. ("BP America"), Admiral Thad Allen, Admiral Robert Papp, and the Unified Command for the Deepwater Horizon Oil Spill ("Unified Command") and its members and individuals,[1] for violations of the Endangered

[1] Members of the Unified Command include: BP; Transocean; U.S. Coast Guard; Minerals Management Service (a.k.a. Bureau of Ocean Energy Management, Regulation and Enforcement); National Oceanic and Atmospheric Administration; U.S. Environmental Protection Agency; U.S. Department of Homeland Security; U.S. Department of the Interior; U.S. Department of Defense; U.S. Fish and Wildlife Service; U.S. National Park Service; U.S. Department of State; U.S. Geological Survey; Centers for Disease Control and Prevention; and Occupational Safety and Health Administration.

Species Act ("ESA") (16 U.S.C. § 1531, *et seq.*) resulting from actions and inactions related to the burning of oil and gas on ocean surface waters in the Gulf of Mexico. BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals have recently begun to use "controlled burns" of oil and gas on the surface of U.S. territorial seas in the Gulf of Mexico – which is trapping protected species, including Kemp's ridley sea turtles, and burning them alive – without authorization for the "take" of listed species as required by the ESA. 16 U.S.C. § 1638(a)(1)(A) (prohibiting any person from committing the "take" of listed species "within the United States or the territorial sea of the United States"); 16 U.S.C. § 1532(19) ("The term 'take' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.").

In addition, federal agencies within the Unified Command – which include the U.S. Coast Guard; Minerals Management Service (a.k.a. Bureau of Ocean Energy Management, Regulation and Enforcement); National Oceanic and Atmospheric Administration; U.S. Environmental Protection Agency; U.S. Department of Homeland Security; U.S. Department of the Interior; U.S. Department of Defense; U.S. Fish and Wildlife Service; U.S. National Park Service; U.S. Department of State; U.S. Geological Survey; Centers for Disease Control and Prevention; and Occupational Safety and Health Administration – have allowed these actions to proceed without consulting with and seeking the assistance of the Secretary of the Interior, as required by Section 7(a)(1) of the ESA. 16 U.S.C. § 1536(a)(1).

"Controlled burns" of oil and gas on the ocean surface, which are being carried out in an attempt to control the oil that is still spewing from the Deepwater Horizon ruptured wellhead, are being done with little to no regard for the fate of oiled sea turtles and other listed species that are trapped within the perimeter and burned alive. Researchers are being prevented from searching trapped material and rescuing wildlife before vegetation and the marine life it supports are burned.

Thus, by this letter the Center puts BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals on official notice that the Center and TIRN believe that these activities are resulting in the unlawful take of threatened and endangered species, including but not limited to the Kemp's ridley sea turtle, in violation of the ESA. 16 U.S.C. § 1538. 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 deemed necessary by a court. *See* 16 U.S.C. § 1540(g).

I. Legal and Factual Background

A. The Endangered Species Act

The 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." 16 U.S.C. § 1531(b).

Section 9 of the ESA specifically prohibits the "take" of an endangered species, 16 U.S.C. § 1538(a)(1)(B), a term broadly defined to include harassing, harming, pursuing, wounding or killing such species. 16 U.S.C. § 1532(19). The term "harm" means "an intentional or negligent omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering." 50 C.F.R. § 17.3. The ESA's legislative history supports "the broadest possible" reading of "take." *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687, 704-05 (1995). "Take" includes direct as well as indirect harm and need not be purposeful. *Id.* at 704; *see also Nat'l Wildlife Fed'n v. Burlington No. R.R.*, 23 F.3d 1508, 1512 (9th Cir. 1994). Consistent with these provisions and precedent, controlled burns that are being carried out by BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals can be the legal cause of a prohibited taking under Section 9 of the ESA. Persons who are knowingly carrying these activities are liable for take and subject to civil and criminal penalties, including imprisonment. *Bennett v. Spear*, 520 U.S. 154, 170 (1997) ("'any person' who knowingly 'takes' an endangered or threatened species is subject to substantial civil and criminal penalties, including imprisonment." (citing 16 U.S.C. §§ 1540(a), (b) (authorizing civil fines of up to $25,000 per violation and criminal penalties of up to $50,000 and imprisonment for one year); *Babbitt v. Sweet Home Chapter, Communities for Great Oregon*, 515 U.S. 687 (1995) (upholding interpretation of the term "take" to include significant habitat degradation).[2]

In addition, courts have repeatedly held that government actions authorizing third parties to engage in harmful activities can constitute an illegal taking under Section 9 of the ESA. *See Strahan v. Coxe*, 127 F.3d 155, 158, 163-64 (1st Cir. 1997), *cert. denied*, 525 U.S. 830 (1998) (state agency caused takings of the endangered right whale because it "licensed commercial fishing operations to use gillnets and lobster pots in specifically the manner that is likely to result in violation of [the ESA]"); *Defenders of Wildlife v. Admin'r, Envtl. Prot. Agency*, 882 F.2d 1294, 1300-01 (8th Cir. 1989) (federal agency caused takes of endangered black-footed ferret through its "decision to register pesticides" even though other persons actually distributed or used the pesticides); *Animal Prot. Inst. v. Holsten*, 541 F. Supp. 2d 1073 (D. Minn. 2008) (state agency liable for take under the ESA for its licensing and regulation of trapping that resulted in the incidental take of Canada lynx); *Loggerhead Turtle v. City Council of Volusia County*, 148 F.3d 1231, 1253 (11th Cir. 1998) (county's inadequate regulation of beachfront artificial light sources may constitute a taking of turtles in violation of the ESA). Consistent with this precedent, the Unified Command federal agencies' authorization, approval, and allowance of controlled burns can be the legal cause of a prohibited taking under Section 9 of the ESA.

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[2] "Person" is defined in the ESA to include "an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government; any State, municipality, or political subdivision of a State; or any other entity subject to the jurisdiction of the United States." 16 U.S.C. § 1533(13).

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). 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 ESA vests primary responsibility for administering and enforcing the statute with the Secretaries of Interior and Commence. The Secretaries of Interior and Commerce have delegated this responsibility to the FWS and the NMFS, respectively. 50 C.F.R. §402.01(b). NMFS has primary responsibility for administering the ESA with regards to most marine species, while FWS has responsibility for terrestrial species.

B. Gulf of Mexico Threatened and Endangered Species

The Gulf of Mexico is one of the most productive and fragile marine ecosystems in the nation. It supports a staggering array of marine life and represents an important contribution to the Gulf coast economy. The Gulf is home to thousands of marine species, ranging from simple invertebrates such as gastropods and sponges to complex and highly evolved fish and marine mammals. It is estimated that there are tens of thousands of shore and coastal birds, thousands of species of invertebrates, at least 600 species of fish, and 29 species of cetaceans in the Gulf. More than 300 species of coral, combined with other hard-bottom communities, wetlands, seagrass beds, mangroves, and soft-bottom communities, provide the necessary habitat to support this rich assemblage of marine life. These diverse and highly complex habitats provide food, shelter, and spawning grounds for all of the Gulf's species at different points during their life history.

The rich biodiversity found in the Gulf of Mexico includes several threatened and endangered species marine mammals, 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*), humpback whale (*Megaptera novaeangliae*), and North Atlantic right whale (*Eubalaena glacialis*). Protected fish species include the gulf sturgeon (*Acipenser oxyrinchus desotoi*) and smalltooth sawfish (*Pristis pectinata*). Protected elkhorn *(Acropora palmata)* and staghorn corals *(A. cervicornis)* occur in the Florida Keys. Coastal species under the jurisdiction of FWS include West Indian manatee (*Trichechus manatus*), piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), wood stork (*Mycteria americana*), Alabama red-belly turtle (*Pseudemys alabamensis*), Alabama (*Peromyscus polionotus ammobates*), Choctawhatchee (*P. polionotus allophrys*), St. Andrew (*P. polionotus peninsularis*), and Perdido Key (*P. polionotus trissyllepsis*) beach mice.

In addition, five of the world's seven species of sea turtles reside in or migrate to the Gulf of Mexico, including leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*), Kemp's

ridley (*Lepidochelys kempii*), loggerhead (*Caretta caretta*), and hawksbill (*Eretmochelys imbricata*) sea turtles. All of these species are listed as threatened or endangered under the ESA. FWS and NMFS share jurisdiction pursuant to the ESA over sea turtles.

The Kemp's ridley sea turtle, believed to be the smallest marine turtle in the world, is found throughout the Gulf of Mexico as well as the U.S. Atlantic Seaboard. Kemp's ridleys are found in many different areas within the Gulf, with males migrating annually between feeding and breeding grounds and females migrating to and from nesting beaches in Mexico. Kemp's ridley sea turtles are renowned for the "arribada" ("arrival" in Spanish), a synchronized nesting habit whereby large groups of Kemp's ridleys gather off a nesting beach and then come ashore in waves. It is not known what triggers an arribada. Females next from May to July, laying to two to three clutches of about 100 eggs that hatch after incubating for 50-60 days. After emerging from the next, hatchlings must enter the water and swim quickly to avoid predators, and then develop in the ocean for years before returning to "neritic" zones – muddy or sandy bottoms where prey are found, including swimming crabs, fish, jellyfish, and mollusks – to feed and develop into adulthood. Hatchlings ride the Gulf current and can be swept out of the Gulf, around Florida and into the Atlantic, by the Gulf Stream. Like other sea turtles, Kemp's ridleys utilize floating sargassum seaweed mats for refuge, rest, and food, particularly during this developmental stage of life.

Even before the BP disaster, Kemp's ridley sea turtles were extremely endangered as a result of egg poaching and fisheries bycatch, especially in trawls and gill nets. The species' arribada near Rancho Nuevo, Mexico, believed to have numbered 42,000 turtles in the late 1940s, collapsed to just 5,000 individuals within 20 years, and between 1978 and 1991, only 200 Kemp's ridleys nested there annually. Before the BP disaster, nesting Kemp's ridleys were increasing steadily, with 2,000 nesting females at Rancho Nuevo in 2000, an arribada of 1,000 turtles in 2001, and 3,600 turtles producing more than 8,000 nests in 2003. In 2006, 12,143 nests were documented in Mexico, including 7,866 at Rancho Nuevo. A record-breaking 127 Kemp's ridley nests were recorded on the Texas coast in 2007, including 73 nests at Padre Island National Seashore. Although egg poaching has been reduced, it still occurs, and bycatch in shrimp trawls remains a significant problem despite turtle excluder device requirements. Still, Kemp's ridley sea turtles were showing promising signs of recovery and were poised to become a success story before the BP disaster hit.

Now, of the five listed species of sea turtles in the Gulf of Mexico, Kemp's ridley sea turtles are likely being affected the most by the BP disaster because they rely most extensively on the Gulf's many environments. Kemp's ridley and other threatened and endangered sea turtles are being found in growing numbers in thick pools of oil near shore and miles out into the Gulf of Mexico. *See* NPR, *Sea Turtles Among Oil Spill Vict*ims (June 10, 2010). Oil causes toxic poisoning and interferes with breathing and feeding. Only a fraction of Kemp's ridleys are nesting at Padre Island National Seashore this year, where tar balls and tar mats have recently been seen. *See* National Parks Traveler, *Sea Turtle Hatchlings Set Free at Padre National Seashore Despite Tar Balls* (June 18, 2010). Hatchlings heading for the ocean are likely barraged by tar balls and oil in the water that can cause them to choke. Kemp's ridleys have

recently been documented heading directly for the oily water in the Gulf. The same sargassum mats that provide a refuge and feeding area for many species of developing turtles are found in the same ocean zones where the oil is collecting.

C. Take of Listed Species from the Burning of Oil and Gas on the Ocean Surface in the Gulf

BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals have recently begun to use controlled burns to contain the oil spill. Fire-resistant booms are used to corral an area of oil that often also includes sargassum seaweed mats where juvenile turtles aggregate. Juvenile turtles may not be able to distinguish between sargassum mats and globs of oil. When the oil is encircled with booms and burned, animals trapped within are burned alive. Kemp's ridleys – and probably loggerhead, green, hawksbill, and leatherback sea turtles as well as other species – are being killed in this way. As of the date of this letter, there have been almost 300 controlled burns in the Gulf, about 30 every week. *See* Mother Jones, *Backlash on Possible Sea Turtle Burning* (June 2010). Meanwhile, rescue boats and crews seeking to rescue trapped marine life from these areas before burning are being turned away by BP America and others who are subject to this notice, which may be letting the animals die in order to avoid liability under the ESA. *See* Longboat Key News, *Oil Watch: Oil Spill Stirs Strategic Responses* (June 25, 2010).

II. Violations of the Endangered Species Act

A. BP America, Admiral Allen, Admiral Papp, and the Unified Command and its Members and Individuals, Are Liable for Take Under Section 9 of the ESA.

BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals are in violation of Section 9 of the ESA for the unauthorized take of threatened and endangered species resulting from controlled burns in the Gulf of Mexico. These burns are killing Kemp's ridley sea turtles, as well as other sea turtles and protected marine life, by burning them alive. BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals are carrying out these controlled burns without take authorization under the ESA, as no take of ESA-listed sea turtles or other species has been authorized for BP disaster-related controlled burns in the Gulf. As such, BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals are violating the take prohibition found in Section 9 of the ESA.

Additionally, the federal agencies of the Unified Command are authorizing, approving and allowing such activities which are indisputably resulting in take of ESA-listed species like Kemp's ridley sea turtles. No take authorization has been granted for these activities. The of the Unified Command federal agencies' authorization, approval, and allowance of controlled burns has been documented to take Kemp's ridley sea turtles and therefore is the legal cause of such

take. Such take is ongoing and likely to continue to occur. As such these federal agencies are violating Section 9 of the ESA by authorizing, approving, and allowing controlled burns.

B. The Unified Command's Federal Agencies Have Failed to Comply with ESA Section 7 In Connection With the Burning of Oil and Gas.

The Unified Command federal agencies' actions authorizing, approving, and allowing controlled burn activities in the Gulf of Mexico are agency programs that must, in consultation with and with the assistance of NMFS and FWS, be utilized in furtherance of the purposes of the ESA – *i.e.*, in furtherance of the conservation of threatened and endangered species and their habitat. 16 U.S.C. §§ 1536(a)(1), 1532(b). By authorizing, approving, and allowing controlled burn activities to occur without consulting with or seeking the assistance of NFMS and FWS, these agencies are violating their duty, under Section 7(a)(1) of the ESA, to utilize their authorities in furtherance of the purposes of the ESA and to carry out their BP oil spill disaster-related activities for the conservation of threatened and endangered species. 16 U.S.C. § 1536(a)(1).

III. Conclusion

As stated above, BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals are violating the ESA as a result of their actions and inactions related to the burning of oil and gas on ocean surface waters in the Gulf of Mexico. BP's, Admiral Allen's, Admiral Papp's, and the Unified Command's controlled burn activities, and the federal agencies of the Unified Command's authorization, approval, and allowance of controlled burn activities, constitute violations of Section 9 of the ESA. In addition, the Unified Command federal agencies' failure to consult with and seek the assistance of NMFS and FWS to ensure the conservation of threatened and endangered species in connection with controlled burns constitutes violations of Section 7(a)(1) of the ESA.

If BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals do not act to correct the violations described in this letter, the Center and TIRN will pursue litigation against BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals in U.S. District Court in 60 days from your receipt of this notice. The Center and TIRN will seek injunctive and declaratory relief, and legal fees and costs regarding these violations. An appropriate remedy that would prevent litigation would be for BP America, Admiral Allen, Admiral Papp, and the Unified Command and its members and individuals to immediately cease controlled burn activities until they can do so without taking listed species and in consultation with and with the assistance of NMFS and FWS. Specifically, all oil spill response vessels, including those conducting controlled burns, should have measures to rescue listed species and observers to document incidental take of threatened and endangered species. Each response vessel – in particular, each skimmer boat – must carry a qualified observer to identify and remove wildlife from response areas before any such areas are burned or dispersant is applied. BP must allow access to areas that allow for efforts to conserve listed species. Additionally, federal agencies must require that BP allow access to these areas,

and refrain from conducting any surface burn activities until these survey and rescue operations are complete.

If you have any questions, wish to discuss this matter, or feel this notice is in error; please contact me at 503-283-5474.

Sincerely,

Amy R. Atwood
Center for Biological Diversity

cc: *Via Certified Mail/Return Receipt Requested and Facsimile or Email (where indicated)*

Ken Salazar, Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240
Fax: 202-208-6956

Rowan Gould, Acting Director
U.S. Fish and Wildlife Service
1849 C Street, NW, 3256 MIB
Washington, DC 20240
Fax: 202-208-6965
Rowan_Gould@fws.gov

Gary Locke, Secretary of Commerce
Department of Commerce
1401 Constitution Avenue, N.W., Room 5516
Washington, DC 20230
Fax: 202-482-2741
TheSec@doc.gov

Eric Schwaab, Assistant Administrator
NOAA Fisheries/NMFS
1315 East-West Highway
Silver Springs, MD 20910
Fax: 301-713-1940
eric.schwaab@noaa.gov

General Michael Bromwich, Director
U.S. Bureau of Ocean Management,
Regulation, and Enforcement
1849 C Street, NW
Washington, DC 20240

Lisa P. Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Janet Napolitano, Secretary
Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Robert Gates, Secretary
U.S. Department of Defense
1400 Defense Pentagon
Washington, DC 20301-1400

Jonathan Jarvis, Director
U.S. National Park Service
1849 C Street, NW
Washington, DC 20240

James Steinberg, Deputy Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Marcia McNutt, Director
U.S. Geological Survey
John W. Powell Federal Building
12201 Sunrise Valley Drive
Reston, Virginia 20192

Thomas R. Frieden, Director
Centers for Disease Control and Prevention
1600 Clifton Rd.
Atlanta, GA 30333

David Michaels, Assistant Secretary of
Labor for Occupational Safety and Health
Occupational Safety and Health
Administration
U.S. Department of Labor
200 Constitution Avenue
Washington, D.C. 20210

Subject: Re: powerpoint 'training' for burn observers
From: Mark Dodd <Mark.Dodd@dnr.state.ga.us>
Date: Fri, 02 Jul 2010 07:32:45 -0400
To: Barbara.Schroeder@noaa.gov

yes, I can do that this morning, but I don't have any of the critical photos. I don't have any shots of sea turtles in the oil to help the observers with the sight image. We took lots of photos while out there, but as soon as someone saw a turtle, everyone had a job to do. Will the powerpoint be helpful without the critical shots?

Mark

Mark G. Dodd
Georgia Sea Turtle Program Coordinator
Georgia Department of Natural Resources
One Conservation Way
Brunswick, GA 31520-8687
Office (912) 280-6892
Cell (912) 269-4019
email: Mark Dodd@dnr.state.ga.us

"Barbara.Schroeder" <Barbara.Schroeder@noaa.gov> 07/01/10 7:23 PM >>>

Hi Mark,
Would you be able to pull together, even in drafty form, quickly, a simple powerpoint presentation that we could use as a training aid for potential burn observers? We will try to get them out on the capture boats but weather may not cooperate.
Barbara

Subject: Re: powerpoint 'training' for burn observers
From: Mark Dodd <Mark.Dodd@dnr.state.ga.us>
Date: Fri, 02 Jul 2010 08:24:22 -0400
To: Barbara Schroeder <Barbara.Schroeder@noaa.gov>

No problem. I will get it done today. I have to run out this morning and take care of a couple strandings, then i will get on it.

Mark

Barbara Schroeder <Barbara.Schroeder@noaa.gov> 7/2/2010 8:16 AM >>>

Someone may have them now so maybe just put text saying photo of turtle in blah blah blah. Burn ops photos will really help also from what you took tks Mark

----- Original Message -----
From: Mark Dodd <Mark.Dodd@dnr.state.ga.us>
To: Barbara.Schroeder@noaa.gov <Barbara.Schroeder@noaa.gov>
Sent: Fri Jul 02 07:32:45 2010
Subject: Re: powerpoint 'training' for burn observers

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Mark G. Dodd
Georgia Sea Turtle Program Coordinator
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email: Mark Dodd@dnr.state.ga.us

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Hi Mark,
Would you be able to pull together, even in drafty form, quickly, a simple powerpoint presentation that we could use as a training aid for potential burn observers? We will try to get them out on the capture boats but weather may not cooperate.
Barbara

From: Gary Shigenaka <Gary.Shigenaka@noaa.gov>
To: Ben Sherman <Ben.Sherman@noaa.gov>

Hi Ben,

I received this email earlier today. How would you like me to deal with it?

Cheers,

gary

-------- Original Message --------
Subject: Burning sea turtles alive video
Date: Thu, 17 Jun 2010 11:11:50 -0700
From: Jennifer Phillips <jphillips@motherjones.com>
To: Gary.Shigenaka@noaa.gov

Hi Mr. Shigenaka. I recently saw this video (below) of an interview with Captain Mike Ellis, who works for a charter boat company that's now working in conjunction with BP. In this video he suggests that turtles (especially Kemp's Ridleys) are being burned alive as part of an in-situ burn. I was wondering if you knew if there was any validity to this statement? I read a chapter of NOAA's "Oil and Sea Turtles: Biology, Planning, and Response Report" in which you wrote that depending on the circumstances, an in-situ burning (even if it did kill some turtles) might be the better of two options considering "the impacts of prolonged or heavy exposure to untreated surface oil."

So I guess I really have two questions here: 1) do you know if the in-situ burn in the Gulf included (or could have included) turtles, or if there were measures to ensure this didn't happen, and 2) right now, with the huge amount of oil, is an in-situ burn less harmful to wildlife in the long-run than letting the oil remain? Any light you can shed on this matter is much appreciated. Yours, Jen Phillips

http://www.youtube.com/watch?v=4kjw3_bMk8o

--
Monica Allen
NOAA Communications & External Affairs
National Marine Fisheries Service
U.S. Department of Commerce
1315 East West Highway
Room 14502
Silver Spring, Md. 20910
Tel.: (301) 713-2370
Fax: (301) 713-1452
Cell: (202) 379-6693
E-mail monica.allen@noaa.gov
Join us on Facebook: www.facebook.com/noaa.lubchenco

Subject: Re: [Fwd: [Fwd: [Fwd: Burning sea turtles alive video]]]
From: Monica Allen <Monica.Allen@noaa.gov>
Date: Fri, 18 Jun 2010 10:36:01 -0400
To: "Barbara.Schroeder" <Barbara.Schroeder@noaa.gov>, Helen Golde <Helen.Golde@noaa.gov>, Brian T Pawlak <Brian.T.Pawlak@noaa.gov>
CC: Christine Patrick <Christine.Patrick@noaa.gov>

Hi Helen, Barb and Brian,

Christine Patrick says the guidance earlier this week was to send all these inquiries to the Houma JIC where the Public Affairs Officer/Public Information Officer will work with Dr. Michael Ziccardi (UC Davis), the lead of the Sea Turtle and Marine Mammal Response (part of the Wildlife Branch in the Unified Command), to answer the question.

In short, Michael would say something like (numbers accurate as of wildlife report dated 6/16 posted on deepwaterhorizonresponse.com):

"So far, the Unified Command's Sea Turtle Unit has collected 63 live and 3 dead sea turtles from the water in oiled areas. The Sea Turtle Unit is concerned that some young turtles, which use the area of the Gulf where the oil spill originated for food and shelter, are affected by the controlled burns. The Controlled Burn Unit and the Sea Turtle Unit are working together to help reduce harm to the wildlife in the controlled burn area."

I can continue to do this if you think this is best.

Thank you,
Monica

Barbara.Schroeder wrote:

> Helen sent a response forward for Senator Nelson's office yesterday, Helen or Brian can you provide that to Monica, I did not see the final clean version.
>
> Monica Allen wrote:
>
> > Hi All,
> > What is our response to the following question on burning and turtles? Mother Jones is asking.
> > Thanks,
> > Monica
> >
> > -------- Original Message --------
> > Subject: [Fwd: [Fwd: Burning sea turtles alive video]]
> > Date: Fri, 18 Jun 2010 09:51:45 -0400
> > From: Ben Sherman <Ben.Sherman@noaa.gov>
> > Reply-To: Ben.Sherman@noaa.gov.
> > Organization: NOS/NOAA
> > To: Monica Allen <Monica.Allen@noaa.gov>, Connie Barclay <Connie.Barclay@noaa.gov>, kim amendola <kim.amendola@noaa.gov>
> >
> > Please respond or advise me on suggested response. Thanks. Ben S.
> >
> > -------- Original Message --------
> > Subject: [Fwd: Burning sea turtles alive video]
> > Date: Thu, 17 Jun 2010 13:03:19 -0700

Subject: RE:
From: Blair Witherington <witherington@cfl.rr.com>
Date: Sat, 19 Jun 2010 09:08:39 -0400
To: "'Palandro, David'" <David.Palandro@MyFWC.com>, "'Witherington, Blair'" <Blair.Witherington@MyFWC.com>, 'Michael Ziccardi' <mhziccardi@ucdavis.edu>, 'Barbara Schroeder' <Barbara.Schroeder@noaa.gov>

Hi Dave,

I have no professional opinion on whether in situ burning should take place. I do have opinions about how they should be conducted, so I am working with Mike Ziccardi and others in Wildlife Branch to learn more about the process and how sea turtle recovery can be integrated into it.

The quote refers to the conventional wisdom of harm from oil spills: landfall is harmful, and there is minimal harm from oil that does not reach land. I disagree with this.

Thanks for letting me clarify.

Best,

Blair

Blair Witherington, PhD
Florida Fish and Wildlife Conservation Commission
Fish and Wildlife Research Institute
9700 South A1A
Melbourne Beach, Florida 32951

1-321-674-1801
Witherington@cfl.rr.com
http://research.myfwc.com/

From: Palandro, David [mailto:David.Palandro@MyFWC.com]
Sent: Friday, June 18, 2010 5:17 PM
To: Witherington, Blair; Witherington, Blair
Subject: FW:

Blair,
I was sent this piece of an article from senator nelson's office and they asked about clarifying your statement. When you say that you disagree with the in situ burning, is it because you have witnessed its negative effects first-hand, eg, burning of an actual animal? OR do you mean that you disagree in more general terms that the in situ burning MAY not be the best method to respond to the oil, in terms of wildlife.
Thanks in advance,
dave

David Palandro, PhD

FWC/FWRI
(727) 896-8626

From: Gonzalez-Rothi, Sara (Bill Nelson) [mailto:Sara_Gonzalez-Rothi@billnelson.senate.gov]
Sent: Friday, June 18, 2010 5:10 PM
To: Palandro, David
Subject:

8. OCEANS: Controlled burns torch marine life *(06/18/2010)*

The practice of corralling oil at sea to save coastal regions has sacrificed marine life by either poisoning them with chemical dispersants or burning them with controlled fires on the water's surface.

The Gulf of Mexico spill has already created a dead zone, with thick ribbons of oil mixed in with strands of sargassum seaweed. The weeds are normally an oasis and home to countless crabs and surface fish that turtles, birds and larger fish feed on. Now, they serve as traps where any wandering sea life has no escape.

Conservationists are seeing flying fish landing in the sorgassum and getting stuck. Sea jellies and snails are especially hard hit, as they drift into the oil patches but cannot drift out. They attract sea turtles, their predator, into the patches.

The researchers have a difficult choice, for they must either protect shorebirds, delicate marshes and tourist beaches along the coast by keeping the spill away, or burn the oil and unintentionally kill the wildlife remaining at sea.

"It reflects the conventional wisdom of oil spills: If they just keep the oil out at sea, the harm will be minimal. And I disagree with that completely," said Blair Witherington, a research scientist with the Florida Fish and Wildlife Conservation Commission, to *The Los Angeles Times*.

But given the extensive coatings of oil and chemicals on the wildlife at sea, it is unlikely that many will survive even without the burns, according to Witherington.

Since April 20, when the Deepwater Horizon exploded, there have been 165 burns to consume 5 million gallons of oil (Kim Murphy, *Los Angeles Times*, June 17). **--GV**

Sara Gonzalez-Rothi
Everglades Fellow
Office of Senator Bill Nelson
(202)224-5274 (ph)
(202)228-1632 (fax)

Connect with Bill:

Subject: Re: [Fwd: Approved Travel Authorization: PLEASE ISSUE TICKET]
From: Sara.McNulty@noaa.gov
Date: Sat, 19 Jun 2010 09:25:06 -0400
To: "Barbara.Schroeder" <Barbara.Schroeder@noaa.gov>
CC: Michael Ziccardi <mhziccardi@ucdavis.edu>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Blair Witherington <witherington@cfl.rr.com>

I spoke to Mark last night about some of the safety equipment. He asked about the respirator as well. He told me he could potentially buy a small respirator to have on hand, if the burn folks and safety are not able to provide them.

----- Original Message -----
From: "Barbara.Schroeder" <Barbara.Schroeder@noaa.gov>
Date: Friday, June 18, 2010 7:08 pm
Subject: Re: [Fwd: Approved Travel Authorization: PLEASE ISSUE TICKET]

> so does he need to go to Houma first to get this stuff?
> also, do we know anything about the use of respirators if he is down in
> heavy, corralled oil, in a small boat that is igniting burns
> Mike, I really want to be sure that we are not sending Mark into a safety situation that we ourselves would not go into.
>
> Michael Ziccardi wrote:
> > Hi-
> >
> > Confirmed w/ the Burn Group today. We are a go for Mark working w/
> > them starting as soon as he gets here. They suggest no women on the
> > boat for safety sake. They did indicate, however, that he would be on
> > the smaller Ignitor boat with two others so would have assistance
> > during capture if needed. Berth space for one observer/capture person
> > is being confirmed, but should not be an issue.
> >
> > We need to get him a life jacket, nomex coverall and gloves,
> > steel-toed boots and hard hat. He should bring close-toed shoes for
> > walking on deck and shower shoes. Sara, can you put in a 213 for
> > these items?
> >
> > Thx!
> >
> > Mike
> >
> > On Jun 18, 2010, at 9:36 AM, Alexis Gutierrez wrote:
> >
> > > Mark Dodd is go. He is just awaiting instructions of where to go. I
> > > told him we would call him after our 1pm call. Cheers, A

*From: *Abbie Mimiko <Abbie.Mimiko@noaa.gov <mailto:Abbie.Mimiko@noaa.gov>>
*Date: *June 18, 2010 9:24:12 AM CDT
*To: *DOC Call Center <doccallcenter@adtrav.com <mailto:doccallcenter@adtrav.com>>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov <mailto:Alexis.Gutierrez@noaa.gov>>, MARK.DODD@DNR.STATE.GA.US <mailto:MARK.DODD@DNR.STATE.GA.US>
Subject: **Approved Travel Authorization: PLEASE ISSUE TICKET

Traveler: MARK DODD
Travel start date: 06/20/10

Thanks for helping with this.
--
Kind Regards*/,
Abbie F. Mimiko/*
Tel: 301-713-2332 Ext. 135
Fax: 301-713-4060
Office of the Director
Protected Resources
National Marine Fisheries Service
Silver Spring, MD 20910
Abbie.Mimiko@noaa.gov

<APPROVED TA MARK DODD.pdf>

****
Michael Ziccardi DVM MPVM PhD
Director, Oiled Wildlife Care Network
Assoc. Professor, Clinical Wildlife Health
Wildlife Health Center
School of Veterinary Medicine
University of California
Davis, CA 95616
O: (530) 754-5701
C: (530) 979-7561
F: (530) 752-3318
E: mhziccardi@ucdavis.edu <mailto:mhziccardi@ucdavis.edu>
www.owcn.org <http://www.owcn.org/>

Subject: Re: RE:
From: "Palandro, David" <David.Palandro@MyFWC.com>
Date: Sat, 19 Jun 2010 09:33:20 -0400
To: "Witherington, Blair" <witherington@cfl.rr.com>
CC: "Witherington, Blair" <Blair.Witherington@MyFWC.com>, Michael Ziccardi <mhziccardi@ucdavis.edu>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>

Blair,
Thanks very much for getting back to me. I just wanted to make sure if I asked about it. And for the record, I agree that just keeping all offshore doesn't equate to minimized damage.
Thanks,
Dave

David Palandro, PhD
FWRI
(727) 896-8626
(727) 492-8849 (mobile)
david.palandro@myfwc.com<mailto:david.palandro@myfwc.com>
sent from iPhone

On Jun 19, 2010, at 8:09 AM, "Blair Witherington" < witherington@cfl.rr.com<mailto:witherington@cfl.rr.com>> wrote:

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Thanks for letting me clarify.

Best,

Blair

Blair Witherington, PhD
Florida Fish and Wildlife Conservation Commission
Fish and Wildlife Research Institute
9700 South A1A
Melbourne Beach, Florida 32951

1-321-674-1801
Witherington@cfl.rr.com<mailto:Witherington@cfl.rr.com>
http://research.myfwc.com/

From: Palandro, David [mailto:David.Palandro@MyFWC.com]
Sent: Friday, June 18, 2010 5:17 PM
To: Witherington, Blair; Witherington, Blair
Subject: FW:

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Thanks in advance,
dave

David Palandro, PhD
FWC/FWRI
(727) 896-8626

From: Gonzalez-Rothi, Sara (Bill Nelson) [mailto:Sara_Gonzalez-Rothi@billnelson.senate.gov]
Sent: Friday, June 18, 2010 5:10 PM
To: Palandro, David
Subject:

8. OCEANS: Controlled burns torch marine life (06/18/2010)

<image001.gif>

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The researchers have a difficult choice, for they must either protect shorebirds, delicate marshes and tourist beaches along the coast by keeping the spill away, or burn the oil and unintentionally kill the wildlife remaining at sea.

"It reflects the conventional wisdom of oil spills: If they just keep the oil out at sea, the harm will be minimal. And I disagree with that completely," said Blair Witherington, a research scientist with the Florida Fish and Wildlife Conservation Commission, to The Los Angeles Times.

But given the extensive coatings of oil and chemicals on the wildlife at sea, it is unlikely that many will survive even without the burns, according to Witherington.

Since April 20, when the Deepwater Horizon exploded, there have been 165 burns to consume 5 million gallons of oil (Kim Murphy, Los Angeles Times<http://www.latimes.com/news/nationworld/nation/la-na-oil-spill-burnbox-20100617,0,7634456,full.story>, June 17). --GV

Sara Gonzalez-Rothi
Everglades Fellow
Office of Senator Bill Nelson
(202)224-5274 (ph)
(202)228-1632 (fax)

Connect with Bill:

<image002.png><http://billnelson.senate.gov/> <image003.png><http://twitter.com/senbillnelson>
<image004.jpg><http://www.youtube.com/senbillnelson><image005.png><http://billnelson.senate.gov/news/ebriefs.cfm>

Subject: Re: Fw: Draft In-Situ burn plan
From: Charlie Henry <Charlie.Henry@noaa.gov>
Date: Sat, 19 Jun 2010 09:20:14 -0500
To: Kyle Baker <Kyle.Baker@noaa.gov>
CC: Robert Hoffman <Robert.Hoffman@noaa.gov>, Joseph.J.Dillon@noaa.gov, Jessica.White@noaa.gov, Holly_Herod@fws.gov, Will_Meeks@fws.gov, Lisa.Symons@noaa.gov, David Bernhart <David.Bernhart@noaa.gov>, barbara Schroeder <Barbara.Schroeder@noaa.gov>, mhziccardi@ucdavis.edu, Sarah Wilkin <Sarah.Wilkin@noaa.gov>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>

"I suggest we use Earle for now and not rely on Charlie to provide the USCG contact."

Kyle, that would be especially true since Charlie has not been on scene for almost two weeks. For immediate issues, the POC should be the FOSCR at each command post (Houma or Mobile). The Area Command post doesn't direct the immediate response actions (has no operations section). What we have been trying to get is the Area Command or USCG headquarters person that would provide the POC for the overall response... today, tomorrow, and six months from now. Lisa had been working this (there were earlier emails), and now Joe is getting his feet wet on the same issues along with Jessica who has returned. Guidance can feedback down from Area, but the planning is mostly done in Houma and Mobile, which was the reason we have some many NOAA folks in those locations and only a couple at the Area Command. Area is strategic in planning, while the field groups do the tactical planning and there is where there should be strong connections between NOAA and Ops to provide input as to specific Sec. 7 concerns... I know that the NOAA folks at Area are working this communication issue based on emails and phone calls this morning, and this is just my added thoughts. Find where the connects can have the most impact as to adjusting operations for specific recommendations, and use Area for overall "big picture" issues and/or area wide guidance. use the the SSCs at the field command post to assist for specific planned actions. They have direct assess to the Captains. I understand this is frustrating to all (the spill as a whole is frustrating). If I can be of any direct assistance, please call my cell. That said, I'm not the lead SSC at present... Steve Lehmann has that honor until Tuesday when I take the lead again. Take care,
Charlie
(206) 849-9928, cell

Subject: quick bit of info
From: Sara.McNulty@noaa.gov
Date: Tue, 22 Jun 2010 12:07:04 -0400
To: Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>

Hi Alexis and Barbara,

Two things...

1) Vicky is here. She arrived a little while ago and is observing.

2) I had a conversation with David Bernhart and Kyle a little while ago. David is very interested in quickly deploying 8 people (or teams) to the burn boats...and not wait for Marks eval. He said that we need to get them out there now, even if it is not the most coordinated effort possible. He wants to hold the USCG to the requirement of ensuring there are no protected species in the burn area prior to burning.

He also wants us to move forward and hire an observer coordinator in Houma and Mobile.

I will send a separate email shortly to set up a call. Does that work?

Sara

Subject: Mark and burn ops
From: Sara.McNulty@noaa.gov
Date: Tue, 22 Jun 2010 18:13:30 -0400
To: Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Blair Witherington <witherington@cfl.rr.com>, Brian Stacy <Brian.Stacy@noaa.gov>, Kate Sardi Sampson <Kate.Sampson@noaa.gov>, Carrie Hubard <Carrie.W.Hubard@noaa.gov>, Bob Hoffman <Robert.Hoffman@noaa.gov>, Kyle Baker <Kyle.Baker@noaa.gov>, Mike Ziccardi <mhziccardi@ucdavis.edu>, Wendy Teas <Wendy.Teas@noaa.gov>

Hi Everyone,

I just spoke to USCG Officer Andrew J. (Drew) from burn ops, to check in on Mark. Apparently, Mark was there for the start of a couple burns yesterday and the USCG had complete confidence in Mark immediately... and he integrated with the crew very easily. They did not burn today, but Mark was there for the process of collecting the booms. The vessel Mr Andre vessel is coming in today and will likely dock this later this evening. I tried Mark's cell and it went straight to voice mail. I suspect he will stay at the trailers tonight and may go out on the capture vessels tomorrow.

Drew said they were very interested to talk with us and Mark over the next couple days to create a plan for when the burn ops get back out on the water, likely on Saturday.

Sara

Subject: Re: Mark and burn ops
From: Kyle Baker <Kyle.Baker@noaa.gov>
Date: Tue, 22 Jun 2010 17:22:53 -0500
To: Sara.McNulty@noaa.gov
CC: Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Blair Witherington <witherington@cfl.rr.com>, Brian Stacy <Brian.Stacy@noaa.gov>, Kate Sardi Sampson <Kate.Sampson@noaa.gov>, Carrie Hubard <Carrie.W.Hubard@noaa.gov>, Bob Hoffman <Robert.Hoffman@noaa.gov>, Mike Ziccardi <mhziccardi@ucdavis.edu>, Wendy Teas <Wendy.Teas@noaa.gov>

Excellent. Ops wants to do the same for skimming. Apparently bunks are full for offshore skimming. We need to nail down the data form as well. There are some fields on the decision to burn we need to make sure are included.

Sara.McNulty@noaa.gov wrote:

> Hi Everyone,
> I just spoke to USCG Officer Andrew J. (Drew) from burn ops, to check in on Mark. Apparently, Mark was there for the start of a couple burns yesterday and the USCG had complete confidence in Mark immediately... and he integrated with the crew very easily. They did not burn today, but Mark was there for the process of collecting the booms. The vessel Mr Andre vessel is coming in today and will likely dock this later this evening. I tried Mark's cell and it went straight to voice mail. I suspect he will stay at the trailers tonight and may go out on the capture vessels tomorrow.
> Drew said they were very interested to talk with us and Mark over the next couple days to create a plan for when the burn ops get back out on the water, likely on Saturday.
> Sara

Kyle Baker <Kyle.Baker@noaa.gov>
Protected Species Biologist, Bioacoustics
Protected Resources Division
NOAA - National Marine Fisheries Service

Subject: turtles being burned and gulf
From: Naomi Edelson <edelsonn@nwf.org>
Date: Wed, 23 Jun 2010 14:40:36 -0400
To: "schwaab, eric" <Eric.Schwaab@noaa.gov>, "barbara.schroeder@noaa.gov" <Barbara.Schroeder@noaa.gov>
CC: John Kostyack <kostyack@nwf.org>

Hi Eric and Barbara:

Just like everyone else we are hearing these reports of the turtles being burned in the oil spill areas and BP not letting fisherman and others help rescue them. We want to get the facts and information as you know them.

Also we are doing a lot of work in the Gulf right now and will be for the future as we already had a long term restoration program going on there. We would like to discuss with you ways we might help the turtles specifically and coordinate our efforts. As you may know, we recently did a fundraiser as part of Larry King Live so have some resources that can be put to good down there.

Please call me or John Kostyack (202) 797 – 6879.

P.S. Barbara I called your voice mail since you are the point person on turtles and am emailing as you suggest. We have not met ever but I used to work with Eric so am sending him this email too.

****

Naomi Edelson
Sr. Program Manager, State Wildlife Programs
Safeguarding Wildlife from Climate Change
National Advocacy Center
National Wildlife Federation
901 E St. NW, Suite 400
Washington DC 20004
p 202 797-6889 (Mon, Wed, Thurs)
c 202 657-2024 (other times)
edelsonn@nwf.org

National Wildlife Federation's mission is "Inspiring Americans to Protect Wildlife for our Children's Future".
www.nwf.org

Subject: burn team report
From: Mark Dodd <georgiaturtles@yahoo.com>
Date: Wed, 23 Jun 2010 19:08:39 -0700 (PDT)
To: Barbara.Schroeder@noaa.gov
CC: Sara.McNulty@noaa.gov

Please let me know if this gets through. Sorry you didn't get it yesterday.

Mark

Burn Team Observations 6_21_10.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Report on Deepwater Horizon burn unit operations, 6/21/10.

The goal of the trip was to observe burn unit operations, determine the likelihood of sea turtle mortality associated with surface burning activities, and assess the possibility of putting sea turtle observers with the burn unit.

Arrived on scene approx. 5 miles northeast of the Deepwater Horizon accident site at approx. 1445 hours on 6/21/10. Two burns were in progress. We observed our first burn from the crew boat *Gulf Storm*. We arrived just as the burn was ignited. Conditions were light chop and winds 7-10 knots. I was not able to survey the area prior to ignition of the first fire. The oil in the area adjacent to the crew boat was heavy oil with a small amount of widely dispersed sargassum. Large continuous areas of oil were randomly distributed around the area. In general, there was no definable pattern to the oil and no weedline present. This was the pattern I saw during the rest of the day: widely dispersed small patches of sargassum with no definable weedline.

In general, two shrimp trawlers were used to pull a boom to concentrate oil for burning. The trawlers appeared to be approx. 300-500' apart while towing the boom. The boom is 500' in length and the tow cables are 300-500'. The boom skirt drops down in the water column approx. 2.5-3 ft. The trawlers were moving forward at approx. 1/2 knot prior to and during the burn. I was told if the trawlers move too quickly, the oil goes under the bottom of the boom and is not available for the burn. If a fire is in progress, the boom will overrun the fire and put it out. The oil is ignited with a package of 2 ½ gallon plastic jugs of diesel fuel and a flare. Once the ignition package is placed inside the boom in the concentrated oil, it takes 2-3 minutes to ignite the oil. The fire starts fairly small (10 m) diameter area and builds to an area of 30 m diameter in approx. 3 minutes. I was told by the burn teams that they do not burn the orange emulsified oil. They target the heavy brown material. I monitored the first fire for approx. 5-7 minutes but was not close enough to survey for turtles.

Following the first burn, I transferred to one of the support vessels (Fox Sea) and was quickly put on one of the ignition boats. I monitored 2 burns from the ignition boat. Conditions were calm seas, 7-10 knot winds. We surveyed the area in front of the trawlers prior to ignition and found patches of heavy oil and widely scattered sargassum. The sargassum formed no pattern and there was not a definable weedline. I did not observe any turtles in the oil or sargassum in the path of the boom.We surveyed the boomed oil for sea turtles by running along the length of the u-shaped boom at a close distance (3-10 ft). I stood on the raised foredeck of the ignition boat during the survey. A small amount of sargassum was seen at the apex of the boom. In the second fire, the sargassum and oil could be seen rolling under the boom as it moved slowly forward. I felt confident that I could survey the entire area of heavy oil in the boom prior to ignition. I did not see any turtles in the boomed area on either fire. The boomed area contained material similar to what we observed previously in the turtle capture efforts including coconuts, pieces of marsh wrack, sargassum and driftwood. If turtles were seen in the boomed material, it would be possible to capture them from the ignition boat. The chronology of the 3 fires I observed was similar with the ignition taking 2-3 minutes and

the fire slowly building over approx. 3 minutes. Some of the fires continued to burn for several hours as the trawlers moved forward collecting additional fuel (oil). Other fires were out in 15-20 minutes. Generally, the fires appeared to move fairly slowly.

We observed 2 additional booming operations that did not ultimately result in a burn. I surveyed the boomed area from the raised foredeck of the ignition boat 3-10 ft outside the boom. In these cases, the trawlers were not capturing enough oil to burn. I did not see any turtles in the boomed areas.

Burning operations were concluded at approx 1830 hours and I returned to the support boat Mister Andre for the evening. The seas increased the next day and burning operations were called off due to an approaching storm system. The boom was loaded in the morning, and we steamed back to port. The boat crews and U.S. Coast Guard personnel were very accommodating and allowed access to all aspects of the operation.

I was not able to survey the oil and sargussum from the vantage point of the shrimp trawlers due to lack of time. From the ignition boat it appeared that the shrimp trawlers where too far from the boomed material to conduct a survey for sea turtles; however, this would need to be confirmed with direct observation. Also, I was not able to survey a burned area after the fire was extinguished. Finally, my observations of the material being burned were limited to a single afternoon. Several of the crews suggested that they targeted oiled weedlines for burning when the weedlines are available.

The U.S. Coast Guard personnel indicated that they generally had 10-15 fires per day under good conditions. There are normally 5-6 teams on site. A team includes 2 boom boats (shrimp trawlers), an ignition boat, and a support vessel (crew boat).

The following are general observations from the burning operations. These observations are based on a few hours in the field with the burn crews. Additional observations will be necessary to confirm the accuracy of this report.

1) Burns start relatively slowly and are generally small in size.
2) The burn crews focus on the heavy brown oil for burning.
3) My impression talking with the burn crews is that they work in a relatively restricted area. It would be helpful to see a map of all burns conducted to date (their potential impact may be limited to a small area).
4) Pre-burn inspections for sea turtles are feasible prior to ignition.
5) The best platform for monitoring for sea turtles appears to be the ignition boat because of the close proximity to the material.
6) I was not able to survey for sea turtles from the shrimp trawlers. The possibility of using the shrimp trawlers (boom boats) as a platform for sea turtle observations should be explored.
7) My overall impression is that the fires start relatively slowly and are restricted to a relatively small area. The probability of mortality of free-swimming turtles is fairly low. Sea turtles mired in oil and unable to escape should be easy to spot by an observer from the ignition boat. My suggestion is to have limited observer

coverage on the ignition boats to continue to collect data on the type of material being burned and to monitor for sea turtles (1 ignition boat per day).

Mark Dodd
Sea Turtle Program Coordinator
Georgia Department of Natural Resources
6/22/10

Subject: Re: burn team report
From: Sara.McNulty@noaa.gov
Date: Wed, 23 Jun 2010 21:37:12 -0500
To: Mark Dodd <Mark.Dodd@dnr.state.ga.us>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>

Got it! Mark, thanks so much for your efforts and for putting this document together (We will circulate to the group tomorrow). I'm glad we were able to speak with you tonight, I think it was extremely helpful for everyone to hear your account first hand.

Good luck tomorrow!
Sara

----- Original Message -----
From: Mark Dodd <Mark.Dodd@dnr.state.ga.us>
Date: Wednesday, June 23, 2010 9:13 pm
Subject: burn team report

> Please let me know if you get this. Sorry it did not go through yesterday.
> Mark
>
> Mark G. Dodd
> Georgia Sea Turtle Program Coordinator
> Georgia Department of Natural Resources
> One Conservation Way
> Brunswick, GA 31520-8687
> Office (912) 280-6892
> Cell (912) 269-4019
> email: Mark Dodd@dnr.state.ga.us

Subject: Fwd: burn team report
From: Sara.McNulty@noaa.gov
Date: Thu, 24 Jun 2010 10:02:28 -0500
To: Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Mike Ziccardi <mhziccardi@ucdavis.edu>, Teri.Rowles@noaa.gov, Teri.Rowles@noaa.gov, Brian Stacy <Brian.Stacy@noaa.gov>

Here is an initial report from Mark on his burn observations. He is working on a basic protocol for observers to follow when working with the burn units.
Sara

Subject: burn team report
From: Mark Dodd <Mark.Dodd@dnr.state.ga.us>
Date: Wed, 23 Jun 2010 22:13:55 -0400
To: Barbara.Shroeder@noaa.gov
CC: Sara.McNulty@noaa.gov

Please let me know if you get this. Sorry it did not go through yesterday.

Mark

Mark G. Dodd
Georgia Sea Turtle Program Coordinator
Georgia Department of Natural Resources
One Conservation Way
Brunswick, GA 31520-8687
Office (912) 280-6892
Cell (912) 269-4019
email: Mark Dodd@dnr.state.ga.us

burn team report.eml	**Content-Type:** message/rfc822 **Content-Encoding:** 7bit

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Burn Team Observations 6_21_10.doc	**Content-Type:** application/octet-stream **Content-Encoding:** base64

Subject: Turtle and burning talking points are cleared-DOC and Unified Command
From: Monica Allen <Monica.Allen@noaa.gov>
Date: Thu, 24 Jun 2010 18:14:04 -0400
To: Barbara Schroeder <Barbara.Schroeder@noaa.gov>, "Stacy,Brian A" <bstacy@ufl.edu>, Teri Rowles <Teri.Rowles@noaa.gov>
CC: Teri Frady <tfrady@mercury.wh.whoi.edu>

These talking points are now cleared for use by Unified Command and NOAA to address turtles and burning issue. Thank you all and particularly Teri Frady for pushing on these.

-------- Original Message --------
Subject: RE: We need your help -- on turtle and burning issue -- we need to say something-- clear TPs at least, press release if possible
Date: Thu, 24 Jun 2010 18:08:46 -0400
From: Gilson, Shannon <SGilson@doc.gov>
To: Allen, Monica <Monica.Allen@noaa.gov>, Kenney, Justin <Justin.kenney@noaa.gov>
CC: Frady, Teri <Teri.Frady@noaa.gov>, Barclay, Connie <Connie.Barclay@noaa.gov>, Patrick, Christine <Christine.Patrick@noaa.gov>
References: <4C23C0AC.2080803@noaa.gov>

These are clear. Loop has been closed with unified command. They will use them as well.
-----Original Message-----
From: Monica Allen [mailto:Monica.Allen@noaa.gov] Sent: Thursday, June 24, 2010 4:32 PM
To: Kenney, Justin; Gilson, Shannon
Cc: Frady, Teri; Barclay, Connie; Patrick, Christine
Subject: We need your help -- on turtle and burning issue -- we need to say something-- clear TPs at least, press release if possible

Justin and Shannon,
The issue of the sea turtles and burning is blowing up on the social media world, at the JIC and has spread to other reporters. Elizabeth Shogren just called here. Leslie Kaufman contacted you Justin. Local reporters are calling Brian Stacy. We urge you to clear the talking points so that at least Teri Frady can get a short message out on social media that there is an effort to address the problem that includes biologists on burn vessels to spot. Even if you can't rapidly clear the press release (although ideally you can), we need help on this issue as soon as possible. We have been referring calls from media to Michael Ziccardi, head of the Unified Command Marine Mammal and Sea Turtle Branch, but he is about to cycle out and be replaced by Dr. Teri Rowles, a NOAA person. Dr. Rowles will also need to be able to respond to this as head of the Unit for the Wildlife Branch.
Please do what you can to fast track this clearance so that it can be cleared by the DHR Products Group/ Unified Command.

Thank you,
Monica

--
Monica Allen
NOAA Communications & External Affairs
National Marine Fisheries Service
U.S. Department of Commerce
1315 East West Highway
Room 14502
Silver Spring, Md. 20910
Tel.: (301) 713-2370
Fax: (301) 713-1452
Cell: (202) 379-6693
E-mail monica.allen@noaa.gov
Join us on Facebook: www.facebook.com/noaa.lubchenco

--
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E-mail monica.allen@noaa.gov
Join us on Facebook: www.facebook.com/noaa.lubchenco

TPsforTurtleBurn_FINAL.docx	**Content-Type:** application/vnd.openxmlformats-officedocument.wordprocessingml.document **Content-Encoding:** base64

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 spill response. Protocols include looking for wildlife prior to ignition of oil, however it is possible that turtles and other wildlife have been harmed by burn operations.

Why have you allowed turtles to be harmed during burn operations?
The Unified Command is working to make sure the harmful effects of these operations on wildlife are minimal, but we recognize that not 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 sometimes occur there because of the aggregated oil.

In areas that have been 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 reduce possible harm to individual animals while still allowing the removal of large quantities of oil (up t0 90 percent at maximum efficiencies) from the water.

Stacy,Brian A

From: Monica Allen [Monica.Allen@noaa.gov]
Sent: Tuesday, June 22, 2010 3:36 PM
To: Stacy,Brian A
Subject: stories are out in the press about the mississippi skimmer regulation

Biloxi, Mississippi - The Mississippi Department of Marine Resources has ordered the immediate reduction of maximum trawling times for shrimping vessels using skimmer trawls to 30 minutes.

Officials say the tow time reduction from 55 minutes to 30 minutes for skimmer trawls was ordered because of reports of high numbers of endangered sea turtles in the Mississippi Sound.

The tow time requirement is measured from the time the cod end of the trawl enters the water until the cod end is removed from the water.

All other shrimping regulations will remain in full force and effect, and waters east of the Biloxi Ship Channel remain closed to shrimping.

Stacy,Brian A wrote:
>
> Test email
>
> Brian A Stacy, DVM, PhD, DACVP
> NOAA/NMFS/Protected Resources
> Marine Animal Disease Laboratory
> University of Florida, College of Veterinary Medicine
> Aquatic Animal Health Program
>

--
Monica Allen
NOAA Communications & External Affairs
National Marine Fisheries Service
U.S. Department of Commerce
1315 East West Highway
Room 14502
Silver Spring, Md. 20910
Tel.: (301) 713-2370
Fax: (301) 713-1452
Cell: (202) 379-6693
E-mail monica.allen@noaa.gov
Join us on Facebook: www.facebook.com/noaa.lubchenco

Stacy,Brian A

From: Monica Allen [Monica.Allen@noaa.gov]
Sent: Tuesday, June 22, 2010 3:54 PM
To: Stacy,Brian A
Subject: Mississippi rule and email

Attachments: Turtle Tow Reduction.pdf

Turtle Tow
:eduction.pdf (91 B..

-------- Original Message --------
Subject: FW: MS tow time limits
Date: Fri, 18 Jun 2010 18:19:52 -0400
From: Mark Kinsey <Mark.Kinsey@noaa.gov>
To: 'Wendy Teas' <Wendy.Teas@noaa.gov>

FYI.....

From: David Bernhart [mailto:David.Bernhart@noaa.gov]
Sent: Friday, June 18, 2010 6:09 PM
To: Roy Crabtree; Buck Sutter; Kim Amendola; Heather Blough; Duane Smith; Cheryl Scannell; Michael Barnette; Robert Hoffman; Tracy Dunn; Hal Robbins; Steve Campbell; Mark Kinsey; Bonnie Ponwith
Subject: MS tow time limits

FYI. MSDMR is putting out a requirement to shorten the maximum towtime for skimmer trawls from the current 55 minutes to 30 minutes in response to the elevated sea turtle strandings. The new requirement goes into effect at 12:01 Sunday morning.

Also, MSDMR is going to place observers to monitor turtle captures beginning on Monday. They intend to have two observers, one on a skimmer trawl, one on a traditional trawler.

Last, a DMR overflight of Miss. Sound documented 41 rigged trawlers (both types) out on the sound. They consider this very low shrimp effort for this time of year, possibly because many shrimpers have contracted out to BP.

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

*Subject: *

FW: Tow

*Date: *

Fri, 18 Jun 2010 16:22:45 -0500

*From: *

Dale Diaz <Dale.Diaz@dmr.ms.gov> <mailto:Dale.Diaz@dmr.ms.gov>

*To: *

David.Bernhart <David.Bernhart@noaa.gov> <mailto:David.Bernhart@noaa.gov>

Legal notice.

Dale Diaz

Director, Office of Marine Fisheries

Mississippi Dept. of Marine Resources

1141 Bayview Avenue

Biloxi, Mississippi 39530

(228)523-4064

From: Joe Jewell
Sent: Friday, June 18, 2010 4:18 PM
To: Dale Diaz
Subject: Tow

Joe Jewell

Office of Marine Fisheries

MS Dept. of Marine Resources

1141 Bayview Avenue

Biloxi, MS 39530

Stacy,Brian A wrote:
>
> Test email
>
> Brian A Stacy, DVM, PhD, DACVP
> NOAA/NMFS/Protected Resources
> Marine Animal Disease Laboratory
> University of Florida, College of Veterinary Medicine Aquatic Animal
> Health Program
>

--
Monica Allen
NOAA Communications & External Affairs
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U.S. Department of Commerce
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Room 14502
Silver Spring, Md. 20910
Tel.: (301) 713-2370
Fax: (301) 713-1452
Cell: (202) 379-6693
E-mail monica.allen@noaa.gov
Join us on Facebook: www.facebook.com/noaa.lubchenco

Subject: [Fwd: FW: Burn Volume Calculation Protocol]
From: Robert Hoffman <Robert.Hoffman@noaa.gov>
Date: Wed, 09 Jun 2010 16:41:57 -0400
To: Lisa Symons <Lisa.Symons@noaa.gov>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Sarah Wilkin <Sarah.Wilkin@noaa.gov>, Jessica Powell <Jessica.Powell@noaa.gov>, David Bernhart <David.Bernhart@noaa.gov>

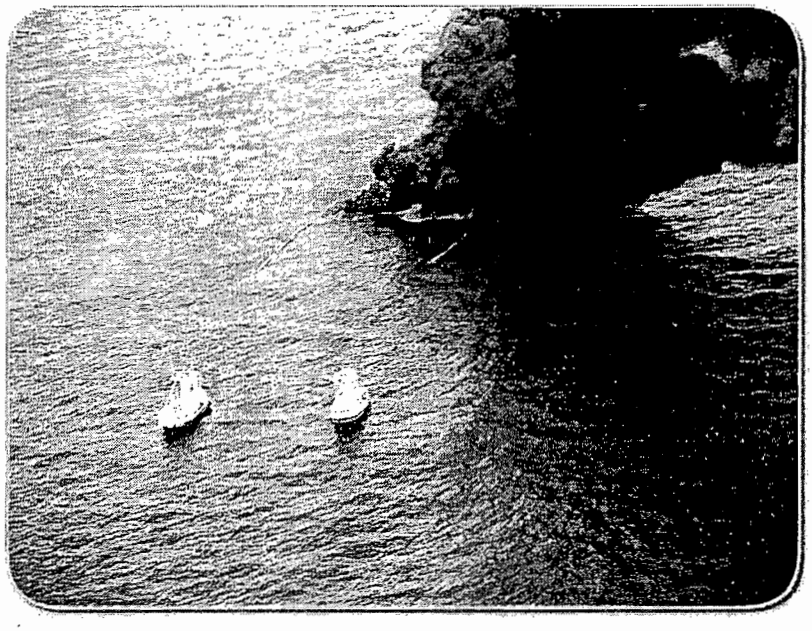
check out the web site and attached doc. stating to get info or at the very least learning where to find it. I think I will be getting areas burned soon also.
http://192.168.1.55/log.htm

-------- Original Message --------
Subject: FW: Burn Volume Calculation Protocol
Date: Wed, 09 Jun 2010 21:32:10 +0100
From: Kittelson, Amanda <Amanda.Kittelson@bp.com>
To: Robert Hoffman <Robert.Hoffman@noaa.gov>

Amanda H. Kittelson, PE
> Global Supply Chain
HSSE Coordinator
> BP Lubricants USA Inc.
>
801 Wharf Street
Richmond, CA 94804
Office: 510.236.6312 x121
> E-mail: amanda.kittelson@bp.com
> Cell: 415.260.6292
> Fax: 510.236.4331
>
>
>
>
>
> _____
> From: Mabile, Nere
> Sent: Saturday, May 22, 2010 7:11 PM
> To: garyo@genwest.com
> Cc: alan@spiltec.com; 'Donnie Wilson'; 'Andrew Jaeger'; rjschrader3@comcast.net; ashleigh.e.scott@gmail.com; Victoria.Broje@shell.com; Kittelso
> Subject: Burn Volume Calculation Protocol
>
> Gary,
>
> Please see the attached Volume Estimation Protocol developed to depict how we are doing our burn volume calculations on the MC252 Incident
>
> .> > <<Volume Estimation Protocol_Controlled Burnsv5.pdf>>
>
> Nerê Mabile
> Integrity Management Engineer
> GoM Deepwater SPU - Atlantis Team
> BP Exploration and Production Inc.
> Office: 281-366-8418
> Cell: 281-989-9566
>
>
>

Volume Estimation Protocol_Controlled Burnsv5.pdf
Content-Type: application/octet-stream
Content-Encoding: base64

A Protocol for Estimation of Oil Volumes Removed During Controlled Burns



Deepwater Horizon MC 252

05/20/10

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Field Observations and Data Collection

Detailed field observations have a great importance for the accuracy of burn estimation. Observers should monitor burns simultaneously from the water and from the air, for example:

1. Aerial Observation from 1500 ft allows great perspective at all angles.
2. Observation from the deck of the larger supply vessels with good angle from an elevation.
3. Observation from smaller boats and boom-pulling vessels.

Observers should take notes of the following:

- Date, time, burn number, latitude and longitude, Burn Team number.
- Record the time of the beginning and end of burn as well as every interval when burn fire changes in shape and size.
- For each interval record:
    - Area inside the boom filled with oil.
    - How much of this area is occupied by the fire or a diameter of the fire if it has roughly round footprint.
    - Any relevant observations (type of the boom, length of the boom, shape of the boom, was burn ignited once or re-ignited at certain times, is the burn spilling over the boom? etc.).

Specialists on the vessels may want to:

- take a sample of oil collected in the boom, prior to the burn, for future analysis of viscosity, water content, etc. Collect only oil/emulsion – no free water.
- estimate the amount of burn residue remaining in the boom following the burn, if possible and feasible.
- take a sample of the residue.

Burn Volumes Calculation Background

According to the ASTM standard F 1788 – 97 (Reapproved 2003) Standard Guide for In-Situ Burning of Oil Spills on Water: (Appendix-A) Environmental and Operational Considerations:

"X1.1.8 Most oil pools burn at a rate of about 3 mm/min (17). This means that the depth of oil is reduced by 3 mm/min. As a rule of thumb, oil burn rate is about 5000 L/m2/day (or about 100 gal/ft^2/day). Several tests have shown that this does not vary significantly with oil type and weathering. Emulsified oil, due to its water content and thus reduced spreading rate and the increased heat requirement of the water, may burn slower." This is a widely accepted methodology referenced in several in-situ burning manuals (e.g. In-Situ Burn Guide by Environment Canada 1993 and 2000).

100 gal/ft2/day translates into 0.07 gal/min/ft^2. Attached (Appendix-B) is a summary by Ian Buist of SL Ross indicating that fresh oils could burn at even higher rates and 0.07 gal/min/ft^2 is representative for burns of oil with water content of 10-20%. The value of 0.05 gal/min/ft^2 could be used for burns of emulsified oil with water content of 25-40%. For fresh oil burns, this later coefficient can provide a very conservative "minimum volume" estimation. It is important to keep in mind that these numbers provide a "best estimate" of burn volumes and shall not be used as exact numbers, but rather as a range.

Calculation Sequence

To calculate the volume of oil removed during each burn:

1. For each burn interval, estimate the area occupied by the fire (in square foot). For round fires use Area=πR^2, where R is a radius of the fire and π=3.14. For the established fire inside the boom use the attached charts (Appendix-C) developed by Al Allen relating the fraction of boom filled to the area.
2. Multiply the area in (ft^2) by the burn interval duration (in min) .
3. Multiply the above number by 0.07 gal/min/ft^2 for the efficient burn/maximum value or by 0.05 gal/min/ft^2 for less efficient burn/minimum value.
4. Sum up min and max volumes calculated for each interval to calculate the total min and max volume of oil removed during this particular burn.
5. Repeat for other burns.

The above calculations are performed after capturing the data regarding the burn area estimation, duration of burns, aerial observations data, photographs, sketches and field notes from the offshore support vessels. This data is compiled, then characterized by a technical specialist before volume calculations are performed as outlined above. Below and Appendix-D show examples of this calculation. Appendix-E depicts this burn volume estimation workflow.

Example Calculation

Burn 1 4/28/10 – "Test Burn"

Total Burn Time ≈ 28 min (1640-1708)

15 min. at ≈ 50' x 75' = 3,750 ft^2

13 min. at ≈ 25' x 25' = 650 ft^2

Max. Vol. Burned (based on 0.07 gpm/ft^2)

3,750 ft^2 x 0.07 gpm/ft^2 x 15 min. = 3,938 gal. ≈ 94 bbl

625^2 ft x 0.07 gpm/ft^2 x 13 min. = 569 gal. ≈ 14 bbl

Max. Total ≈ 108 bbl

Min. Vol. Burned (based on 0.05 gpm/ft^2)

3,750 ft^2 x 0.05 gpm/ft^2 x 15 min. = 2,813 gal. ≈ 67 bbl

625^2 ft x 0.05 gpm/ft^2 x 13 min. = 406 gal. ≈ 10 bbl

Min. Total ≈ 77 bbl

Designation: F 1788 – 97 (Reapproved 2003)

Standard Guide for In-Situ Burning of Oil Spills on Water: Environmental and Operational Considerations[1]

This standard is issued under the fixed designation F 1788; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 This guide covers the use of in-situ burning to assist in the control of oil spills on water. This guide is not applicable to in-situ burning of oil on land.

1.2 The purpose of this guide is to provide information that will enable spill responders to decide if burning will be used as part of the oil spill cleanup response.

1.3 This is a general guide only. It is assumed that conditions at the spill site have been assessed and that these conditions are suitable for the burning of oil. It is also assumed that permission to burn the oil has been obtained. Variations in the behavior of different oil types are not dealt with and may change some of the parameters noted in this guide.

1.4 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

2. Terminology

2.1 *Definitions:*

2.1.1 *burn efficiency*—burn efficiency is the percentage of the oil removed from the water by the burning.

2.1.1.1 *Discussion*—Burn efficiency is the amount (volume) of oil before burning; less the volume remaining as a residue, divided by the initial volume of the oil.

2.1.2 *burn rate*—the rate at which oil is burned in a given area.

2.1.2.1 *Discussion*—Typically, the area is a pool and burn rate is the regression rate of the burning liquid, or may be described as a volumetric rate.

2.1.3 *contact probability*—the probability that oil will be contacted by the flame during burning.

2.1.4 *controlled burning*—burning when the combustion can be started and stopped by human intervention.

2.1.5 *fire-resistant booms*—devices that float on water to restrict the spreading and movement of oil slicks and constructed to withstand the high temperatures and heat fluxes of in-situ burning.

2.1.6 *in-situ burning*—use of burning directly on the water surface.

2.1.6.1 *Discussion*—In-situ burning does not include incineration techniques, whereby oil or oiled debris are placed into an incinerator.

2.1.7 *residue*—the material, excluding airborne emissions, remaining after the oil stops burning.

3. Significance and Use

3.1 This guide is primarily intended to aid decision-makers and spill-responders in contingency planning, spill response, and training.

3.2 This guide is not specific to either site or type of oil.

4. Background

4.1 *Overview of Oil Burning:*

4.1.1 In-situ burning is one of several oil-spill countermeasures available. Other countermeasures could include mechanical recovery, use of oil-spill dispersants, and leaving the oil to natural processes.

4.1.2 In-situ burning is combustion at the spill site without removing the oil from the water. Containment techniques may be used, however, to increase the thickness of the oil. The thickness of the oil slick is an important factor in the use of in-situ burning.

4.1.3 In-situ burning does not include incineration techniques whereby oil or oiled debris are placed into an incinerator.

4.2 *Major Advantages and Disadvantages of In-situ Burning:*

4.2.1 Advantages of in-situ burning include the following:

4.2.1.1 Rapid removal of oil from the water surface,

4.2.1.2 Requirement for less equipment and labor than many other techniques,

4.2.1.3 Significant reduction in the amount of material requiring disposal,

[1] This guide is under the jurisdiction of ASTM Committee F20 on Hazardous Substances and Oil Spill Response and is the direct responsibility of Subcommittee F20.15 on In-Situ Burning.

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4.2.1.4 Significant removal of volatile emission components, and

4.2.1.5 May be the only solution possible, such as in oil-in-ice situations.

4.2.2 Disadvantages of in-situ burning include the following:

4.2.2.1 Creation of a smoke plume,

4.2.2.2 Residues of the burn must be dealt with,

4.2.2.3 Time in which to ignite the oil may be limited,

4.2.2.4 Oil must be a minimum thickness to burn, which may require containment, and

4.2.2.5 The fire may spread to other combustible materials.

5. Environmental Considerations for Deciding to Use In-Situ Burning

5.1 *Air Quality*:

5.1.1 Several studies have been done of the air emissions resulting from in-situ burning. It has been found that the smoke plume consists largely of carbon and that toxic compounds are not created. The high temperatures achieved during in-situ burning result in efficient removal of most components of the oil. The thick, black smoke can be of concern to nearby human populations or ecologically sensitive areas. Since most soot precipitation occurs near the fire, this is the main area of concern. The smoke plume is, however, generally an aesthetic concern. In-situ burning should be avoided within 1 km upwind of either an ecologically sensitive or a heavily populated area, depending on meteorological conditions. No emissions greater than one fourth of the 1994 human health exposure limits have been detected at ground level further than 1 km from an oil fire. The values of the human health exposure limits vary with jurisdiction, and, thus, the appropriate documents should be consulted. The environmental and economic trade-offs of burning the oil, as opposed to contamination of the shoreline, must be considered.

5.1.2 Burning can be safely conducted near populated areas if there is sufficient air turbulence for mixing, and in the absence of a low-level atmospheric inversion.

5.2 *Water Quality*—Measurements show that burning does not accelerate the release of oil components or combustion by-products to the water column. Highly efficient burns of heavy oils may form a dense residue that sinks.

5.3 *Wildlife Concerns*—Although no specific biological concerns related to the use of in-situ combustion have been identified to date, benthic resources may be affected by sunken oil burn residue.

6. Operational Considerations for In-situ Burning

6.1 *Safety Considerations*—The safety of the proposed operation shall be the primary consideration. Secondly, the burning operation shall not result in unintentional flashback to the source of the oil, for example, the tanker or the production platform. The third consideration is the spread of the fire to other combustible material in the area, including trees, docks, and buildings. Flashback and fire spread can often be prevented by using containment booms to tow away the oil to be burned. A fourth consideration is the safety of the ignition operation, which is often done from helicopters, and the safety of the boom tow operation must be ensured.

6.2 *Safety Monitoring and Control Requirements*—The operation must be monitored to meet safety requirements. Burning shall be monitored to ensure that fire may not spread to adjacent combustible material. Situation-specific contingency methods of extinguishing, such as boats with fire monitors, shall be available. In towed-boom operations, it has been proposed that the fire may be extinguished by increasing the tow speed so that the oil is entrained in the water. Other options for controlling the fire or the burn rate might include releasing one side of the oil containment boom or slowing down to reduce the encounter rate.

6.3 *Oil Thickness*—Most oils can be ignited on a water surface if they are a minimum of 2 to 3 mm thick. Once ignited, the oils will burn down to a thickness of about 1 mm. Physical containment, such as with oil-spill containment booms, is usually necessary to achieve the minimum thicknesses required. Specific information on this is provided in the appendix.

6.4 *Oil Type and Condition*—Highly weathered oils will burn, but will require sustained heat during ignition. Oil that is emulsified with water may not burn. Not enough data are available to determine water-content levels that limit ignition. Indications are, however, that stable emulsions which typically contain about 70 % water cannot be ignited and that oils containing less than about 25 % water will burn. Treatment with chemicals to remove water before burning can permit ignition.

6.5 *Wind and Sea Conditions*—Strong winds may extinguish the fire. In-situ burning can be done on the sea with winds less than about 40 km/h (about 20 knots). High sea states are not conducive to containment by booms. Wave heights of 1 m or more may result in splash-over of the oil.

6.6 *Burn Efficiency*—Burn efficiency, which is the percentage of oil removed by burning, has been measured as high as 99 % for contained oil. Burn efficiency is largely a function of oil thickness and flame-contact probability. Contact probability is the probability that oil will be contacted by the flame during burning. Inhomogeneous oil distribution on the surface can result in an incomplete burn. This can result as the flame may be extinguished over a patch that is not thick enough to burn, while adjacent patches that are thick enough will subsequently not be burned. Contact is usually random and is influenced by wind speed and direction and can be controlled by human intervention in some cases.

6.7 *Burn Rate*—Oil burns at the rate of about 3 mm/min, which means that the surface of the oil slick regresses downwards at the rate of 3 mm/min. This translates to a rate of about 5000 L/m^2/day (or 100 gal/ft^2/day). Burn rate is relatively independent of physical conditions and oil type. Using these values, it is possible to calculate the rate of burning in booms and in other burn operations.

6.8 *Containment*—Oil slicks must be a minimum of 2 to 3 mm thick to be ignited. As oil naturally spreads quickly to much thinner slicks than this under normal circumstances, physical containment is generally necessary for burning. Fire-resistant booms are commercially available for this purpose. While these booms can be used in a variety of configurations, they are best used in a catenary mode and towed at speeds less

than 0.35 m/s (0.7 knots). At speeds greater than this, oil is lost under the boom by entrainment. Slicks can sometimes be naturally contained by ice or against shorelines.

6.9 *Ignition*—Slicks can be ignited with a variety of devices. Enough heat must be supplied for a sufficient length of time. Weathered oils generally require a longer heating time to ignite.

6.10 *Residue Cleanup*:

6.10.1 Residue is the material remaining after the oil stops burning. Residue is similar to a highly weathered oil, depending on the burn conditions. It is viscous and often highly adhesive. Highly efficient burns result in heavier and denser residue. These residues may actually be more dense than sea water.

6.10.2 Floating residue can be removed manually with sorbents, nets, or similar equipment.

7. Summary

7.1 In-situ burning is a viable countermeasure that has the potential to quickly remove large amounts of oil. The air emissions of in-situ burning are below health and environmental concern levels at nominal distances from the combustion source.

8. Keywords

8.1 fire-resistant booms; in-situ burning; oil-spill burning; oil-spill containment; oil-spill disposal

APPENDIX

(Nonmandatory Information)

X1. INTRODUCTION TO THE IN-SITU BURNING OF OIL SPILLS

INTRODUCTION

In-situ burning has been used as an oil-spill countermeasure around the world **(1,2)**.[2] Recently, extensive research has been conducted on the many facets of burning oil **(3,4,5)**. The emissions from and basic principles of oil-spill burning are now relatively well-understood.

X1.1 Basic Principles of Burning Oil

X1.1.1 Oil slicks can be ignited if they are at least 2 to 3 mm thick and will continue to burn down to slicks of about 1 to 2 mm thick **(6)**[2]. These thicknesses are required because of heat transfer. Sufficient heat is required to vaporize material for continued combustion. In a thin slick, most of the heat is lost to the water, vaporization is not sustained, and combustion ceases.

X1.1.2 Containment is usually required to concentrate oil slicks so that they are thick enough to ignite and burn **(7)**. Fire-resistant containment booms can be used to keep fire from spreading back to the spill source, such as an oil tanker **(8)**. Burning in situ without the benefit of containment booms can be undertaken only if the oil is thick enough (2 to 3 mm) to ignite. For most crude oil spills, this only occurs for a few hours after the spill event unless the oil is confined behind a barrier. Oil on the open sea spreads rapidly to equilibrium thicknesses. For light crude oils, this is about 0.01 to 0.1 mm, for heavy crudes and heavy oils, this is about 0.05 to about 0.5 mm.

X1.1.3 Oil can be contained by natural barriers. For example, ice has been shown to serve as a natural boom. Several successful experiments and burns of real spills have shown that burning is a proven countermeasure for spills in ice **(4,9)**. Spills have occasionally been contained by shorelines. Burning could be applied in these instances, if the shoreline is remote and no combustible materials such as trees and docks are nearby.

X1.1.4 It is uncertain whether oil that is completely emulsified with water can be ignited. Oil containing some emulsion can be ignited and burned **(10)**. During the successful test burn of the Exxon Valdez oil, some patches of emulsion were present (probably less than 20 %) and this did not affect either the ignitability or the efficiency **(11)**. It is suspected that fire breaks down the water-in-oil emulsion, and thus water content may not be a problem if the fire can be started. There is inconclusive evidence at this time on the water content at which emulsions can still be ignited. One test suggested that a heavier crude would not burn with about 10 % water **(10)**, another oil burned with as much as 50 % **(12)**, and still another burned with about 70 % water **(13)**. One study indicated that emulsions may burn if a sufficient area is ignited **(13)**. Further studies indicate that stable emulsions will not burn but oil containing less than 25 % water can be ignited. Emulsions may not be a problem because chemical de-emulsifiers could be used to break enough of the emulsion to allow the fire to start.

X1.1.5 Most, if not all, oils will burn on water if slicks are thick enough. Except for light-refined products, different types of oils have not shown significant differences in burning behavior. Weathered oil requires a longer ignition time and somewhat higher ignition temperature **(12)**.

X1.1.6 Burning efficiency is the amount of oil before burning, less the volume left as residue, divided by the initial volume of the oil. The amount of soot produced is usually ignored in calculating burn efficiency. Efficiency is largely a

[2] The boldface numbers in parentheses refer to a list of references at the end of this guide.

function of oil thickness. Oil thicker than about 2 to 3 mm can be ignited and burns down to about 1 to 2 mm **(6,14)**. For example, a slick of 2 mm burning down to 1 mm yields a maximum efficiency of 50 %. A pool of oil 20 mm thick burns to approximately 1 mm, yielding an efficiency of about 95 %. Current research has shown that other factors such as oil type and low water contents only marginally affect efficiency **(4)**.

X1.1.7 The residue from oil-spill burning is largely unburned oil with some lighter or more volatile products removed **(15,16)**. Highly efficient burns of some types of heavy crude oil may result in oil residue that sinks in sea water.

X1.1.8 Most oil pools burn at a rate of about 3 mm/min **(17)**. This means that the depth of oil is reduced by 3 mm/min. As a rule of thumb, oil burn rate is about 5000 L/m^2/day (or about 100 gal/ft^2/day). Several tests have shown that this does not vary significantly with oil type and weathering. Emulsified oil, due to its water content and thus reduced spreading rate and the increased heat requirement of the water, may burn slower.

X1.1.9 Studies conducted in the last ten years have shown that the type of ignition device is relatively unimportant, however, heavy oils require longer heating times and a hotter flame to ignite than lighter oils. Many types of ignition sources can supply sufficient heat for a sufficient length of time. A number of simple devices consisting of flotation and propellant have been developed **(18-22)**. A helicopter-slung device that dispenses packets of burning, gelled fuel is the only commercial unit available at this time. Actual burns at some incidents and experiments have been ignited using much less sophisticated means including lighting oil-soaked paper and sorbent.

X1.2 Emissions from Burning

X1.2.1 The atmospheric emissions of concern include PAHs (polyaromatic hydrocarbons), volatile organic compounds, oxygenated compounds, metals, particulate matter, and gases.

X1.2.2 The PAHs have been measured in soot particles and as gaseous emissions at several test spills **(15-17,23-25)**. Gaseous emissions were found to be negligible. The soot from several experimental burns has been collected and the PAH content measured. In all cases, the quantity of PAHs is less in the soot and residue than in the originating oil. All crude oils contain PAHs, varying from as much as 1 % down to about 0.001 %. These PAHs are burned to fundamental gases, except for those left in the residue and those on the soot. Studies have shown that PAHs are produced in great abundance at temperatures of 600 to 800°C. At combustion temperatures higher than this, fewer and fewer PAHs are produced. In-situ oil fires are known to reach temperatures of up to 1300°C. One overall finding is that most compounds of concern are associated with the particulate matter, which is largely precipitated downwind from the burn. The deposition is approximately square root with distance; little is carried far from the site. In summary, PAHs are not a serious concern in assessing the impact of burning oil.

X1.2.3 Volatile organic compounds (VOCs) are organic compounds that have a sufficiently low vapor pressure to be gaseous at normal temperatures. The emission of volatile compounds was measured at several test burns **(15,16,26)**. It was found that emissions were very high for many of the compounds measured. About 70 compounds were detected and many of these were at concern levels directly downwind of the fire. Tests of emissions for these same compounds without burning, however, showed higher levels in most cases.

X1.2.4 Burning nearly always produces partially oxidized materials. In the case of oil, many of these materials are alcohols, aldehydes, ketones, and similar compounds. Extensive testing at one burn site showed that low quantities of these compounds were present downwind, but at well below health concern levels and, in fact, at near ambient levels.

X1.2.5 Crude and residual oils contain metals such as vanadium, chromium, and nickel in the range from 10 to 40 ppm. While the fate of these metals during the combustion process is uncertain, they appear to be concentrated in the residue. Measurements during a series of experimental burns have shown the metal content in the soot to be below detection level **(15,16)**.

X1.2.6 The most obvious atmospheric emission is particulate matter, smoke, or soot. The quantity of soot produced by in-situ oil fires is not well established. Direct measures in small pan burns result in soot production values of 0.7 to 3.5 % for crude oil and about 11 % for diesel fuel. No measurement techniques are available at this time for large-scale burns, however, estimates range up to 15 % **(27,28)**. These estimates are complicated by the fact that particulates precipitate from the smoke plume. The proportion of the soot that consists of respirable particles (less than 10 μm in diameter) is a relatively low value at ground level. Respirable particles measured at ground level are below concern levels several hundred metres downwind **(16)**. A typical exposure limit is 150 μg/m^3, (8-h average).

X1.2.7 The combustion of oil reduces the starting materials to fundamental gases. Most emissions are carbon dioxide, which have been measured and rarely exceed five times the background levels **(16,20,29)**. This is not a health concern. Levels of carbon monoxide have been measured and found to be near measurement thresholds and thus well below health-exposure levels. Sulfur dioxide emissions are usually much lower than indicated by the sulfur content of the oil **(20)**. Sulfur compounds in oil range from about 0.1 to 5 % of the oil weight. Nitric oxides have not been detected as a result of in-situ combustion of oil **(15,16)**.

X1.2.8 One concern about the burning of crude oil is the formation of new toxic compounds. A study was conducted in which soot and residue samples were extracted and "totally" analyzed in various ways. While the study was not conclusive, no compounds of the several hundred identified were of serious environmental or health concern **(15)**. The soot analysis revealed that the bulk of the material was carbon and that all other detectable compounds were present on this carbon matrix in abundances of parts-per-million or less. The most frequent compounds identified were aldehydes, ketones, esters, acetates, and acids, which are formed by incomplete oxidation of the oil. Specific analysis was performed for the highly toxic compounds, dioxins and dibenzofurans. Results of this analysis were negative—including those for oils burned on salt water **(15)**.

X1.2.9 The burning process leaves a burn residue. Studies show that the residue is largely composed of oil with little

removed other than some of the more volatile materials **(15,16)**. It appears to be the same as weathered oil of the same type. The residue contains PAHs at lower concentrations than the starting oil, although it may also contain metals at a slightly higher concentration.

X1.2.10 The temperature to which the water body is raised has been another concern **(5,17)**. Measurements during recent burn trials show no significant increase in water temperature, even in shallow, confined test tanks. Thermal transfer to the water is limited by the insulating oil layer and is actually the mechanism by which the combustion of thin slicks is extinguished.

X1.2.11 Water samples under burning oil have been analyzed in four cases **(15,16)**. No organic compounds were detected.

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Appendix B – Estimating Emulsion Burn Rates

Estimating Emulsion Burn Rates **(by Ian Buist, SL Ross, Canada)**

Based on a variety of experimental crude oil emulsion burns on water 0.4 m to 9.5 m (1.3' to 31') in diameter:

$$m \cong 3.5\left(1-\frac{\%H_2O}{100}\right)\left(1-e^{\frac{-D}{100}}\right)$$

Where: $m \equiv$ crude oil burn rate [mm/min]
$\%H_2O \equiv$ water content of emulsion [% volume]
$e \equiv$ exponential
D ≡ diameter of burn (cm)

Valid for ignitable emulsion *in situ* burns up to ≈ 50 to 60% water content

For burns > 3.5 m (12 feet) in diameter (i.e., most burns in fire booms)[1]

$$m \cong 3.5\left(1-\frac{\%H_2O}{100}\right)$$, or in American units: $$m' \cong 0.085\left(1-\frac{\%H_2O}{100}\right)$$ US gpm/ft^2

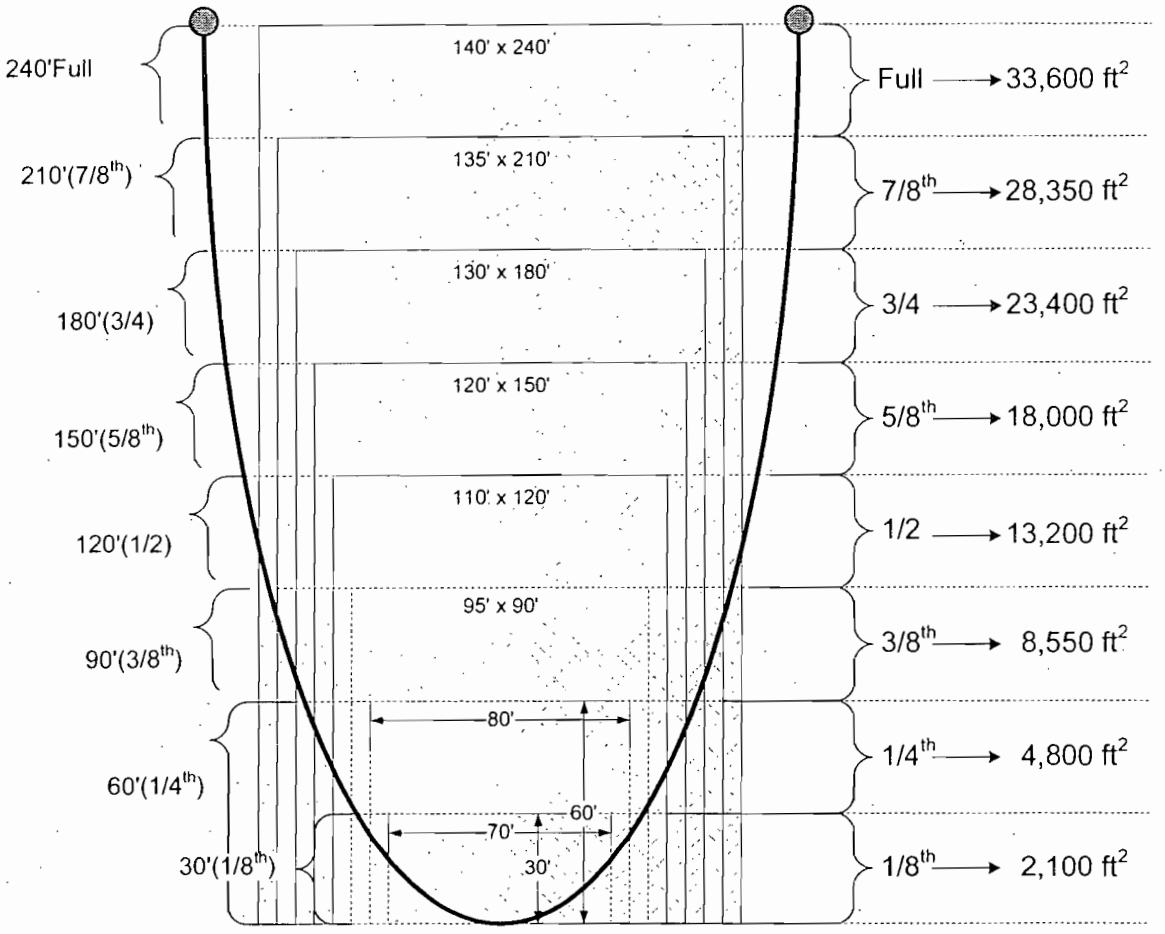
Table 1. Predicted Oil Burn Rates* for Large *In Situ* Crude Oil Emulsion Burns

Emulsion Water Content [%]	Predicted Oil Burn Rate for *In Situ* Fire > 12 ft. dia. [US gpm/ft^2]*	Predicted Oil Burn Rate for *In Situ* Fire > 3.5 m dia. [mm/min]
0	0.085	3.5
10	0.075	3
25	0.065	2.5
50	0.04	2

* Likely accuracy is ± 10%

[1] The burn rate of extremely large *in situ* oil fires (» 30 m or 100 ft) diameter may be reduced by as much as 20% by poor mixing, oxygen starvation and/or a layer of "cold" smoke in the center area of the fire.

Appendix C - Fractional Area Coverages for 500 ft. Long Boom



Source – Al Allen 05/16/1

Appendix D – Sample Calculation Notes

(1)

Al Allen

BURN 1 4/28/10 "TEST BURN"

Burn Team: "B.P. John" & "Brentor Perry"?

TOTAL BURN TIME ≈ 28 min (1620 – 1708)

15 min. at ≈ 50' x 75' ⇒ 3,750 ft²

13 min. at ≈ 25' x 25' ⇒ 625 ft²

MAX. VOL. BURNED (Based on 0.07 gpm/ft²)

3,750 ft² x 0.07 gpm/ft² x 15 min = 3,938 gal ≈ 94 bbl

625 ft² x 0.07 gpm/ft² x 13 min = 569 gal ≈ 14 bbl

MAX. TOTAL ≈ 108 bbl

MIN. VOL. BURNED (Based on 0.05 gpm/ft²)

3,750 ft² x 0.05 gpm/ft² x 15 min = 2,813 gal ≈ 67 bbl

625 ft² x 0.05 gpm/ft² x 13 min = 406 gal ≈ 10 bbl

MIN. TOTAL ≈ 77 bbl

BURN 2 5/5/10 Ignited ≈ 1138 – Burn Team #1

TOTAL BURN TIME ≈ 43 min.

AVERAGE BURN AREA (≈ 100' x 100') ⇒ 10,000 ft²

MAX. VOL. BURNED

10,000 ft² x 0.07 gpm/ft² x 43 min = 30,100 gal ≈ 716 bbl

MAX. TOTAL ≈ 716 bbl

MIN. VOL. BURNED

10,000 ft² x 0.05 gpm/ft² x 43 min = 21,500 gal ≈ 512 bbl

MIN. TOTAL ≈ 512 bbl

BURN 3 5/5/10 Ignited ≈ 1445 – Burn Team #2

TOTAL BURN TIME ≈ 8 min. (1445 – 1453)

AVERAGE BURN AREA (≈ 50' x 20') ⇒ 1,000 ft²

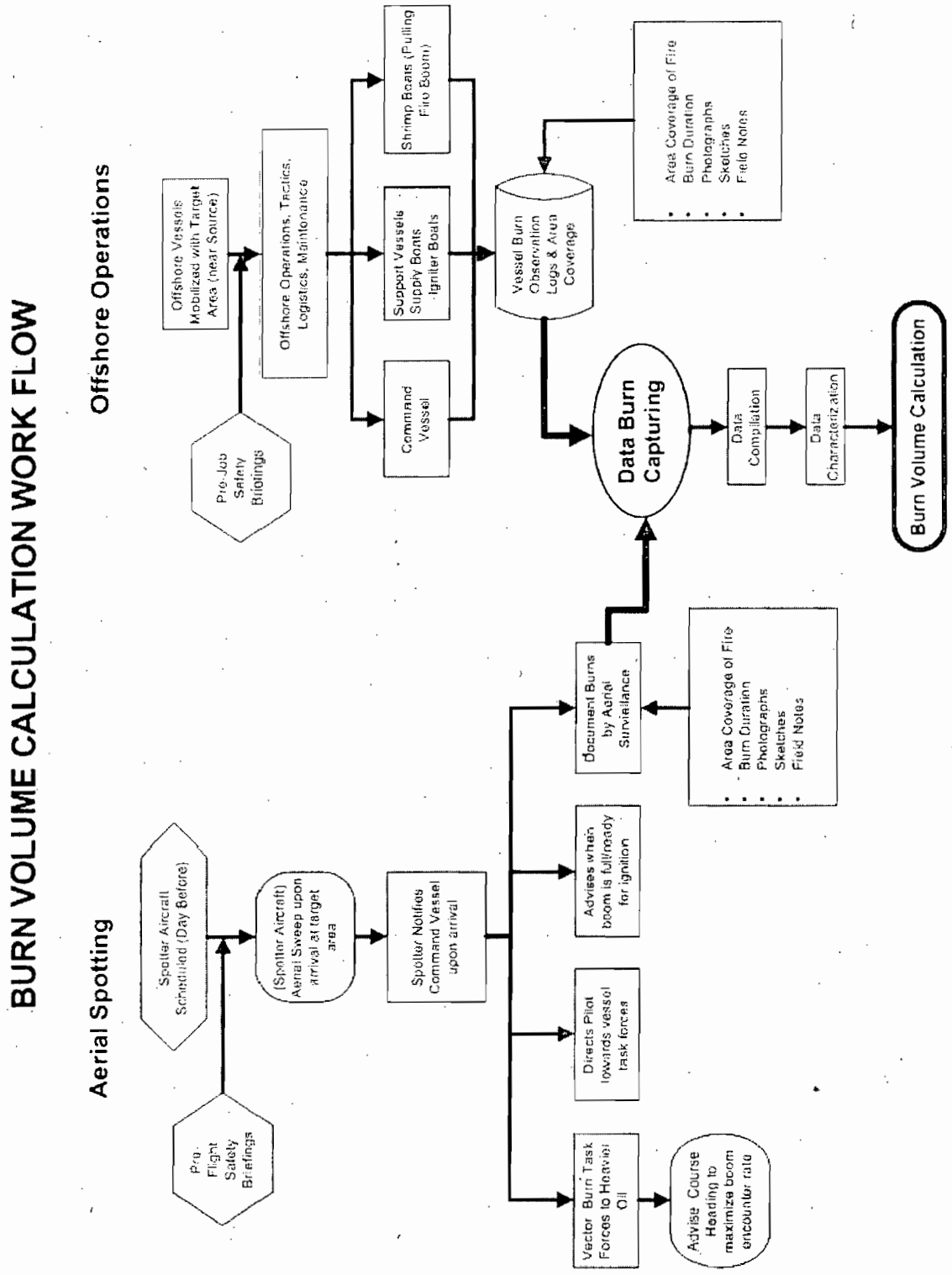
MAX. VOL. BURNED

1,000 ft² x 0.07 x 8 min = 560 gal ≈ 13 bbl "MAX"

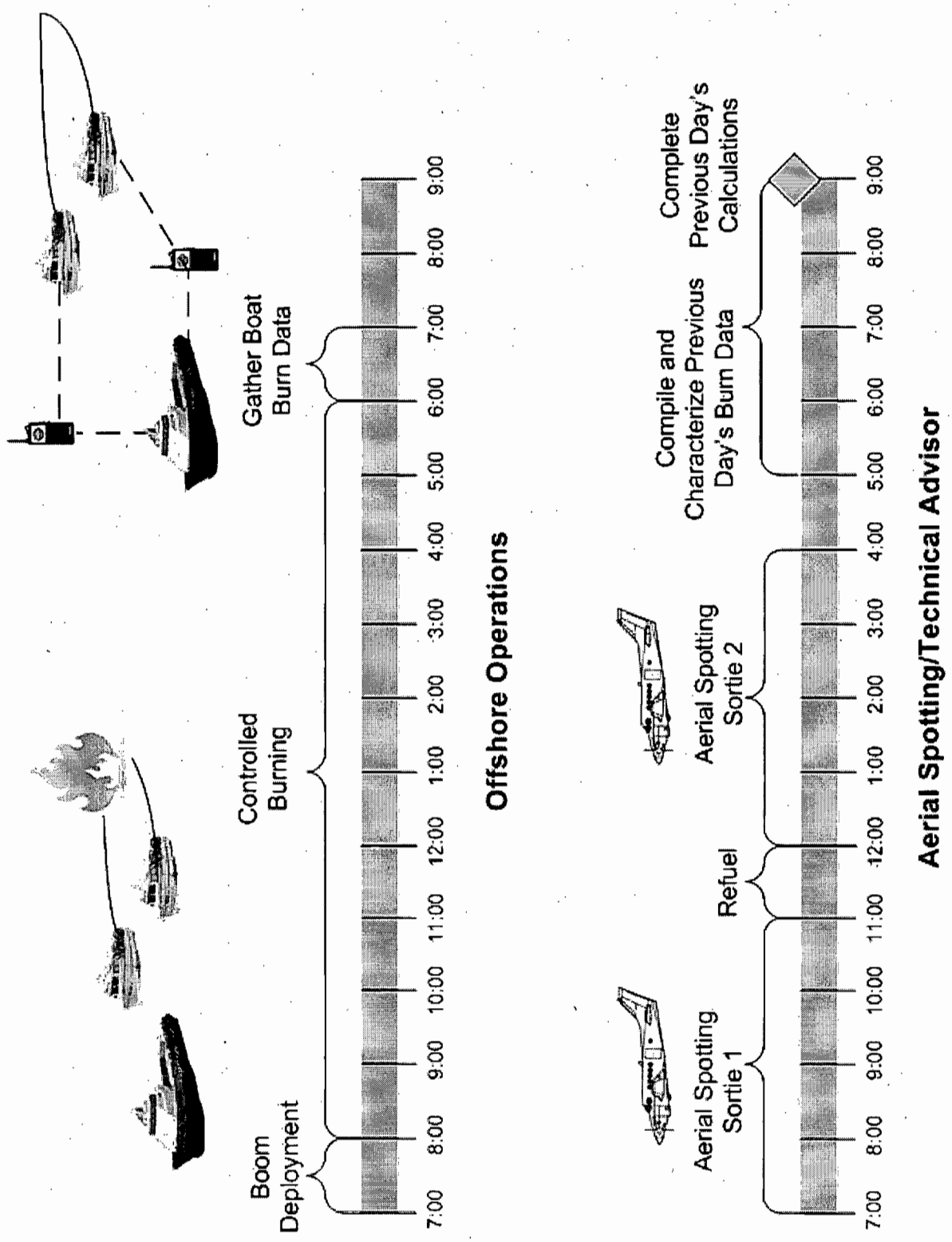
MIN. VOL. BURNED

1000 ft² x 0.05 x 8 min = 400 gal ≈ 10 bbl MIN.

Appendix E – Burn Volume Calculation Work Flow



Appendix F– Burn Volume Calculation Timeline



Subject: Re: Burn Box Corner Coordinates Need to go to Blair in the AM - IMPORTANT
From: Robert Hoffman <Robert.Hoffman@noaa.gov>
Date: Sun, 13 Jun 2010 10:18:25 -0400
To: Barbara Schroeder <Barbara.Schroeder@noaa.gov>

just talked to him and gave him the coordinates

Barbara Schroeder wrote:

> Hi just landed were you able to connect with blair to get him coordinates?
>
> ----- Original Message -----
> From: Robert Hoffman <Robert.Hoffman@noaa.gov>
> To: Barbara.Schroeder <Barbara.Schroeder@noaa.gov>
> Cc: Sarah Wilkin <Sarah.Wilkin@noaa.gov>; Michael Ziccardi <mhziccardi@ucdavis.edu>
> Sent: Sun Jun 13 07:06:39 2010
> Subject: Re: Burn Box Corner Coordinates Need to go to Blair in the AM - IMPORTANT
>
> I have international dialing and I can do it, but I don't have his cell number
>
> Barbara.Schroeder wrote:
>
>> Hi -
>> I will not be able to call Blair with the burn box coordinates on Sunday as I will be on a plane when they come in. Bob and Sarah both get the email -- can one of you please immediately call Blair's cell phone on the outside chance they are still at the dock. If you don't connect directly with him, then we need to call his satellite phone on the boat. To do that dial 480-768-2500. You will then get a voice asking you to enter the 12-digit phone number --- that is: 881631851528. It should then ring and someone should pick up on the boat. If it goes to a voice mail message of some sort just hang up and try again or in a few minutes. They don't know how to access the voice mail so it won't help to leave a message. Some cell phones with restrictions on international dialing won't allow the initial call to be placed, so you'll have to find a cell or landline that will (my personal cell phone works).
>>
>> Blair needs the lat/long of the corners of the burn box. Could one of you email me and let me know that you were able to connect with Blair and provide this to him?
>>
>> Tks, Barbara

Subject: Re: Burn Box Corner Coordinates Need to go to Blair in the AM - IMPORTANT
From: Robert Hoffman <Robert.Hoffman@noaa.gov>
Date: Sun, 13 Jun 2010 07:06:39 -0400
To: "Barbara.Schroeder" <Barbara.Schroeder@noaa.gov>
CC: Sarah Wilkin <Sarah.Wilkin@noaa.gov>, Michael Ziccardi <mhziccardi@ucdavis.edu>

I have international dialing and I can do it, but I don't have his cell number

Barbara.Schroeder wrote:

> Hi -
> I will not be able to call Blair with the burn box coordinates on Sunday as I will be on a plane when they come in. Bob and Sarah both get the email -- can one of you please immediately call Blair's cell phone on the outside chance they are still at the dock. If you don't connect directly with him, then we need to call his satellite phone on the boat. To do that dial 480-768-2500. You will then get a voice asking you to enter the 12-digit phone number --- that is: 881631851528. It should then ring and someone should pick up on the boat. If it goes to a voice mail message of some sort just hang up and try again or in a few minutes. They don't know how to access the voice mail so it won't help to leave a message. Some cell phones with restrictions on international dialing won't allow the initial call to be placed, so you'll have to find a cell or landline that will (my personal cell phone works).
>
> Blair needs the lat/long of the corners of the burn box. Could one of you email me and let me know that you were able to connect with Blair and provide this to him?
>
> Tks, Barbara

Subject: section 7 on Burns and skimmer use
From: Robert Hoffman <Robert.Hoffman@noaa.gov>
Date: Tue, 15 Jun 2010 11:29:26 -0400
To: Charlie Henry <Charlie.Henry@noaa.gov>, Lisa Symons <Lisa.Symons@noaa.gov>
CC: holly_herod@fws.gov, Jessica Powell <Jessica.Powell@noaa.gov>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, David Bernhart <David.Bernhart@noaa.gov>, Kyle Baker <Kyle.Baker@noaa.gov>, Calusa Horn <Calusa.Horn@noaa.gov>, Karla Reece <Karla.Reece@noaa.gov>

As you are the Coast Guard's (USCG) designated federal representatives for of the ongoing emergency section 7 consultation (50 CFR 402.05) with the USCG on the response to the Deep Horizon oil spill I wanted to ensure you are aware of the effects on listed species as a result of the above referenced activities.

The use of In-situ burns and skimmers are important aspect of the response actions; however, they adversely affect sea turtles and marine mammals. The areas targeted for burning are the same type of areas targeted by our turtle rescue teams. As such there are undoubtedly a number of sea turtles being burned alive during each in-situ burn. Skimming operations have two documented takes of sea turtles; however, we believe there could be many more undocumented takes. To minimize the effects on listed species under NMFS jurisdiction we offer the attached best management plans. Please keep us apprised if and when these are implemented. Please keep in mind that minimization of effects and monitoring of effects are required by section 7 of the ESA.

BMPs Oil Spill.doc	**Content-Type:** application/msword **Content-Encoding:** base64

attachment 1.docx	**Content-Type:** application/vnd.openxmlformats-officedocument.wordprocessingml.document **Content-Encoding:** base64

Attachment 2.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Subject: HOT POTATO: YouTube video about turtles being burned and ops ending
From: Christine Patrick <Christine.Patrick@noaa.gov>
Date: Wed, 16 Jun 2010 14:44:38 -0400
To: Justin kenney <Justin.kenney@noaa.gov>
CC: Teri.Rowles@noaa.gov, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Monica Allen <Monica.Allen@noaa.gov>, Connie Barclay <Connie.Barclay@noaa.gov>

Justin,

Teri Rowles mentioned this video earlier and my Audubon Aquarium press contact (Audubon is part of the turtle response) forwarded this to me. In this video, a boat captain named Mike Ellis talks about turtles being burned in the in-situ/controlled burns USCG is doing, and that turtle rescue ops are ending today (Wednesday). This video has a date-stamp of Sunday.

It sounds like this might actually be the boat captain for the turtle rescue boat that NOAA's Dr. Brian Stacy has been going out on to rescue turtles, as part of the Sea Turtle Unit (which Barbara Schroeder heads up), in the Wildlife Branch, of the Unified Area Command.

http://www.youtube.com/watch?v=4kjw3_bMk8o&feature=youtu.be

It's had 6000+ views.

Christine

--
Christine Patrick
Public Affairs Specialist
NOAA Communications & External Affairs
in NOAA Fisheries
christine.patrick@noaa.gov
202.407.3117
stationed in the Gulf through 6/18

Subject: Fwd: Death by fire in the gulf
From: Michael Ziccardi <mhziccardi@ucdavis.edu>
Date: Thu, 17 Jun 2010 07:12:08 -0500
To: "Barbara.Schroeder@noaa.gov Schroeder" <Barbara.Schroeder@noaa.gov>, Teri Rowles <Teri.Rowles@noaa.gov>, Sara McNutly <Sara.McNulty@noaa.gov>, Carrie Hubard <Carrie.W.Hubard@noaa.gov>, Helen Golde <Helen.Golde@noaa.gov>

Death by fire in the gulf

So-called burn boxes are torching oil from the water's surface at the sacrifice of turtles, crabs, sea slugs and other sea life.

By Kim Murphy, Los Angeles Times

June 17 2010

Reporting from the Gulf of Mexico -- Here on the open ocean, 12 miles from ground zero of the Deepwater Horizon oil spill, the gulf is hovering between life and death.

The complete article can be viewed at:
http://www.latimes.com/news/nationworld/nation/la-na-oil-spill-burnbox-20100617,0,4814068.story

Visit latimes.com at http://www.latimes.com

****
Michael Ziccardi DVM MPVM PhD
Director, Oiled Wildlife Care Network
Assoc. Professor, Clinical Wildlife Health
Wildlife Health Center
School of Veterinary Medicine
University of California
Davis, CA 95616
O: (530) 754-5701
C: (530) 979-7561
F: (530) 752-3318
E: mhziccardi@ucdavis.edu
www.owcn.org

Stacy,Brian A

From: Helen Golde [Helen.Golde@noaa.gov]
Sent: Tuesday, May 18, 2010 12:07 PM
To: Barbara Schroeder
Cc: Buck Sutter; David Bernhart; Robert Hoffman; Mark Kinsey; Brian Stacy; Wendy Teas
Subject: Re: Conf Call on Sea Turtle Necropsy Results

Yes, I could do 3:30

Barbara Schroeder wrote:
> Hi All -
> Buck is heading back to LA, but could make 3:30 from the airport,
> could the rest of you do 3:30? The dial in will be:
> 866-453-7422
> passcode 588156
> Tks, Barbara
>
> Barbara Schroeder
> National Sea Turtle Coordinator
> National Oceanic and Atmospheric Administration - NMFS
>
> email: barbara.schroeder@noaa.gov
> Phone: 301-713-2322
>
> To cherish what remains of the earth, and to foster its renewal, is
> our only legitimate hope. Wendell Berry
>
>
>
>
>
>
> Barbara Schroeder wrote:
>> Hello All -
>> I would like to set up a conference call, today if possible, so that
>> Dr. Brian Stacy and I may review the results to date of the detailed
>> carcass evaluations that have been conducted. Please let me know if
>> 4:30PM this afternoon would work. I'd like to try to get most of you
>> if possible on the call, but also need this to happen today.
>> Thanks, Barbara
>>

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Stacy,Brian A

From: DWHNRDA [dwhnrda@gmail.com]
Sent: Monday, May 17, 2010 10:39 PM
To: allen.foley@myfwc.com; ann_marie_lauritsen@fws.gov; anne.meylan@myfwc.com; Barbara.Schroeder@noaa.gov; bgregory@wlf.la.gov; bill.turner@myfwc.com; Brian.Stacy@noaa.gov; Christopher.Plaisted@noaa.gov; Dena.D.Dickerson@usace.army.mil; elaine_leslie@nps.gov; Faye_Winters@blm.gov; Gary.Shigenaka@noaa.gov; gina.saizan@la.gov; glester@wlf.la.gov; heath_rauschenberger@fws.gov; Jane_Tutton@fws.gov; Janet.Whaley@noaa.gov; Jeff Gore; Jenny.Litz@noaa.gov; John Himes; John.Foret@noaa.gov; John.R.Wilson@noaa.gov; Karolien.Debusschere@la.gov; Keith.Gauldin@dcnr.alabama.gov; kelly.brinkman@dcnr.alabama.gov; Kevin_Castle@nps.gov; Lance.Garrison@noaa.gov; leslie.ward@myfwc.com; lisa.toussaint@sol.doi.gov; Lori.Schwacke@noaa.gov; mhooper@usgs.gov; mhziccardi@ucdavis.edu; Mike_Beiser@deq.state.ms.us; rbourgeois@wlf.la.gov; Ronald.Wooten@noaa.gov; sandy_macpherson@fws.gov; Sarah.Wilkin@noaa.gov; sfinger@usgs.gov; Simeon.Hahn@noaa.gov; Teri.Rowles@noaa.gov; Timothy_Pinion@nps.gov; witherington@cfl.rr.com; wlf252 @wlf.la.gov; jwakefield@entrix.com; tpalagyi@entrix.com; wkicklighter@entrix.com
Subject: Fwd: Re: Sea Turtle On-Water Response

Attachments: At_Sea_Turtle_Response_Plan _16_May.pdf

At_Sea_Turtle_Response_Plan _1...

This is the proposal for an initial 3-day exploratory period with existing Louisiana Dept. of Wildlife & Fisheries assets. We will need to review this information while developing the proposal for the in water turtle work.

Simeon

---------- Forwarded message ----------
From: Michael Ziccardi <mhziccardi@ucdavis.edu>
To: Simeon Hahn <Simeon.Hahn@noaa.gov>
Date: Sun, 16 May 2010 11:45:22 -0500
Subject: Re: Sea Turtle On-Water Response

Hi Simeon-

As I explained previously, we are moving forward with the response aspects of this proposal for an initial 3-day exploratory period with existing Louisiana Dept. of Wildlife & Fisheries assets. Depending on what is found or what is felt based on the reconn done, we may need to expand this, or Blair may be available to conduct the NRDA aspects of this larger study.

I am attaching the modified proposal that I have moved up the Ops chain on my end for your information. We should speak Mon or Tues with Blair and Barbara (and possibly Nicole, Gary's replacement as NOAA SSC in the Envt Unit) to determine the next logistical steps.

Thank you.

Mike

On May 13, 2010, at 9:28 AM, Barbara Schroeder wrote:

Mike, Simeon, Gary --
Not being sure exactly who is supposed to receive this, I wanted to get it to all of you at the same time and assume you will provide back any guidance on process. The work proposed will allow us to respond / assess on the ground what is happening with turtles in the water. I await feedback from you on process, next steps, etc. We feel that time is of the essence here. Thanks very much, the 'submitting' entity is Florida Fish and Wildlife Conservation Commission, Dr. Blair Witherington, who is also cc'd here.

Thanks,
Barbara

--

Barbara Schroeder
National Sea Turtle Coordinator
National Oceanic and Atmospheric Administration - NMFS

email: barbara.schroeder@noaa.gov
Phone: 301-713-2322

To cherish what remains of the earth, and to foster its renewal, is our only legitimate hope.
Wendell Berry

<At-sea response Turtles 5-12-10.doc>

****

Michael Ziccardi DVM MPVM PhD
Director, Oiled Wildlife Care Network
Assoc. Professor, Clinical Wildlife Health
Wildlife Health Center
School of Veterinary Medicine
University of California
Davis, CA 95616
O: (530) 754-5701
C: (530) 979-7561
F: (530) 752-3318
E: mhziccardi@ucdavis.edu
www.owcn.org

Stacy,Brian A

From: Nicole Stacy [StacyN@vetmed.ufl.edu]
Sent: Friday, May 07, 2010 7:37 AM
To: StacyB@vetmed.ufl.edu
Subject: FW: Sea Turtles and Oil Spill in the Gulf of Mexico

Hi Schatz, fwding this in case you have not had a chance to sign up to the CTURTLE list again.
I will have the CBC/CHEM table laminated today, I hope it was what you were looking for.
I am sending you good and strong vibrations,
and my love,
your Frau

From: Sea Turtle Biology and Conservation on behalf of Barbara.Schroeder
Sent: Thu 5/6/2010 2:42 PM
To: CTURTLE@LISTS.UFL.EDU
Subject: Sea Turtles and Oil Spill in the Gulf of Mexico

Many of you have expressed interest and concern about what is happening with regard to sea turtles and BP's Deepwater Horizon oil spill in the Gulf of Mexico, United States. NOAA's National Marine Fisheries Service Office of Protected Resources has posted some links and documents which you can find at our home page: http://www.nmfs.noaa.gov/pr/ For information on volunteering, see the volunteer link on the web page listed above.

Sea turtle response and planning activities are being fully coordinated within the Incident Command System that is operating for this event. There are many federal, state, and local agencies involved as well as non-governmental entities, thus the need for close cooperation. NOAA-NMFS and the U.S. Fish and Wildlife Service are working together and working closely with the state sea turtle programs around the Gulf of Mexico. The oil spill is large, forecasts of the spill movement are highly variable beyond a few days, and the response efforts that are ongoing for all aspects of the spill are broad and far-reaching. For sea turtles, operations included aerial reconnaissance, stranding response, readying of rehabilitation facilities, nest and nesting beach protection, and active coordination within the Wildlife Branch of the Unified Command system.

On behalf of those of us at the federal and state level involved in the oil spill on the sea turtle front, we appreciate the many offers of assistance and the ongoing help already operational. To date, there have been a number of strandings of Kemp's ridleys on the northern Gulf coast, these turtles have not been externally oiled, and there is general agreement that they are unrelated to the oil spill, however, we are working further to investigate the cause(s) of these mortalities. Please understand that we are doing as much as we can under difficult circumstances to minimize harm to sea turtles and their nesting beaches.

For updated information please periodically check the link above as new links and/or documents are added and/or updated.

Barbara Schroeder
NOAA - National Marine Fisheries Service
National Sea Turtle Coordinator

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If you experience difficulty, send an email to: CTURTLE-request@LISTS.UFL.EDU
<><><><><><><><><><><><><><><><><><><><><><><><><><><><><><><>

Stacy,Brian A

From: Nicole Stacy [StacyN@vetmed.ufl.edu]
Sent: Friday, May 07, 2010 8:05 AM
To: StacyB@vetmed.ufl.edu
Subject: FW: "Govt. investigates shrimpers in Gulf turtle deaths"

From: Sea Turtle Biology and Conservation on behalf of Osha Gray Davidson
Sent: Wed 5/5/2010 2:02 PM
To: CTURTLE@LISTS.UFL.EDU
Subject: "Govt. investigates shrimpers in Gulf turtle deaths"

A short AP piece with the headline above reads:

"Investigators will look at whether some shrimp boats taking part in an emergency shrimping season ahead of the Gulf oil spill removed devices from their nets that are intended to allow turtles to escape, said Sheryan Epperly, sea turtle team leader for the National Marine Fisheries Service."

I've emailed Sheryan, but I'm sure she's extremely busy. And I've got a deadline of 5 minutes ago. Any help in getting this right would be appreciated:

1. Where does the paraphrase come from? I didn't see any press release from NMFS on this.
2. Where can I find the most current data for sea turtle strandings due to shrimp trawling (or associated with it) in the Gulf?

Thanks!
Osha

Osha Gray Davidson
Phoenix, AZ
602-263-5582

Correspondent, *OnEarth magazine*
Contributing blogger, *True/Slant*
Editor, *The Phoenix Sun*
Twitter @thephoenixsun
Member, Society of Environmental Journalists

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Stacy,Brian A

From: Helen Golde [Helen.Golde@noaa.gov]
Sent: Tuesday, May 18, 2010 11:12 AM
To: Barbara Schroeder
Cc: Buck Sutter; David Bernhart; Robert Hoffman; Mark Kinsey; Brian Stacy
Subject: Re: Conf Call on Sea Turtle Necropsy Results

works for me

Barbara Schroeder wrote:
> Hello All -
> I would like to set up a conference call, today if possible, so that
> Dr. Brian Stacy and I may review the results to date of the detailed
> carcass evaluations that have been conducted. Please let me know if
> 4:30PM this afternoon would work. I'd like to try to get most of you
> if possible on the call, but also need this to happen today.
> Thanks, Barbara
>

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Subject: Re: Observer data to be posted
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Thu, 22 Jul 2010 16:54:40 -0400
To: David Kennedy <David.Kennedy@noaa.gov>, Dave Westerholm <Dave.Westerholm@noaa.gov>, Justin kenney <Justin.kenney@noaa.gov>, Scott Smullen <Scott.Smullen@noaa.gov>, Connie Barclay <Connie.Barclay@noaa.gov>, Monica Allen <Monica.Allen@noaa.gov>, _HQ Deep Water Horizon Staff <dwh.staff@noaa.gov>, Jessica Kondel <Jessica.Kondel@noaa.gov>
CC: John Oliver <John.Oliver@noaa.gov>, Pamela Lawrence <Pamela.Lawrence@noaa.gov>

This website is now live (see link below).
Note that there is one observer sheet (p. 14 of the 7/13 observations) where the observer noted that the oil was ignited before the observer arrived. The Coast Guard is aware of this notation.

http://www.nmfs.noaa.gov/pr/species/turtles/gulf_observers.htm

-- Helen

Helen Golde wrote:
> That should say "embedded in the burn units"
>
> Helen Golde wrote:
> > This is a heads up that we will be posting observer information from the wildlife observers that were embedded in the observer unit. This information has been requested by the plaintiff in the suit to stop the burns to save turtles, and NMFS and the attorneys (DOJ, Coast Guard and NOAA) have decided it is best to provide the information to the general public. The information will be posted on the Protected Resources website later today or tomorrow. I will send out the link once it is live.
> >
> > -- Helen

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Subject: Re: Performance measures to be reported - DWH draft
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Thu, 22 Jul 2010 22:54:47 -0400
To: Ajay.Mehta@noaa.gov
CC: Guy Noll <Guy.Noll@noaa.gov>, Chris Rilling <Chris.Rilling@noaa.gov>, "Bernard A. Megrey" <Bern.Megrey@noaa.gov>, Brycen Swart <Brycen.Swart@noaa.gov>

Thanks Ajay-- All of your criteria make a lot of sense to me except the first one. I am not sure what you consider the recovery phase and restoration can last years. The plan as written is focused on response -- during spill and after.

That said, I agree with your assessment of the measures. The 3rd one won't even last through all of response as the burn units and off-shore skimmers only go after fresh oil-- if the cap never comes off, they may never go again (burns won't for sure-- some skimming might).

I am fine with your using the first two at this point. I think the data for the first one is easily available-- I have to check whether the projected time to release is right.
The second one may need to be fine tuned a little to have accessible data.

Thanks for your comments.
-- Helen

Ajay.Mehta@noaa.gov wrote:

> Helen:
>
> Thanks for the quick turnaround. After our telecon we develop some general guidelines to help us develop the right measures - basically the criteria is:
>
> • Measure would be relevant through the response, recovery and restoration phases
> • Measure whose performance was controlled or influenced by NOAA activity
> • Information was already available, or could be obtained with minimal disruption to ongoing operations
> • Performance information, whether based on actual values or estimated, was an accurate representation
> • Measure would allow leadership to track progress towards the goals identified in this Plan
> • Measure would convey information of general interest to key constituents and stakeholders
>
> Also, based on Mary Glackin's comments we were thinking it would be good to have an "internal" measure (which shows NOAA effort) and an "external" measure (which shows impact of NOAA's work). With this in mind I have the following thoughts on your proposed measures:
>
> Measure 1:
> a) Percentage of oiled turtles placed into rehabilitation facilities that are rehabilitated and released within 4 months.
> b) Percentage of oiled dolphins placed into rehabilitation facilities that are rehabilitated and released within 6 months
>
> This one is certainly seems to meet all our criteria (I'm assuming you'll let us know about availability of the information). My only question is since the

minimum time-frame to have any results is 4 months, do we have data from the beginning of the spill so that we could start reporting fairly soon? This seems like a good external measure.

Measure 2:
Percentage of oiled area identified by support aircraft that is searched for oiled animals within a 3 day window.

I think this is good and could meet the internal measure we were looking for.

Measure 3:
a) Percentage of burn units that have professional wildlife observers on board.
b) Percentage of off-shore skimmer units that have professional wildlife observers on board.

My only question on this one is will this last through all the phases?

Measure 4:
Percentage of dead animals that are appropriately (according to decomposition code) sampled and necropsied.

This is a good internal measure but I'm not sure it allows us to track progress on your strategic goals.

Hope this is helpful - I'd like to go ahead and use the first two and see what the leadership thinks? What do you think? Guy/Brycen/Bern/Chris?

Ajay

----- Original Message -----
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Thursday, July 22, 2010 4:59 pm
Subject: Re: Performance measures to be reported - DWH draft
To: Guy Noll <Guy.Noll@noaa.gov>
Cc: Chris Rilling <Chris.Rilling@noaa.gov>, "Bernard A. Megrey" <Bern.Megrey@noaa.gov>, Brycen Swart <Brycen.Swart@noaa.gov>, Ajay Mehta <Ajay.Mehta@noaa.gov>

Draft performance measures are attached. Your feedback is appreciated.
I am now going to send them out to my folks to ensure that I have the

targets and parameters (e.g., how many months of rehab are needed) correct. I will send corrections on Monday, but you can use these as

draft for now to show where we are going.

Guy Noll wrote:

Any progress that we can show, even in draft (not real numbers), on

Monday would be appreciated. We expect to get several questions

about

the activities and plans. Seafood safety in particular is likely to

be of interest to senior management now that we've re-opened an area.
Guy

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

--

Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
240-429-0344 (cell)

DRAFT AGENDA

STRATEGIC PLANNING FOR THE ASSESSMENT OF IMPACTS OF THE DEEPWATER HORIZON OIL SPILL EVENT ON MARINE MAMMALS AND SEA TURTLES June 30 – July 1, 2010 New Orleans, LA

The purpose of the meeting is to overview scientific information available, identify data gaps and needs, and develop action plans for addressing the impacts of the oil spill event on cetaceans, manatees, and sea turtles to meet NRDA, MMPA and ESA mandates. Specifically during this meeting, participants will: 1) evaluate the current state of the science and the current response and assessment activities; 2) review and develop data collection activities for Response and Wildlife Operations and for NRDA preassessment efforts; 3) develop data collection requirements and identify experimental needs for the NRDA injury assessment or risk assessment to quantify injury from all activities associated with the event including disturbance, prey changes, and exposure to oil and dispersants; 4) identify data gaps; 5) prioritize key questions to be addressed; 6) review and identify requirements for tools, techniques, samples and laboratories; and 7) develp a strategy for continued coordination of research activities throughout response, mitigation and restoration.

June 30, 2010

8:00 am Introduction and Welcome (overview papers, set up template and list of questions for each speaker)

Overview of Needs

- Overview/discussion of process and relevant endpoints for other management agencies under the ESA, MMPA, others? Definition or terms - Laura Engleby, Barbara Schroeder, Teri Rowles and Leslie Ward
- Overview/discussion of process and relevant endpoints for NRDA – Bob Haddad and Simeon Hahn
- Overview/discussion of Restoration Needs-Daphne McFarland
- Overview of Exxon Valdez damage assessment – successes, failures, lessons learned, changes in NRDA process since Valdez Terrie Williams and Tony Penn

Problem Formulation

- Overview of strategic stocks (i.e. stocks at risk and management priorities) –
  - Cetaceans Patty Rosel
  - Turtles Barbara Schroeder and Sandy McPherson
  - Manatees Leslie Ward, Nicole Adimey and Bob Bonde

Formatted: Highlight

Comment [A1]: Not yet confirmed

Comment [A2]: Simeon needs to contact re talk

Comment [A3]: Simeon needs to talk

Comment [A4]:

Comment [A5]: Not confirmed

-
- Overview of current NRDA preassessment and response efforts Lynne Barre and Mike Ziccardi
-

Hazard Characterization and Pathways for Injury

- Disturbance from vessel traffic
- Habitat alteration (berms, booms, burns

Physical Risks (burns, skimming, dredging, displaced fishing effort, etc)

Prey changes

- Overview of current oil and dispersant characterization (nature and extent/environmental fate, toxicityetc.) – Gina Ylitalo and Bob Haddad
- Potential oil and dispersant exposure pathways – Gina Ylitalo
-
- Documented Exposures and Direct Effects on MM and ST
    - Live sea turtle observations – Brian Stacy
    - Live marine mammal exposures Patty?
    - Carcass recovery—Dave Rotstein

Discussion of Priorities & Data Gaps

2:00 pm Break out Groups (Marine Mammal and Sea Turtles)

Four groups, each will review the state of knowledge, methodology available, data gaps, research needs to address impact assessment and restoration requirements

Group 1: Environmental impacts (effects on habitat and prey)

Group 2. Physiological impacts (effects on physiology, organ function, reproduction, development) how to link exposure to injury,

Group 3 Chemistry of oil and dispersants (exposures, tissue residue measurements, metabolites, method development, QA/QC)

Group 4. Population assessment (impacts on distribution and abundance)

July 1

8:00 am Brief overview of progress in break out groups (working lunch)

9:00-2:30pm Continue Taxa Specific break out groups

3:00 pm Overview of Data Management Requirements of NRDA

Comment [A6]: What is this

- Report back of activities from each break out group
- Discussion of commonalities

  Recommendations on strategies, sampling, injury assessments, tools, hypotheses, and laboratories/analyses
- Identify key areas of scientific and management collaboration and communication across the Gulf of Mexico ecosystem, across national boundaries, and across disciplines with the endpoint of restoration Tim Ragen

4:30 Wrap Up

Stacy,Brian A

From: Teri Rowles [Teri.Rowles@noaa.gov]
Sent: Friday, June 18, 2010 7:15 PM
To: Barbara.Schroeder
Cc: Alexis Gutierrez; Blair Witherington; Brian Stacy
Subject: Re: [Fwd: Fw: Rescue All Sea Turtles from Boom and Burn Operations]

soon we will all be inundated.

Barbara.Schroeder wrote:

-------- Original Message --------
Subject: Fw: Rescue All Sea Turtles from Boom and Burn Operations
Date: Fri, 18 Jun 2010 19:05:57 -0400
From: David Cottingham <David.Cottingham@noaa.gov>
To: 'sarah.mcnulty@noaa.gov' <sarah.mcnulty@noaa.gov>, 'Barbara.Schroeder@noaa.gov' <Barbara.Schroeder@noaa.gov>, 'mhziccardi@ucdavis.edu' <mhziccardi@ucdavis.edu>

My email is posted on a website to send me the email below.

Please pass to approp folks in Houma.

If you need to get in touch, call cell 240-688-7289, as email on blackberry is jammed

DC

----- Original Message -----
From: PEGGY BURKE <peggy.burke@caltech.edu>
To: David.Cottingham@noaa.gov <David.Cottingham@noaa.gov>
Sent: Fri Jun 18 17:55:42 2010
Subject: Rescue All Sea Turtles from Boom and Burn Operations

I am outraged to learn that BP cleanup efforts do not rescue each and every sea turtle encountered during the oil spill cleanup in Gulf of Mexico waters. Kemp's ridley sea turtles trapped in boom and burn operations are endangered species with legal protections, harming them is an illegal act and subject to prosecution and penalties.

Direct evidence of the sea turtles caught up in oil booming and set on fire has been reported by the LA Times and a video interview that can be viewed at http://seaturtles.org/article.php?id=1660.

Unified Command must increase the number of boats and personnel on the water rescuing all sea turtles encountered in oil spill operations and transport them immediately to one of the many rehabilitation centers available.

I urge you to immediately grant permission to the team forming under the direction of the Sea Turtle Restoration Project staff to lead additional boats to recover sea turtles from the oil spill, and to cover all costs of NGO-supported rescue operations out of the BP oil spill funds managed by Unified Command.

Sincerely

PEGGY BURKE
California
STEVENSON RANCH, CA 91381

Stacy,Brian A

From: Barbara.Schroeder [Barbara.Schroeder@noaa.gov]
Sent: Friday, June 18, 2010 7:09 PM
To: Alexis Gutierrez; Blair Witherington; Teri Rowles; Brian Stacy
Subject: [Fwd: Fw: Rescue All Sea Turtles from Boom and Burn Operations]

-------- Original Message --------
Subject: Fw: Rescue All Sea Turtles from Boom and Burn Operations
Date: Fri, 18 Jun 2010 19:05:57 -0400
From: David Cottingham <David.Cottingham@noaa.gov>
To: 'sarah.mcnulty@noaa.gov' <sarah.mcnulty@noaa.gov>, 'Barbara.Schroeder@noaa.gov' <Barbara.Schroeder@noaa.gov>, 'mhziccardi@ucdavis.edu' <mhziccardi@ucdavis.edu>

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Sincerely

PEGGY BURKE
California
STEVENSON RANCH, CA 91381

Stacy,Brian A

From: Blair Witherington [witherington@cfl.rr.com]
Sent: Saturday, June 19, 2010 8:55 AM
To: 'Michael Ziccardi'; 'Barbara Schroeder'; Brian Stacy
Subject: RE: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water

I am considering the alternate consequences of acceptance and refusal.

How about acceptance within an integrated effort, with an agreement on regulated press interactions?

The folks on the list would be helpful participants, given the purity of their motives.

Further discussion at 4:30?

Blair

From: Michael Ziccardi [mailto:mhziccardi@ucdavis.edu]
Sent: Friday, June 18, 2010 9:01 PM
To: Barbara Schroeder; Blair Witherington
Subject: Fwd: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water

FYI. I am not too inclined to work with this group based on the toll-free number, press release and recent info blast out RE: burning. But I defer to the two of you if this could be useful for our operation.

Mike

Begin forwarded message:

From: Christopher Pincetich <chris@tirn.net>

Date: June 18, 2010 7:01:34 PM CDT

To: Michael Ziccardi <mhziccardi@ucdavis.edu>, witherington@cfl.rr.com

Cc: Todd Steiner <tsteiner@tirn.net>

Subject: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water

Hi Mike,

Please review the attached proposal, which includes available staff and their associated experience as you requested. I have tried in vain to contact you over the phone to gain guidance on more efforts we can take to increase the number of boats and staff recovering oiled sea turtles from the spill area.

I have successfully been in contact w Richard Blackburn on the docks in Venice, LA, and he assured me if we get your approval he has boats ready. He has been very supportive of our efforts to increase recovery efforts.

I look forward to working with you and the staff and Unified Command. Please call me on my cell phone at any time to discuss this

(530) 220-3687

Best regards,

Chris

Stacy,Brian A

From: Michael Ziccardi [mhziccardi@ucdavis.edu]
Sent: Saturday, June 19, 2010 8:57 AM
To: Blair Witherington
Cc: 'Barbara Schroeder'; Brian Stacy
Subject: Re: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water

If you are OK with involvement of some of their individuals that were listed, I am OK with folding them into the effort. However, I am not in favor of giving them autonomous capture authority or even managing their own boat, efforts, etc. They must follow the structure as developed, which includes limits on media interactions.

Happy to talk more on this later. Thx Blair.

MZ

On Jun 19, 2010, at 7:54 AM, Blair Witherington wrote:

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(530) 220-3687

Best regards,

Chris

****

Michael Ziccardi DVM MPVM PhD
Director, Oiled Wildlife Care Network
Assoc. Professor, Clinical Wildlife Health
Wildlife Health Center
School of Veterinary Medicine
University of California
Davis, CA 95616
O: (530) 754-5701
C: (530) 979-7561
F: (530) 752-3318
E: mhziccardi@ucdavis.edu
www.owcn.org

Stacy,Brian A

From: Barbara.Schroeder [Barbara.Schroeder@noaa.gov]
Sent: Saturday, June 19, 2010 9:19 AM
To: Michael Ziccardi
Cc: Blair Witherington; Brian Stacy
Subject: Re: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water

I think we need more discussion as well. I forwarded that to Jeff S., along with their turtle reporting number deal and their jarming email acccounts with action alerts, and he was taken aback He asked me to call him today, I'll do that before our 4:30 call today.

Michael Ziccardi wrote:

> If you are OK with involvement of some of their individuals that were listed, I am OK with folding them into the effort. However, I am not in favor of giving them autonomous capture authority or even managing their own boat, efforts, etc. They must follow the structure as developed, which includes limits on media interactions.
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Chris

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Michael Ziccardi DVM MPVM PhD
Director, Oiled Wildlife Care Network
Assoc. Professor, Clinical Wildlife Health
Wildlife Health Center
School of Veterinary Medicine
University of California

Davis, CA 95616
O: (530) 754-5701
C: (530) 979-7561
F: (530) 752-3318
E: mhziccardi@ucdavis.edu
www.owcn.org

Stacy,Brian A

From: Michael Ziccardi [mhziccardi@ucdavis.edu]
Sent: Sunday, June 20, 2010 9:10 AM
To: Stacy,Brian A
Cc: 'Blair Witherington'; 'Barbara Schroeder'
Subject: Re: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water

There is not a legal or response reason to hold de-oiled turtles. This hinges on medical decisions and location to release.

I will send you the proposal.

Thx.

MZ

On Jun 20, 2010, at 8:01 AM, Stacy,Brian A wrote:

> I started being cc'ed on this chain and have no idea what you are referring to. Please send me the original proposal if you would like my input.
>
> A decision on how long recovered animals must be held needs to be made soon. Oiled birds already have been released, so there does not seem to be any legal/procedural reason not to consider release.
>
> Brian
>
> Brian A Stacy, DVM, PhD, DACVP
> NOAA/NMFS/Protected Resources
> Marine Animal Disease Laboratory
> University of Florida, College of Veterinary Medicine
> Aquatic Animal Health Program
>
> ---
>
> **From:** Blair Witherington [mailto:witherington@cfl.rr.com]
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From: Michael Ziccardi [mailto:mhziccardi@ucdavis.edu]
Sent: Friday, June 18, 2010 9:01 PM
To: Barbara Schroeder; Blair Witherington
Subject: Fwd: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water

FYI. I am not too inclined to work with this group based on the toll-free number, press release and recent info blast out RE: burning. But I defer to the two of you if this could be useful for our operation.

Mike

Begin forwarded message:

From: Christopher Pincetich <chris@tirn.net>
Date: June 18, 2010 7:01:34 PM CDT
To: Michael Ziccardi <mhziccardi@ucdavis.edu>, witherington@cfl.rr.com
Cc: Todd Steiner <tsteiner@tirn.net>
Subject: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water

Hi Mike,

Please review the attached proposal, which includes available staff and their associated experience as you requested. I have tried in vain to contact you over the phone to gain guidance on more efforts we can take to increase the number of boats and staff recovering oiled sea turtles from the spill area.

I have successfully been in contact w Richard Blackburn on the docks in Venice, LA, and he assured me if we get your approval he has boats ready. He has been very supportive of our efforts to increase recovery efforts.

I look forward to working with you and the staff and Unified Command. Please call me on my cell phone at any time to discuss this
(530) 220-3687

Best regards,

Chris

****

Michael Ziccardi DVM MPVM PhD
Director, Oiled Wildlife Care Network
Assoc. Professor, Clinical Wildlife Health
Wildlife Health Center
School of Veterinary Medicine
University of California
Davis, CA 95616

O: (530) 754-5701
C: (530) 979-7561
F: (530) 752-3318
E: mhziccardi@ucdavis.edu
www.owcn.org

Stacy,Brian A

From: Barbara.Schroeder [Barbara.Schroeder@noaa.gov]
Sent: Sunday, June 20, 2010 11:07 AM
To: Brian Stacy
Cc: Michael Ziccardi
Subject: [Fwd: Re: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water]

Hi, the referenced proposal has nothing to do with releasing turtles or anything associated with that. This is a non-profit group wanting to 'do something' on the water. Blair is handling it. The issue of releasing medically cleared turtles currently in rehab is a separate issue and I will work to organize a discussion on that topic soon, perhaps as early as this week.

-------- Original Message --------
Subject: Re: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water
Date: Sun, 20 Jun 2010 08:09:35 -0500
From: Michael Ziccardi <mhziccardi@ucdavis.edu>
To: Stacy,Brian A <bstacy@ufl.edu>
CC: 'Blair Witherington' <witherington@cfl.rr.com>, 'Barbara Schroeder' <Barbara.Schroeder@noaa.gov>
References: <6EA2449F-64DC-4AE8-ABA8-D74B08ED5CE5@tirn.net> <9FBE0717-05A4-40DD-989F-CA6A76D72884@ucdavis.edu> <007001cb0fae$90f591d0$b2e0b570$@rr.com> <FA9822F11A2EDB4EABEB80DFA3534B970370B2B9@HSC-CMS01.ad.ufl.edu>

There is not a legal or response reason to hold de-oiled turtles. This hinges on medical decisions and location to release.

I will send you the proposal.

Thx.

MZ

On Jun 20, 2010, at 8:01 AM, Stacy,Brian A wrote:

> I started being cc'ed on this chain and have no idea what you are referring to. Please send me the original proposal if you would like my input.
>
> A decision on how long recovered animals must be held needs to be made soon. Oiled birds already have been released, so there does not seem to be any legal/procedural reason not to consider release.
>
> Brian
>
> Brian A Stacy, DVM, PhD, DACVP
> NOAA/NMFS/Protected Resources
> Marine Animal Disease Laboratory
> University of Florida, College of Veterinary Medicine
> Aquatic Animal Health Program

From: Blair Witherington [mailto:witherington@cfl.rr.com]
Sent: Saturday, June 19, 2010 8:55 AM
To: 'Michael Ziccardi'; 'Barbara Schroeder'; Brian Stacy
Subject: RE: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water

I am considering the alternate consequences of acceptance and refusal.

How about acceptance within an integrated effort, with an agreement on regulated press interactions?

The folks on the list would be helpful participants, given the purity of their motives.

Further discussion at 4:30?

Blair

From: Michael Ziccardi [mailto:mhziccardi@ucdavis.edu]
Sent: Friday, June 18, 2010 9:01 PM
To: Barbara Schroeder; Blair Witherington
Subject: Fwd: Proposal from STRP Re: Coordinating oiled sea turtle recovery on water

FYI. I am not too inclined to work with this group based on the toll-free number, press release and recent info blast out RE: burning. But I defer to the two of you if this could be useful for our operation.

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To: Michael Ziccardi <mhziccardi@ucdavis.edu>, witherington@cfl.rr.com
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I have successfully been in contact w Richard Blackburn on the docks in Venice, LA, and he assured me if we get your approval he has boats ready. He has been very supportive of our efforts to increase recovery efforts.

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(530) 220-3687

Best regards,

Chris

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Michael Ziccardi DVM MPVM PhD
Director, Oiled Wildlife Care Network
Assoc. Professor, Clinical Wildlife Health
Wildlife Health Center
School of Veterinary Medicine
University of California
Davis, CA 95616
O: (530) 754-5701
C: (530) 979-7561
F: (530) 752-3318
E: mhziccardi@ucdavis.edu
www.owcn.org

Stacy,Brian A

From: Sara McNulty [sara.mcnulty@noaa.gov]
Sent: Monday, June 21, 2010 1:02 PM
To: Mike Ziccardi; Barbara Schroeder; Alexis Gutierrez; Brian Stacy
Subject: Mark Dodd

I met up with Mark Dodd this morning and he will be headed out with the USCG shortly. I checked out a hard hat and life jacket for him, and USCG will be providing the nomex coveralls.

Drew (USCG) told us they are burning today, but they likely won't burn for the next 5 days.
The fleets may actually come in tomorrow to regroup, and will be back out at the end of the week. Not sure what this means for our test.

Mark should be out there for some burns this afternoon, and he'll keep us updated on the plans. If the burn fleet comes in, Mark could potentially switch over to the capture project. For a couple days.
Now I'm off to do laundry!
Sara

Stacy,Brian A

From: Barbara Schroeder [Barbara.Schroeder@noaa.gov]
Sent: Monday, June 21, 2010 1:48 PM
To: Sara.McNulty@noaa.gov
Cc: Mike Ziccardi; Alexis Gutierrez; Brian Stacy
Subject: Re: Mark Dodd

thanks that sounds good, yes we definitely want to move Mark to capture boat if he comes in, Todd Jones (nmfs person in MS now) cannot be spared to the capture boat this week - we are still having tons of strandings and floaters in MS to deal with

Barbara Schroeder
National Sea Turtle Coordinator
National Oceanic and Atmospheric Administration - NMFS

email: barbara.schroeder@noaa.gov
Phone: 301-713-2322

To cherish what remains of the earth, and to foster its renewal, is our only legitimate hope. Wendell Berry

Sara McNulty wrote:
> I met up with Mark Dodd this morning and he will be headed out with the USCG shortly. I checked out a hard hat and life jacket for him, and USCG will be providing the nomex coveralls.
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> Mark should be out there for some burns this afternoon, and he'll keep us updated on the plans. If the burn fleet comes in, Mark could potentially switch over to the capture project. For a couple days.
> Now I'm off to do laundry!
> Sara
>

Stacy,Brian A

From: Alexis Gutierrez [Alexis.Gutierrez@noaa.gov]
Sent: Monday, June 21, 2010 4:17 PM
To: Sara.McNulty@noaa.gov
Cc: Mike Ziccardi; Barbara Schroeder; Brian Stacy
Subject: Re: Mark Dodd

Hi Sara,
Thanks for the update. Is this all the burn task force or is this just the one that Mark is on? Thanks, A

Sara McNulty wrote:
> I met up with Mark Dodd this morning and he will be headed out with the USCG shortly. I checked out a hard hat and life jacket for him, and USCG will be providing the nomex coveralls.
>
> Drew (USCG) told us they are burning today, but they likely won't burn for the next 5 days.
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> Now I'm off to do laundry!
> Sara
>

Stacy,Brian A

From: James Wellehan [WellehanJ@vetmed.ufl.edu]
Sent: Tuesday, June 22, 2010 1:33 PM
To: Archer,Linda L; Muller, Jennifer Keene; Brian.Stacy@noaa.gov
Subject: FW: Tell BP: Stop burning endangered sea turtles alive

Jim Wellehan, DVM, MS, DACZM, DACVM(Virology, Bacteriology/Mycology)
Zoological Medicine Service
College of Veterinary Medicine
University of Florida

-----Original Message-----
From: Becky Bond, CREDO Action [mailto:act@credoaction.com]
Sent: Tue 6/22/2010 12:26 PM
To: James Wellehan
Subject: Tell BP: Stop burning endangered sea turtles alive

BP is burning endangered sea turtles alive.
http://act.credoaction.com/r/?r=5664&id=9693-1631821-ou8lqlx&t=19

Help us save sea turtles.
http://act.credoaction.com/r/?r=5664&id=9693-1631821-ou8lqlx&t=20

Clicking here will add your name to this petition:

BP: Stop blocking the rescue of endangered sea turtles before you burn them alive in your "control burns."
http://act.credoaction.com/r/?r=5665&id=9693-1631821-ou8lqlx&t=22

Click here to add your name
http://act.credoaction.com/r/?r=5665&id=9693-1631821-ou8lqlx&t=26

Dear Jim,

News has just emerged from the Gulf Coast that BP is burning endangered sea turtles alive. 1

A boat captain who has been leading efforts to rescue the endangered turtles says BP has blocked his crews from entering the areas where the animals are trapped, effectively shutting down the rescue operation.

Tell BP: Stop burning endangered sea turtles alive. Clicking here will automatically sign your name to our petition.
http://act.credoaction.com/r/?r=5665&id=9693-1631821-ou8lqlx&t=27

BP is using "controlled burns" to contain the oil spill. Shrimp boats create a corral of oil by dragging together fire-resistant booms and then lighting the enclosed "burn box" on fire. If turtles are not removed from the area before the fire is lit, they are literally burned alive.

The sea turtle most affected by the Gulf of Mexico oil spill is the Kemp's Ridley2 which is listed as endangered under the Endangered Species Act. Parties responsible for killing the endangered turtles are liable for criminal penalties that include prison and civil fines of up to $25,000 per violation.

As a result, BP perversely has a financial incentive to let the endangered turtles be incinerated rather than to allow rescue crews to cull them from the burn boxes before the containment fires are lit.

"They ran us out of there and then they shut us down, they would not let us get back in there," said turtle rescuer Mike Ellis in an interview with conservation biologist Catherine Craig that was posted on YouTube.com. 3

Enough is enough. Tell BP to allow the rescue boats back in and stop burning endangered sea turtles alive. Clicking here will automatically sign your name to our petition.
http://act.credoaction.com/r/?r=5665&id=9693-1631821-ou8lqlx&t=28

Thank you for working for a better world.

Becky Bond, Political Director
CREDO Action from Working Assets
http://act.credoaction.com/r/?r=11&id=9693-1631821-ou8lqlx&t=29

1 BP 'burning sea turtles alive', Raw Story, June 20, 2010
http://act.credoaction.com/r/?r=5666&id=9693-1631821-ou8lqlx&t=30

2 Sea Turtles Among Oil Spill Victims, NPR, June 10, 2010
http://act.credoaction.com/r/?r=5667&id=9693-1631821-ou8lqlx&t=31

3 Venice, Louisiana, Boat Captain/ by Catherine Craig, YouTube, June 13, 2010.
http://act.credoaction.com/r/?r=5668&id=9693-1631821-ou8lqlx&t=32

Share on Facebook
Post to your feed wall
http://act.credoaction.com/r/?r=5669&id=9693-1631821-ou8lqlx&t=34

Tweet this
Post to Twitter
http://act.credoaction.com/r/?r=5670&id=9693-1631821-ou8lqlx&t=36

This is a message from CREDO / Working Assets. To change your email address or update your contact info, please visit: http://act.credoaction.com/subscrip/coa.html?id=9693-1631821-ou8lqlx
To remove yourself (Jim Wellehan) from this list, please visit our subscription management page at:
http://act.credoaction.com/s?i=9693-1631821-ou8lqlx

Stacy,Brian A

From: Sara.McNulty@noaa.gov
Sent: Tuesday, June 22, 2010 6:14 PM
To: Alexis Gutierrez; Barbara Schroeder; Blair Witherington; Brian Stacy; Kate Sardi Sampson; Carrie Hubard; Bob Hoffman; Kyle Baker; Mike Ziccardi; Wendy Teas
Subject: Mark and burn ops

Hi Everyone,

I just spoke to USCG Officer Andrew J. (Drew) from burn ops, to check in on Mark. Apparently, Mark was there for the start of a couple burns yesterday and the USCG had complete confidence in Mark immediately... and he integrated with the crew very easily. They did not burn today, but Mark was there for the process of collecting the booms. The vessel Mr Andre vessel is coming in today and will likely dock this later this evening. I tried Mark's cell and it went straight to voice mail. I suspect he will stay at the trailers tonight and may go out on the capture vessels tomorrow.

Drew said they were very interested to talk with us and Mark over the next couple days to create a plan for when the burn ops get back out on the water, likely on Saturday.

Sara

Stacy,Brian A

From: Barbara Schroeder [Barbara.Schroeder@noaa.gov]
Sent: Tuesday, June 22, 2010 6:17 PM
To: Sara.McNulty@noaa.gov
Cc: Alexis Gutierrez; Blair Witherington; Brian Stacy; Kate Sardi Sampson; Carrie Hubard; Bob Hoffman; Kyle Baker; Mike Ziccardi; Wendy Teas
Subject: Re: Mark and burn ops

Thanks Sara, glad to hear this.

Barbara Schroeder
National Sea Turtle Coordinator
National Oceanic and Atmospheric Administration - NMFS

email: barbara.schroeder@noaa.gov
Phone: 301-713-2322

To cherish what remains of the earth, and to foster its renewal, is our only legitimate hope. Wendell Berry

Sara.McNulty@noaa.gov wrote:
> Hi Everyone,
>
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> in on Mark. Apparently, Mark was there for the start of a couple
> burns yesterday and the USCG had complete confidence in Mark
> immediately... and he integrated with the crew very easily. They did
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> dock this later this evening. I tried Mark's cell and it went
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> Drew said they were very interested to talk with us and Mark over the
> next couple days to create a plan for when the burn ops get back out
> on the water, likely on Saturday.
>
> Sara
>

Stacy,Brian A

From: Kyle Baker [Kyle.Baker@noaa.gov]
Sent: Tuesday, June 22, 2010 6:23 PM
To: Sara.McNulty@noaa.gov
Cc: Alexis Gutierrez; Barbara Schroeder; Blair Witherington; Brian Stacy; Kate Sardi Sampson; Carrie Hubard; Bob Hoffman; Mike Ziccardi; Wendy Teas
Subject: Re: Mark and burn ops

Attachments: kyle_baker.vcf

kyle_baker.vcf (738 B)

Excellent. Ops wants to do the same for skimming. Apparently bunks are full for offshore skimming. We need to nail down the data form as well.
There are some fields on the decision to burn we need to make sure are included.

Sara.McNulty@noaa.gov wrote:
> Hi Everyone,
>
> I just spoke to USCG Officer Andrew J. (Drew) from burn ops, to check
> in on Mark. Apparently, Mark was there for the start of a couple
> burns yesterday and the USCG had complete confidence in Mark
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> next couple days to create a plan for when the burn ops get back out
> on the water, likely on Saturday.
>
> Sara
>
>

Stacy,Brian A

From: Barbara.Schroeder [Barbara.Schroeder@noaa.gov]
Sent: Tuesday, June 22, 2010 10:55 PM
To: Blair Witherington; Brian Stacy
Subject: [Fwd: Mark Dodd]

-------- Original Message --------
Subject: Mark Dodd
Date: Wed, 23 Jun 2010 02:53:32 +0000
From: Sara McNulty <Sara.McNulty@noaa.gov>
Reply-To: Sara.McNulty@noaa.gov
To: Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Mike Ziccardi <mhziccardi@ucdavis.edu>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Kyle.Baker@noaa.gov, Teri Rowles <Teri.Rowles@noaa.gov>

Hi All,
I just spoke to Mark Dodd. He is back at the trailers and is heading out with the capture team right now. He said he had a very good experience with the burn ops, and he wrote up an initial assessment report for us and has some thoughts to share/discuss. He just needs to find internet access to send the report out.

Perhaps we can plan a call for tomorrow evening to chat with Mark. Likely 7pm CT or later will work best for Mark.

Sara

Stacy,Brian A

From: Blair Witherington [witherington@cfl.rr.com]
Sent: Wednesday, June 23, 2010 10:19 AM
To: 'Barbara.Schroeder'; 'Brian Stacy'
Subject: RE: [Fwd: Mark Dodd]

7 CT is fine for me. Which number? Blair

From: Barbara.Schroeder [mailto:Barbara.Schroeder@noaa.gov]
Sent: Tuesday, June 22, 2010 10:55 PM
To: Blair Witherington; Brian Stacy
Subject: [Fwd: Mark Dodd]

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

Subject:

Mark Dodd

Date:

Wed, 23 Jun 2010 02:53:32 +0000

From:

Sara McNulty <Sara.McNulty@noaa.gov>

Reply-To:

Sara.McNulty@noaa.gov

To:

Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Mike Ziccardi <mhziccardi@ucdavis.edu>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Kyle.Baker@noaa.gov, Teri Rowles <Teri.Rowles@noaa.gov>

Hi All,
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Perhaps we can plan a call for tomorrow evening to chat with Mark. Likely 7pm CT or later

will work best for Mark.

Sara

Stacy,Brian A

From: Monica Allen [Monica.Allen@noaa.gov]
Sent: Thursday, June 24, 2010 6:14 PM
To: Barbara Schroeder; Stacy,Brian A; Teri Rowles
Cc: Teri Frady
Subject: Turtle and burning talking points are cleared-DOC and Unified Command

Attachments: TPsforTurtleBurn_FINAL.docx

TPsforTurtleBurn_FINAL.docx (1...

These talking points are now cleared for use by Unified Command and NOAA to address turtles and burning issue.
Thank you all and particularly Teri Frady for pushing on these.

-------- Original Message --------
Subject: RE: We need your help -- on turtle and burning issue -- we need to say something-- clear TPs at least, press release if possible
Date: Thu, 24 Jun 2010 18:08:46 -0400
From: Gilson, Shannon <SGilson@doc.gov>
To: Allen, Monica <Monica.Allen@noaa.gov>, Kenney, Justin <Justin.kenney@noaa.gov>
CC: Frady, Teri <Teri.Frady@noaa.gov>, Barclay, Connie <Connie.Barclay@noaa.gov>, Patrick, Christine <Christine.Patrick@noaa.gov>
References: <4C23C0AC.2080803@noaa.gov>

These are clear. Loop has been closed with unified command. They will use them as well.

-----Original Message-----
From: Monica Allen [mailto:Monica.Allen@noaa.gov]
Sent: Thursday, June 24, 2010 4:32 PM
To: Kenney, Justin; Gilson, Shannon
Cc: Frady, Teri; Barclay, Connie; Patrick, Christine
Subject: We need your help -- on turtle and burning issue -- we need to say something-- clear TPs at least, press release if possible

Justin and Shannon,
The issue of the sea turtles and burning is blowing up on the social media world, at the JIC and has spread to other reporters. Elizabeth Shogren just called here. Leslie Kaufman contacted you Justin. Local reporters are calling Brian Stacy. We urge you to clear the talking points so that at least Teri Frady can get a short message out on social media that there is an effort to address the problem that includes biologists on burn vessels to spot. Even if you can't rapidly clear the press release (although ideally you can), we need help on this issue as soon as possible. We have been referring calls from media to Michael Ziccardi, head of the Unified Command Marine Mammal and Sea Turtle Branch, but he is about to cycle out and be replaced by Dr. Teri Rowles, a NOAA person. Dr. Rowles will also need to be able to respond to this as head of the Unit for the Wildlife Branch. Please do what you can to fast track this clearance so that it can be cleared by the DHR Products Group/ Unified Command.

Thank you,
Monica

--
Monica Allen
NOAA Communications & External Affairs
National Marine Fisheries Service

U.S. Department of Commerce
1315 East West Highway
Room 14502
Silver Spring, Md. 20910
Tel.: (301) 713-2370
Fax: (301) 713-1452
Cell: (202) 379-6693
E-mail monica.allen@noaa.gov
Join us on Facebook: www.facebook.com/noaa.lubchenco

--

Monica Allen
NOAA Communications & External Affairs
National Marine Fisheries Service
U.S. Department of Commerce
1315 East West Highway
Room 14502
Silver Spring, Md. 20910
Tel.: (301) 713-2370
Fax: (301) 713-1452
Cell: (202) 379-6693
E-mail monica.allen@noaa.gov
Join us on Facebook: www.facebook.com/noaa.lubchenco

Stacy,Brian A

From: Barbara.Schroeder [Barbara.Schroeder@noaa.gov]
Sent: Thursday, June 24, 2010 10:51 PM
To: Brian Stacy
Subject: [Fwd: workshop draft]

Attachments: fg DRAFT AGENDA FOR THE MARINE MAMMAL AND SEA TURTLE DWH MEETING - v6.doc

fg DRAFT AGENDA FOR THE MARINE...

this is Teri's rough draft at this point; should I see if Theirry Work can come?

-------- Original Message --------
Subject: workshop draft
Date: Thu, 24 Jun 2010 22:24:40 -0400
From: Teri.Rowles@noaa.gov
To: Barbara.Schroeder@noaa.gov, Alexis.Gutierrez@noaa.gov
CC: Teri.Rowles@noaa.gov

Stacy,Brian A

From: David Cottingham [David.Cottingham@noaa.gov]
Sent: Monday, June 28, 2010 10:05 AM
To: Barbara.Schroeder
Cc: Brian Stacy; Pamela Lawrence; Mark Hodor; Helen Golde
Subject: Re: [Fwd: Guidance on law firm contact]

Attachments: David_Cottingham.vcf

David_Cottingham.vcf (436 B)

Brian --

Pam or other GC folks will likely want to participate in any conversation you may have with them. It's a good idea to consult the attorneys early and often, especially on matters related to the oil spill.

thanks for alerting us to this.

dc

Barbara.Schroeder wrote:

> Hi Brian,
> For anything that comes to you for anything legal related in any way -- please refer them immediately to Mark Hodor and Pam Lawrence, our attorneys in the NOAA General Counsel Office in Silver Spring. I am copying Mark and Pam here. Mark and Pam, please handle, thanks.
> Barbara
>
> -------- Original Message --------
> **Subject:** Guidance on law firm contact
> **Date:** Mon, 28 Jun 2010 09:34:09 -0400
> **From:** Stacy,Brian A <bstacy@ufl.edu>
> **To:** 'Barbara.Schroeder' <Barbara.Schroeder@noaa.gov>
> **References:** <FA9822F11A2EDB4EABEB80DFA3534B97054D392C@HSC-CMS01.ad.ufl.edu> <4C289F4F.2010101@noaa.gov> <FA9822F11A2EDB4EABEB80DFA3534B97054D3933@HSC-CMS01.ad.ufl.edu> <4C28A29E.4000403@noaa.gov>
>
> Hi Barbara,
>
> I was just contacted by Bill Eubanks of Meyer, Glitzenstein and Crystal. They would like to ask questions regarding impacts on turtles and are especially interested in the in situ burning. He said they are not planning immediate action, but are fact-finding at the moment. I told him I would have to get permission from NOAA before answering questions. How do I handle this?
>
> Brian
>
> Brian A Stacy, DVM, PhD, DACVP
> NOAA/NMFS/Protected Resources
> Marine Animal Disease Laboratory
> University of Florida, College of Veterinary Medicine
> Aquatic Animal Health Program

-----Original Message-----
From: Barbara.Schroeder [mailto:Barbara.Schroeder@noaa.gov]
Sent: Monday, June 28, 2010 9:25 AM
To: Stacy,Brian A
Cc: 'Gale.Heim'
Subject: Re: Travel orders for Dr. Joe Flanagan

Hi Gale, Bill Payne was handling on Friday. Can you check in with Bill please, thanks.

Stacy,Brian A wrote:
>
> I believe Barbara handled this while you were out. I don't want to duplicate anything, so I am cc'ing her here to confirm.
>
> Brian
>
> Brian A Stacy, DVM, PhD, DACVP
> NOAA/NMFS/Protected Resources
> Marine Animal Disease Laboratory
> University of Florida, College of Veterinary Medicine Aquatic Animal
> Health Program -----Original Message-----
> From: Gale.Heim [mailto:Gale.Heim@noaa.gov]
> Sent: Monday, June 28, 2010 9:11 AM
> To: Stacy,Brian A
> Subject: Re: Travel orders for Dr. Joe Flanagan
>
> Hi Brian,
> He's in our system. Can you please fill out a travel order request form for Dr. Flanagan and email it back to me. Did you tell him to call ADTRAV to make his reservation?
> Thanks,
> Gale
>
> Stacy,Brian A wrote:
>
>
>> Hello Gale,
>>
>> We are bringing Dr. Joe Flanagan of the Houston Zoo to New Orleans on invitational travel to participate in a meeting with a rehab center. He will be coming in the July 1st and leaving the 2nd. Joe has traveled under NOAA orders before, so I hope he is already in the system. If not, his email is jflanagan@houstonzoo.org. Thank you very much.
>>
>> Brian
>>
>> Brian A Stacy, DVM, PhD, DACVP
>> NOAA/NMFS/Protected Resources
>> Marine Animal Disease Laboratory
>> University of Florida, College of Veterinary Medicine Aquatic Animal
>> Health Program
>>
>>

--
David Cottingham
Chief, Division of Marine Mammal and Sea Turtle Conservation
NMFS Office of Protected Resources

phone: 301-713-2322 ext 101
fax: 301-427-2522

Stacy,Brian A

From: Bill Eubanks [Beubanks@meyerglitz.com]
Sent: Tuesday, June 29, 2010 10:30 AM
To: Brian.Stacy@noaa.gov
Subject: Oil Spill and burn response

Dr. Stacy,

We spoke yesterday morning briefly about the oil spill and its impacts on turtles (specifically the burn boxes occurring througout the aquatic ecosystem). Assuming you've received clearance from NOAA attorneys (who we work with frequently if you'd like me to speak to anyone there), I'd still like to speak for a few brief minutes to discuss various alternatives that exist for oil containment with less turtle impacts (for example, skimming, burning with observers and a strict protocol, etc.). Please give me a call at your earliest convenience and we can talk then.

Sincerely,

Bill Eubanks

Meyer Glitzenstein & Crystal

1601 Connecticut Avenue NW, Suite 700

Washington, DC 20009

(202) 588-5206, ext. 14

(202) 588-5049 (fax)

www.meyerglitz.com

Stacy,Brian A

From: Monica Allen [Monica.Allen@noaa.gov]
Sent: Saturday, July 03, 2010 12:24 PM
To: Robert Hoffman; Barbara Schroeder; Alexis Gutierrez; Teri Frady; Teri Rowles; Helen Golde; Stacy,Brian A; witherington@cfl.rr.com; Michael Ziccardi; 'connie.barclay@noaa.gov'; Elizabeth Crapo; kim amendola; Christine Patrick; Eric Schwaab; Gloria Thompson; John Oliver; Rebecca Chiampi; Steve Murawski; Beth Lumsden; Samuel Rauch; Deb Lambert; Monica Allen
Subject: Turtle stories -- lawsuit and extensive Huffington Post story on overall tragedy for sea turtles with NOAA quotes

NEW ORLEANS TIMES-PICAYUNE

Burning off the oil may carry its own hazards

Some question safety, efficiency of practice

Saturday, July 03, 2010

By Aimee Miles

Staff writer

With controlled burns temporarily suspended on account of tempestuous weather, Gulf waters have had a reprieve lately from the roaring fires and billowing smoke plumes that, since late April, have come to overwhelm the oily seascape.

But as fire teams prepare to resume their work, the burning and flaring of oil is attracting growing criticism from environmentalists who worry about the hazards it poses to wildlife and Gulf Coast communities. Some say that BP isn't investing enough energy in other methods of cleaning up the roughly 2.2 million to 4.2 million barrels of oil that have spewed into the Gulf as of June 29, according to the latest estimates.

As oil continues to pour into the Gulf, the question of how to optimize cleanup while minimizing environmental risks is still up for debate. Even comparing the efficiency of different methods of cleanup is difficult.

About 670,000 barrels of oily water have been skimmed as of July 1, BP said, but there's no telling what proportion of that is oil.

By comparison, controlled burns, also known as in-situ burns, have collectively removed 238,000 barrels of oil from the water's surface since they were initiated by the Coast Guard in late April. The burning has cleared up an estimated 6 percent to 11 percent of the total spill volume -- an amount that exceeds the generally accepted estimate for the total amount of oil spilled during the 1989 Exxon Valdez incident.

But burning is fraught with complications. The crude that litters the Gulf is highly emulsified and depleted in hydrogen, which means it doesn't burn readily. In many cases, it's easier to skim it off the surface. For the oil to sustain a fire, it needs to be condensed to several millimeters' thickness -- a task accomplished by retrofitted fishing vessels that work in pairs, dragging a 500-foot line of fireproof boom between them in a narrow U-shaped arc.

On any given day, as many as 10 fire teams are on the water, corralling oil and setting it alight. As the fishing vessels move in tandem at a speed of less than 1 mph, oil at the water's surface pools at the apex of the U. When about one-third of the area encased by the boom -- anywhere from 500 to 1,000 barrels of oil in volume -- is filled, an igniter boat releases a flare to set fire to a plastic container of gelled fuel, which floats toward the pooled oil and eventually burns it.

The ships stay in motion as the fire blazes; slowing down would allow the oil to thin out and eventually extinguish the fire. They try to tow into the wind so the smoke blows away from the vessels, but they're not always able to.

Oil occasionally escapes beyond the boom and creates smaller fires outside the contained area, but the slicks die off themselves within minutes. The fire inside the boom burns 2 to 3 millimeters of oil every 60 seconds, rising as high as 100 feet and generating massive plumes of smoke in its wake.

The National Institute for Occupational Safety and Health, which has been monitoring air quality aboard responder vessels, has recommended that respirators be made available to all burn crew members. As it stands, not all fire team vessels are fully equipped, and crew members head inside the ship's cabin if the smoke gets too heavy.

"Based on the air monitoring we've done to date, we haven't had any situations where respirators have been required," said BP consultant Alan Allen. "We're in the process of determining the best way to [distribute respirators] so that they have the option to wear masks."

Gulf Coast residents have requested that controlled burns only be conducted when the wind blows out, according to environmental consultant Wilma Subra, who works with the Louisiana Environmental Action Network. Allen says that hasn't been necessary because the in-situ burns occur 40 to 50 miles from the shore.

"If we were to do burns within 10 miles or so, we would activate the Smart protocols," he said, referring to a monitoring program for burns and dispersants designed cooperatively by four federal agencies.

Data from the U.S. Environmental Protection Agency show that concentrations of airborne particles from controlled burns are higher than normal at two or more monitoring stations along the Louisiana coast. The agency is also monitoring concentrations of volatile organic compounds evaporating from the oil on the water's surface. It has classified the air quality along the coastline as "unhealthy for sensitive groups," at worst.

But some residents have complained about nausea, sore throats, burning eyes and respiratory problems, and some try to avoid outdoor activity when the wind blows in. Some of the health complaints may not stem from oil burning but from the oil's propensity to be churned by wind and waves into an aerosol that can blow onshore.

Subra says BP should cut back on in-situ burns and focus on skimming.

"If they can surround it by a boom, they should be able to skim it rather than burn it," she said.

Critics also note burning can imperil wildlife. Last week, the Center for Biological Diversity filed suit against BP under the Clean Water Act, charging the company with burning endangered sea turtles alive in the course of its cleanup efforts. In response, the National Oceanic and Atmospheric Administration's National Marine Fisheries Service announced it would place a NOAA observer with each fire team to inspect oil corrals before they are ignited.

"You can't help but recognize, if we're collecting oil along the convergence line, the oil will be ideal for collecting but that may also be an area where there's a potential for turtles to gather," Allen said. "We go to great lengths ... to try to avoid including that in our burn."

Some oil is being burned using another method: flaring.

Only one of the two rigs collecting oil from the leaking well has the capacity to process and store the crude oil it captures. That ship, the Discoverer Enterprise, is connected to a cap that contains some of the gushing crude and feeds it to the rig through a riser. The Enterprise is able to isolate and burn the gas, then store the oil and pump the leftover water back into the ocean.

Its cohort, the Q4000, can't process or store the crude oil it collects. So the vessel burns both oil and gas through an "EverGreen" burner, said to provide a relatively clean burn by eliminating visible smoke emissions. Since it went into operation on June 16, the Q4000 has burned an average of 8,556 barrels of oil per day, totaling 119,780 barrels as of June 29 -- about half the oil burned thus far.

Burning oil aboard the Q4000 isn't harmless, says Subra, but it's far preferable to burning it off the water's surface. Gas flaring, meanwhile, is a waste of potentially usable energy, and further burdens the atmosphere with unnecessary greenhouse gas emissions, according to NOAA.

Together the Q4000 and the Discoverer Enterprise have flared more than 1 billion cubic feet of gas -- eight times the volume of the Louisiana Superdome. That's a significant amount -- it's more than 1 percent of the total amount of gas flared in the entire United States in 2008, according to satellite data collected by NOAA's Earth Observation Group.

BP plans to deploy a third containment vessel, the Helix Producer, but has thus far been foiled by the weather. Like the Enterprise, the Helix Producer would separate oil, water, and gas and flare off the gas. The Producer, scheduled to deploy Tuesday, is expected to increase oil collection by 25,000 barrels per day.

That can't come soon enough for critics of burning oil in-situ and aboard the Q4000.

"At least they're getting that material off of the slick and out of the water column," Subra said. "But there's still a long way to go before they recover all oil that's coming out of that well head."

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Aimee Miles can be reached at amiles@timespicayune.com or 504.826.3318.

Times-Picayune, New Orleans, Louisiana.

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HUFFINGTON POST — *Blog*

Dan Froomkin

froomkin@huffingtonpost.com | HuffPost Reporting

Gulf Oil Spill: The Plight of the Sea Turtles

First Posted: 07- 2-10 03:41 PM | Updated: 07- 2-10 04:21 PM

Read More: BP Oil Spill, Gulf Oil Spill, Oil Spill, Oil Spill Impact, Oil Spill Response, Oil Spill Sea Turtles, Sea Turtles, Slidepollajax, Green News

The seemingly endless oil disaster in the Gulf of Mexico is killing countless sea animals and sea birds, large and small. But there is no story as tragic as the plight of the sea turtles.

These magnificent, graceful, creatures are particularly vulnerable to the effects of oil in the water, which weakens their eggs, chokes and poisons their young, and leaves adults addled and starving.

In the case of the most endangered species, the Kemp's ridley turtle, hatchlings leaving their nests in Mexico this season are swimming right into the heart of the spill area, where their instinct to seek shelter and prey among floating vegetation is betraying them by leading them straight to thick clots of oil and oil-soaked seaweed.

There, instead of finding security and food, they are getting poisoned, trapped and asphyxiated.

And if that weren't tragic enough, it turns out that shrimp boats hired by BP to corral floating oil with booms and set it on fire have been burning hundreds if not thousands of the young turtles alive.

A GLIMPSE INTO THE UNSEEN

Despite the heart-wrenching photos of oil-covered animals along the Gulf Coast shoreline, marine scientists say the greater carnage remains offshore and, as yet, largely unnoticed.

Due to the extraordinary depth of the blown-out well and the unprecedented application of 1.6 million gallons of dispersants, much if not most of the oil (and gas, as well) still lurks unseen in the water column -- out of sight, but potentially wiping out vast populations of plankton, fish, and even larger marine animals.

The images of dead and suffering sea turtles (see the slideshow, below) are a rare, visible example of that offshore and underwater devastation.

Their plight offers a glimpse of what is happening where we can't see.

ABOUT THE SEA TURTLES

Sea turtles are long-lived animals, often with lifespans of three decades or more, and as a species have been swimming the oceans for more than 100 million years.

All five of the sea turtle species that make their home in the Gulf are listed as either "endangered" or "threatened". Several approached the brink of extinction, primarily due to the destruction of their nesting areas and the use of indiscriminate fishing nets.

For three decades, scientist and environmentalists and volunteers have successfully fought to protect sea turtles --- and have dramatically reversed the declines in population. It's been one of the great environmental success stories of.our time.

But this oil spill is killing them in potentially catastrophic numbers.

Sarah L. Milton, a sea-turtle physiologist at Florida Atlantic University, and co-author of a 2003 NOAA report on oil toxicity and its impacts on sea turtles, told the Huffington Post it couldn't have happened at a worse time.

"The adults, both males and females, will be just offshore for breeding," she explained. "Oil on the beaches will affect females going ashore to nest. Studies have shown that oil on the eggs leads to reduced nest success and increased deformities. Hatchlings that emerge will have to cross the oiled beaches to get to the water, and then swim through what is out there.

"Proportionately, the oil is likely to have a much greater effect on the hatchlings, just due to their smaller size -- swallowing a tar ball will do far worse damage to a tiny gut than a large one."

Adults are far from immune, however. At all ages, for instance, turtles are indiscriminate eaters, and they inhale deeply before diving for food, two behaviors that increase their risk of fatal exposure. Many of them right now are foraging for food along the Northern Gulf coast, where the oil is currently concentrated.

A new report from the environmental group Oceana identifies some other risks:

*\Oil or dispersants on the sea turtle's skin and body can cause skin irritation, chemical burns,and infections. Oil exposure for just 4 days can cause sea turtles' skin to continually fall off in sheets. This condition persists even after they are removed and treated from the exposure.

* Inhalation of volatile petroleum compounds or dispersants can damage the respiratory tract and lead to diseases such as pneumonia.

* Ingesting oil or dispersants may cause injury to the gastrointestinal tract, which may affect the animals' ability to absorb or digest foods....

* Chemicals that are inhaled or ingested may damage liver, kidney, and brain function, cause anemia and immune suppression, or lead to reproductive failure or death.

Moby Solangi, director of the Institute for Marine Mammal Studies in Gulfport, Miss., told Huffpost that more than 200 dead turtles have been recovered along the Mississippi coast since the spill.

Many of them, oddly enough, had fish-hooks in their mouths and guts. But that, Solangi said, is a clue to how dramatically their behavior has changed due to the oil spill.

"As the spill started to escalate, these animals started moving closer to the shoreline," he said. Out of their normal habitats, they lunged for anything that looked like food -- including fishing bait.

And now, with the oil having arrived on Mississippi's coasts, even the turtles that had avoided it so far are suffering from its direct effects.

Oil, Solangi said, disrupts sea turtles' chemoreceptors -- in other words, their senses.

"It affects their ability to find prey," Solangi said. "It affects their ability to identify where their habitat is, or to understand movement."

Solangi concluded: "They're confused and they're hungry."

NOAA'S RESPONSE

As of the end of June, the federal government's National Oceanic and Atmospheric Administration (NOAA) reported that 583 sea turtles had been found in the spill area thus far. The great majority were either found dead or died soon after, leaving 136 to be taken to rehabilitation centers.

The biggest success story has been NOAA's turtle-rescue vessels, which have captured about 90 live turtles -- most of them Kemp ridleys. But the rescue effort is dwarfed by the scale of the disaster.

First of all, NOAA didn't even get its turtle rescue boats out onto the Gulf until late May, a month or so after the BP well first started spewing millions of gallons of oil a day into the pristine waters. And even now, there are only three such boats being deployed.

Blair Witherington, a sea turtle research scientist for Florida's Fish and Wildlife Conservation Commission -- who's been working on one of those boats -- told the Huffington Post that he recently

charted all the areas where NOAA boats have been working, and "it's just a group of little squiggles off in one tiny area of the spill zone."

Witherington said dozens of vessels should be out every day. But, he said, "I'm coming to realize that there are so many logistical and bureaucratic roadblocks between the people who want to get things done and getting those things done."

Many of those roadblocks, he said, "are not understandable to me."

And then there is the matter of the burning.

In mid-June, public reports started to emerge that the "controlled burns" BP was using to remove oil from the surface of the Gulf were also incinerating untold numbers of young turtles.

NOAA scientists at the time were rescuing turtles -- dozens of them -- from precisely the same kinds of floating "oil lines" and "weed lines" that BP-hired shrimp boats were corralling with boom and then setting on fire.

In a June 13 YouTube video, Louisiana charter boat captain Mike Ellis told marine biologist Catherine Craig about how his boat, carrying NOAA turtle rescuers, was turned away from what's become known as the "burn box" -- the section of the Gulf designated for burning on a given day.

"They kept trying to ran us out of there and then they shut us down, they would not let us get back in there. In the meantime, how many turtles got caught up in there and just burned?" Ellis asked.

"They drag a boom between two boats, and whatever's caught up, they circle it together and catch it on fire. Once the turtles are in it, they can't get out. I mean they come up, it looks, they look like they're chocolate covered. "

Ellis also submitted a declaration for a lawsuit filed June 30, in which three animal-welfare groups asked a federal district judge in New Orleans judge to put an immediate stop to the burns.

"[B]ased on my years of experience in the Gulf of Mexico, it is almost certain that endangered turtles were present in the burn boxes that I observed on the same oil line where our rescue team saved ten endangered turtles, and that these turtles will continue to be present in similar burn boxes that

continue to be used by BP as part of its practice of controlled burns," Ellis declared.

Bob Hoffman, the endangered species branch chief for NOAA's Southeast regional office, told the Huffington Post on Wednesday that the burns had been temporarily curtailed because of high seas, and that when they resume, NOAA will now make sure each "burn team" -- made up of two shrimp boats hauling booms and an "igniter" boat -- includes a trained observer who will be able to rescue turtles before they are incinerated.

The animal-welfare groups declared themselves satisfied on Friday, withdrawing their request for an immediate restraining order. "BP and the Coast Guard have further agreed to establish a standard operating protocol for the burns, and to convene a group of scientists to determine the necessary elements of the protocol to ensure the safety of the turtles," the groups announced Friday.

The first NOAA observer actually went out with a burn team last week, and reported seeing no turtles at all. But, Hoffman said: "I think that there were turtles in the area that were being burned. I'm not going to deny that.... When they pop up into the thick oil, it's like a fly on flypaper, they just can't get out of it."

Hoffman said there have been more than 200 controlled burns since the oil well blew up in late April. And no one knows how many turtles that could have been saved instead were cremated alive.

But based on the data the observers collect going forward, Hoffman said, an estimate of how many turtles were killed by fire "will be part of what we do when we do the biological opinion at the end of this project." That's the Natural Resource Damage Assessment that NOAA is compiling, and that will be used to make sure that the responsible party -- in this case, BP -- pays what is required to compensate the public for its losses.

DESPERATE MEASURES

Most Kemp ridley turtles nest in Mexico, but many of the other Gulf of Mexico turtles nest along the U.S. coastline. And rather than watch a whole generation of hatchlings hurtle into the muck and die, a consortium of federal and state wildlife groups on June 26 announced a plan to collect about 70,000 mostly loggerhead turtle eggs in up to 800 nests buried in the sand across Florida Panhandle and Alabama beaches -- and release the hatchlings along Florida's central Atlantic coast.

It's a radical move, and one for which many marine scientists have only modest hopes.

"In developing this plan we realized early on that our expectations for success needed to be realistic," U.S. Fish and Wildlife Service national sea turtle coordinator Sandy MacPherson said in a statement. "On the one hand the activities identified in the protocols are extraordinary and would never be supportable under normal conditions. However, taking no action would likely result in the loss of all of this year's Northern Gulf of Mexico hatchlings."

Milton, the turtle physiologist from FAU, said similar, smaller scale moves have resulted in "reduced hatching success." But, she told HuffPost: "reduced hatch success is better than sending hatchlings into the Gulf."

Institute director Solangi is similarly sober about his expectations. "This is the only thing that is left to do," he said. Putting animals in new habitats is a risky proposition. But, he said, "the option is between death -- or give them a chance."

THE PROGNOSIS

Carole Allen is Gulf office director for the Sea Turtle Restoration Project. She's been working to save turtles since 1982.

"They've been around since the dinosaurs, and I feel we have a moral responsibility not to kill things that were on the earth long before we were," she said. "They're a wonderful animal, and they have survived so many threats."

The effects of the spill are "worse probably than anybody dreamed, particularly for the Kemp's ridleys," she said. "It is a tremendous setback. It's just really unbelievable. I can't believe that just a few months ago, the news was so encouraging, and the government was predicting that the Kemp's ridleys could be downlisted from endangered to threatened in five years."

The immediate dangers are horrible enough, she said. "But what is the long-term effect on the Gulf of Mexico if all this oil goes to the bottom?.. The food supply of these turtles is right where the oil is sinking into the estuaries and the marshes," she said.

"When they plug that well, it's going to help. But it's certainly not going to go away. And we may not know for years just how profound the effect is."

Milton, the FAU turtle expert, shared Allen's concerns. "There are two long term effects that worry me because they are unknown, which are oil in the foodchain and the potential effects of the dispersants, which is likely to effect the first problem," she told HuffPost.

"The potential for toxic buildup of oil byproducts in the foodchain is likely to be quite large, and we don't know enough about turtle physiology to know what the long term effects of bioaccumulation will be. And we know nothing about the dispersants at all, except that by busting the oil up into smaller bits and making it sink, it' s all the more likely to enter the foodchain at the level of invertebrate prey."

One thing that's clear to marine scientists is that the turtle casualties we've seen so far only represent a small fraction of the toll these noble creatures are suffering -- both now and for years to come.

Solangi, for instance, notes that the hundreds of dead turtles in Mississippi were all retrieved from beaches -- and most of the state's shoreline consists of inaccessible marshes, estuaries, and barrier islands. For each turtle retrieved, he said, there are several times as many that remain undiscovered.

The Oceana reports notes that many dead and injured turtles will never be found by search crews, "because currents often carry the carcasses out to sea or carcasses can sink or be eaten by predators."

And yet none of the scientists or turtle rescuers interviewed by the Huffington Post has given up hope.

"I've got to be optimistic about it," said Allen, the 28-year veteran of turtle advocacy. "The Gulf is big and I'm hoping that there are some places where the turtles are where they can stay out of trouble."

"I would say turtles probably have been hit the worst of the endangered species," said NOAA's Hoffman. "But I don't think it's going to nullify the whole recovery. I'm keeping my fingers crossed, anyway."

"I'm a scientist. I try to remain objective," said Witherington, the Florida Fish and Wildlife turtle expert. "Sometimes I start to dwell on the tragedy, and then I realize I'm just getting depressed," he said. "And I understand the job at hand, and that is to rescue these turtles."

For years, Witherington has been studying the juvenile phase of the sea-turtles' lives, watching them as they travel the open ocean, congregating around floating seaweed and other debris -- the very behavior that's now killing them.

"They live in a beautiful place," Witherington said. "The animals are interesting; the place where they live is interesting. It's beautiful. And now all that has changed."

****

Dan Froomkin is senior Washington correspondent for the Huffington Post. You can send him an e-mail, bookmark his page; subscribe to his RSS feed, follow him on Twitter, friend him on Facebook, and/or become a fan and get e-mail alerts when he writes.

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Stacy,Brian A

From: Monica Allen [Monica.Allen@noaa.gov]
Sent: Saturday, July 03, 2010 5:12 PM
To: Robert Hoffman; Barbara Schroeder; Alexis Gutierrez; Teri Frady; Teri Rowles; Helen Golde; Stacy,Brian A; witherington@cfl.rr.com; Michael Ziccardi; 'connie.barclay@noaa.gov'; Elizabeth Crapo; kim amendola; Christine Patrick; Eric Schwaab; Gloria Thompson; John Oliver; Rebecca Chiampi; Steve Murawski; Beth Lumsden; Samuel Rauch; Deb Lambert; Monica Allen
Subject: FYI Turtle article on lawsuit and settlement talks from July 3, 2010 Times Picayune

Animal groups and BP reach agreement in lawsuit over turtle burning in Gulf

Four environmental groups have reached a temporary agreement with BP to settle *a lawsuit that accused the oil company of violating the Endangered Species Act* by possibly burning sea turtles alive during controlled burns of *oil on the Gulf of Mexico*.

The groups filed suit Wednesday and sought a temporary restraining order to prevent BP and government responders from proceeding with the controlled burns. In the suit, the groups cite two Venice charter captains who have been working with *sea turtle* rescuers.

Both captains, Michael Ellis and Kevin Aderhold, said they and biologists they've been working with have rescued turtles stuck in thick oil within sight of the "burn boxes" where BP's crews corrall and ignite oil on the surface. In the suiit Ellis said that many of the turtles rescued, including endangered Kemp's Ridley sea turtles, are often found along an "oil line," where currents converge and amass thick globs of oil.

"Based on my years of experience in the Gulf of Mexico, it is almost certain that endangered turtles were present in the burn boxes that I observed on the same oil line where our rescue team saved ten endangered turtles, and that these turtles will continue to be present in similar burn boxes that continue to be used by BP as part of its practice of controlled burns," Ellis said in the declaration filed for the lawsuit.

No formal settlement has been signed in U.S. District Judge Carl Barbier's court, but BP and the four groups - Animal Welfare Institute, Animal Legal Defense Fund, Turtle Island Restoration Network and the Center for Biological Diversity - agreed to several terms Friday. Among
them: that no controlled burns would take place until at least next Tuesday, due to weather conditions; and that the Coast Guard and BP will tell the groups Tuesday whether they can have observers on every burn boat to ensure that turtles are identified and removed from the burn sites before burns begin.

Lisa Franzetta, a spokeswoman for Animal Legal Defense Fund, said in an e-mail that "If they cannot make that assurance, we will be back before Judge Barbier."

A BP spokeswoman, Jesse Baker, confirmed that the oil company agreed with the initial terms of the settlement.

"We have agreed with them, and we are putting in place a process to minimize the impacts of the controlled burns," she said.

According to a news release from the Unified Command for the oil spill, more sea turtle observers will be trained over the weekend to focus on aiding turtles in areas where there are controlled burns or oil skimming operations.

"The command's wildlife branch is working now to determine, when, where, and how observers can be best positioned to reduce risks posed to sea turtles by oil containment and clean-up activities," the news release said. "If sea turtle observers can improve the sighting and collection of sea turtles prior to burn and skimming operations, then this is another way to reach more turtles in harm's way and reduce additional risk posed to turtles by the

oil spill."

Since the beginning of the oil spill, 441 *sea turtles in the Gulf have been found dead*.

Todd Steiner, the executive director of Turtle Island Restoration Network, another group involved in the suit, said he was pleased with the agreement but cautioned that turtles are still at risk every day due to the massive amount of oil still billowing into the Gulf.

"The government, BP, the scientists and if the turtles could vote, as well, are all happy with the way things are going (with the suit),"
Steiner said. "Now we just need BP and the government to get their act together and work as diligently as they can so that before they start burning again they get these conditions in place."

/Chris Kirkham can be reached at ckirkham@timespicayune.com or 504.826.3321./

Subject: Re: [Fwd: Re: National Geographic Television project about Gulf Wildlife]
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Mon, 12 Jul 2010 17:43:06 -0400
To: Connie Barclay <Connie.Barclay@noaa.gov>

I will call you shortly

Connie Barclay wrote:

> Helen: Were you able to figure out if we can provide any opps for reporters to meet the turtle boat rescue boats? Connie
>
> -------- Original Message --------
> **Subject:**Re: National Geographic Television project about Gulf Wildlife
> **Date:**Mon, 12 Jul 2010 17:07:18 -0400
> **From:**Charles Miller <cmiller@ngs.org>
> **To:**Connie Barclay <Connie.Barclay@noaa.gov>
> **References:**<AANLkTim0vvZWZLe-dzgUnPv9O5HtPUx5Nwq4hndKObHg@mail.gmail.com> <4C39E0DA.1010903@Noaa.gov>
>
> Hi Connie,
>
> Good to talk to you this morning. I got in touch with the Coast Guard information folks at Houma and was able to talk to them a bit about my project. While the controlled burning operations are important, I think I am looking for a smaller scale turtle rescue. Ideally my crew would be able to go out with a boat that is looking for turtles, or even better, responding to a report of a turtle that needs to be collected. When I explained that to Bill Beevee, the PIO I spoke with, he referred me back to you. Does this sound like something I might be able to set up with your office?
>
> Thanks for your help, and let me know if you need any information from me. Look forward to talking with you soon.
> Charley
>
> ---
> Charley Miller
> National Geographic Television
> cmiller@ngs.org
> 202-828-6628
>
> On Sun, Jul 11, 2010 at 11:18 AM, Connie Barclay <Connie.Barclay@noaa.gov> wrote:
> Charles: I just tried calling. Feel free to call me on my cell or send me an e mail so I can figure out what you are interested in. I will try to help.
> Connie Barclay 202-441-2398

Charles Miller wrote:

> Good afternoon,
>
> I'm Charley Miller with National Geographic Television, and I'm working on a documentary about how the oil spill is affecting the wildlife and ecosystem of the Gulf. Our crew is heading down to the region July 20-23, and it would be great to find out if there might be an opportunity for us to work with NOAA while we are there. Some of my colleagues have previously spoken with Monica Allen, who I hear has been in the region recently, and I just spoke to someone at NOAA headquarters who told me you might also be a good person to contact.
>
> If you have a few minutes, it would be great to chat with you about the work you are doing in the region. I'm happy to give you a call whenever is convenient, just let me know the best time and number to reach you.
>
> Thanks in advance for your time.
> Sincerely,
> Charley
>
> ---
> Charley Miller
> National Geographic Television
> cmiller@ngs.org
> 202-828-6628

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Subject: Re: [Fwd: Re: National Geographic Television project about Gulf Wildlife]
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Mon, 12 Jul 2010 17:43:06 -0400
To: Connie Barclay <Connie.Barclay@noaa.gov>

I will call you shortly

Connie Barclay wrote:

> Helen: Were you able to figure out if we can provide any opps for reporters to meet the turtle boat rescue boats? Connie
>
> -------- Original Message --------
> **Subject:**Re: National Geographic Television project about Gulf Wildlife
> **Date:**Mon, 12 Jul 2010 17:07:18 -0400
> **From:**Charles Miller <cmiller@ngs.org>
> **To:**Connie Barclay <Connie.Barclay@noaa.gov>
> **References:**<AANLkTim0vvZWZLe-dzgUnPv9O5HtPUx5Nwq4hndKObHg@mail.gmail.com> <4C39E0DA.1010903@Noaa.gov>
>
> Hi Connie,
>
> Good to talk to you this morning. I got in touch with the Coast Guard information folks at Houma and was able to talk to them a bit about my project. While the controlled burning operations are important, I think I am looking for a smaller scale turtle rescue. Ideally my crew would be able to go out with a boat that is looking for turtles, or even better, responding to a report of a turtle that needs to be collected. When I explained that to Bill Beevee, the PIO I spoke with, he referred me back to you. Does this sound like something I might be able to set up with your office?
>
> Thanks for your help, and let me know if you need any information from me. Look forward to talking with you soon.
> Charley
>
> ---
> Charley Miller
> National Geographic Television
> cmiller@ngs.org
> 202-828-6628
>
> On Sun, Jul 11, 2010 at 11:18 AM, Connie Barclay <Connie.Barclay@noaa.gov> wrote:
> Charles: I just tried calling. Feel free to call me on my cell or send me an e mail so I can figure out what you are interested in. I will try to help.
> Connie Barclay 202-441-2398

Charles Miller wrote:

> Good afternoon,
>
> I'm Charley Miller with National Geographic Television, and I'm working on a documentary about how the oil spill is affecting the wildlife and ecosystem of the Gulf. Our crew is heading down to the region July 20-23, and it would be great to find out if there might be an opportunity for us to work with NOAA while we are there. Some of my colleagues have previously spoken with Monica Allen, who I hear has been in the region recently, and I just spoke to someone at NOAA headquarters who told me you might also be a good person to contact.
>
> If you have a few minutes, it would be great to chat with you about the work you are doing in the region. I'm happy to give you a call whenever is convenient, just let me know the best time and number to reach you.
>
> Thanks in advance for your time.
> Sincerely,
> Charley
>
> ---
> Charley Miller
> National Geographic Television
> cmiller@ngs.org
> 202-828-6628

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Subject: Re: [Fwd: Re: Summary of Congressional Staff Conference Call on the Gulf of Mexico Oil Spill - June 16, 2010]
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Thu, 17 Jun 2010 13:52:16 -0400
To: Katie Nichols <Katie.Nichols@noaa.gov>

No get backs before he heard the response that Becky got. We also got this tasked over to us from DOI and a request from JEssica-- will forward you both-- this one has been a bit of a mess as far as tasking.

Katie Nichols wrote:

> Thanks Helen.
> I've sent to Sam for clearance and will send on once I hear back. I'm a bit confused as to where the first question in the response was asked and why it says there were no getbacks for NOAA at the bottom of Michael's email? Not urgent, just wanted clarification.
>
> Thanks,
> Katie
>
> Helen Golde wrote:
>
> > Katie-- We have gotten this question coming through a number of different ways last night and this morning, but not through you. Attached response is ready for clearance to go back to OLA (Jarvis, Holyoke and Kondel).
> >
> > -- Helen
> >
> > -------- Original Message --------
> > **Subject:** Re: Summary of Congressional Staff Conference Call on the Gulf of Mexico Oil Spill - June 16, 2010
> > **Date:** Wed, 16 Jun 2010 19:13:09 -0400
> > **From:** Brian Pawlak <Brian.T.Pawlak@noaa.gov>
> > **To:** Helen Golde <Helen.Golde@noaa.gov>
> > **CC:** rebecca.holyoke <Rebecca.Holyoke@noaa.gov>, Michael Jarvis <Michael.Jarvis@noaa.gov>
> > **References:** <4C19559B.8080008@noaa.gov> <4C19564D.500@noaa.gov> <4C1956B2.8040502@noaa.gov> <4C195A17.2040809@noaa.gov>
> >
> > Helen - we are probably going to need a politic answer on this..
> >
> > rebecca.holyoke wrote:
> >
> > > Staff from Sen. Bill Nelson's (D-FL) office asked this question. Jeff Underwood from USFWS said that he did not have any information on this at this time, but that he would look into it. He asked if the staffer was asking about it because of the recent CNN report. NOAA did not comment on this question or Jeff's remarks. The only mention of NOAA came by the staffer who said (during her question) that she knew NOAA had guidelines on

this.

Michael Jarvis wrote:

> Becky Holoyoke in my office handled today's call for me. It was my understanding from her that USFWS answered that particular question. Becky, do you remember what was said for this question?
>
> Brian Pawlak wrote:
>
> > What was our response to the question Has wildlife been impacted by in situ burns?
> >
> > Michael Jarvis wrote:
> >
> > > *For internal use only*
> > >
> > > **Summary of Congressional Staff Conference Call on the Gulf of Mexico Oil Spill**
> > > **June 16, 2010**
> > > **3:00pm – 3:20pm**
> > >
> > > **Facilitator**
> > > Christopher Mansour, DOI Congressional and Legislative Affairs Director
> > >
> > > **Speakers/Agency Representatives Included**
> > > Capt. Lincoln Stroh, USCG Commander of Coast Guard Sector New Orleans
> > > Walter Cruickshank, MMS Deputy Director
> > > Doug Helton, NOAA OR&R Incident Operations Coordinator
> > > Dana Tulis, EPA Office of Emergency Management
> > > Jeff Underwood, Acting Deputy Director, US FWS
> > >
> > > **Congressional Participants Included (Not all participants were announced)**
> > > Staff with Senate Commerce Committee
> > > Staff with House Homeland Security
> > > Staff with Senator Bill Nelson (D-FL)
> > > Staff with Senator Roger Wicker (R-MS)
> > >
> > > **Remarks from Capt. Lincoln Stroh**
> > > - 10,448 barrels were recovered yesterday. The number of barrels was less than the typical >15,000 since Enterprise was shut down temporarily after a lightning strike. Enterprise got back online last evening.
> > > - 11,891 barrels were recovered yesterday during skimming operations, for a total of 504,590 barrels
> > > - Current depth of relief well DD2: 2,978 ft (4,560 ft below sea floor and continuing to drill)

- Current depth of relief well DD3: 9,967 ft
- 6 successful in situ burns yesterday; ~ 4,300 barrels
- 66,158 claims submitted to date, for a total of $81,355,154
- Winds currently out of the south at 4-6 knots; winds expected to continue out of the SSW at 5-8 knots and increasing to upwards of 9 knots on Friday.
- Loop Current was said to be cooperating; mentioned a large clockwise eddy to the north.

Remarks from Walter Cruickshank
- 25.1M cubic feet of gas recovered in 24 hour period; numbers down from 31-32M cubic feet because of temporary shutdown
- Would like to reduce the plume coming out (but without letting seawater get into tophat)

Remarks from Doug Helton
- Fish closure was increased today to include 33% of the Gulf (rather than 32%); coordinates of closure available to those interested
- The low pressure system mentioned yesterday has been downgraded in terms of its potential to form into a tropical cyclone.

Remarks from Christopher Mansour
- BP will contribute $20B over a 4-year period into an escrow account for individuals and businesses harmed by the oil spill. The first $5B will be contributed this year, and no ceiling is expected on this account. The funds will be managed by Kenneth Steinburg – managers of the 09/11 account.
- Additionally, BP is expected to contribute to a Foundation for unemployed oil rig workers.

Questions Raised by Congressional Members and Staff
Is there a timeline for when the new claims process will be put into process? Will constituents who have already filed be required to file again? Are there any privacy concerns?
Could you repeat the number of claims and funds dispersed thus far? How many claims have yet to be processed?
Will BP and/or the government be involved in the administration of the $20B escrow account?
Were the numbers provided earlier for aerial and subsea dispersants in gallons (rather than barrels)?
Could you repeat the statistics for the top-hat recovery again?
Has US FWS been able to answer a previous get back regarding which non-dolphin mammals have been affected by the spill?
Has wildlife been impacted by in situ burns?
What steps are EPA taking towards onshore impacts?

There were no getbacks for NOAA.

--
Michael G. Jarvis
Congressional Affairs Specialist
Office of Legislative and Intergovernmental Affairs
National Oceanic and Atmospheric Administration
1401 Constitution Ave. NW, Room 5224
Washington, DC 20230
E-mail: michael.jarvis@noaa.gov
Office: 202-482-3595

--
Brian Pawlak
Deputy Director
NOAA Fisheries Service
Office of Habitat Conservation
301-713-2325 (167)
301-713-1043 (Fax)

--
Michael G. Jarvis
Congressional Affairs Specialist
Office of Legislative and Intergovernmental Affairs
National Oceanic and Atmospheric Administration
1401 Constitution Ave. NW, Room 5224
Washington, DC 20230
E-mail: michael.jarvis@noaa.gov
Office: 202-482-3595

--
Rebecca R. Holyoke, Ph.D.
Congressional Affairs Specialist
Office of Legislative and Intergovernmental Affairs
National Oceanic and Atmospheric Administration
1401 Constitution Avenue, NW (Room 5224)
Washington, D.C. 20230

Office: (202) 482-3596
Cell: (240) 723-6319
Fax: (202) 482-4960
Email: Rebecca.Holyoke@noaa.gov

--
Brian Pawlak
Deputy Director
NOAA Fisheries Service

Office of Habitat Conservation
301-713-2325 (167)
301-713-1043 (Fax)

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

--
Katie Nichols
Knauss Sea Grant Fellow
Congressional Affairs Specialist
Office of the Assistant Administrator
NOAA's National Marine Fisheries Service
1315 East-West Highway, Room 14552
Silver Spring, MD 20910
(301) 713-2239 x 119

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Subject: tomorrow's meeting
From: William.Whitmore@noaa.gov
Date: Fri, 02 Jul 2010 19:42:03 -0400
To: David.Bernhart@noaa.gov, John.Carlson@noaa.gov
CC: William.Whitmore@noaa.gov, sharif.a.abdrabbo@uscg.mil, patrick.j.grace@uscg.mil

Gentlemen,

The meeting RE: the turtle and in-situ burn lawsuit is scheduled for 3pm CENTRAL time, the call in information:

Call in number: 866-410-9426
Passcode 2023050217

Please email Sharif Abdrabbo if you have any questions pertaining to what specific information he may need. The 3pm meeting is internal, with NOAA and USCG to get on the same page, the meeting that includes the plaintiffs is set for 4pm.

-Willie

Subject: [Fwd: Turtle stories -- lawsuit and extensive Huffington Post story on overall tragedy for sea turtles with NOAA quotes]
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Sat, 03 Jul 2010 13:03:12 -0400
To: David Bernhart <David.Bernhart@noaa.gov>

-------- Original Message --------
Subject: Turtle stories -- lawsuit and extensive Huffington Post story on overall tragedy for sea turtles with NOAA quotes
Date: Sat, 03 Jul 2010 12:23:31 -0400
From: Monica Allen <Monica.Allen@noaa.gov>
To: Robert Hoffman <Robert.Hoffman@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Teri Frady <Teri.Frady@noaa.gov>, Teri Rowles <Teri.Rowles@noaa.gov>, Helen Golde <Helen.Golde@noaa.gov>, bstacy@ufl.edu, witherington@cfl.rr.com, Michael Ziccardi <mhziccardi@ucdavis.edu>, "'connie.barclay@noaa.gov'" <Connie.Barclay@noaa.gov>, Elizabeth Crapo <Elizabeth.Crapo@noaa.gov>, kim amendola <kim.amendola@noaa.gov>, Christine Patrick <Christine.Patrick@noaa.gov>, Eric Schwaab <Eric.Schwaab@noaa.gov>, Gloria Thompson <Gloria.Thompson@noaa.gov>, John Oliver <John.Oliver@noaa.gov>, Rebecca Chiampi <Rebecca.Chiampi@noaa.gov>, Steve Murawski <Steve.Murawski@noaa.gov>, Beth Lumsden <Beth.Lumsden@noaa.gov>, Samuel Rauch <Samuel.Rauch@noaa.gov>, Deb Lambert <Deb.Lambert@noaa.gov>, Monica Allen <Monica.Allen@noaa.gov>

NEW ORLEANS TIMES-PICAYUNE

Burning off the oil may carry its own hazards

Some question safety, efficiency of practice

Saturday, July 03, 2010

By Aimee Miles

Staff writer

With controlled burns temporarily suspended on account of tempestuous weather, Gulf waters have had a reprieve lately from the roaring fires and billowing smoke plumes that, since late April, have

come to overwhelm the oily seascape.

But as fire teams prepare to resume their work, the burning and flaring of oil is attracting growing criticism from environmentalists who worry about the hazards it poses to wildlife and Gulf Coast communities. Some say that BP isn't investing enough energy in other methods of cleaning up the roughly 2.2 million to 4.2 million barrels of oil that have spewed into the Gulf as of June 29, according to the latest estimates.

As oil continues to pour into the Gulf, the question of how to optimize cleanup while minimizing environmental risks is still up for debate. Even comparing the efficiency of different methods of cleanup is difficult.

About 670,000 barrels of oily water have been skimmed as of July 1, BP said, but there's no telling what proportion of that is oil.

By comparison, controlled burns, also known as in-situ burns, have collectively removed 238,000 barrels of oil from the water's surface since they were initiated by the Coast Guard in late April. The burning has cleared up an estimated 6 percent to 11 percent of the total spill volume -- an amount that exceeds the generally accepted estimate for the total amount of oil spilled during the 1989 Exxon Valdez incident.

But burning is fraught with complications. The crude that litters the Gulf is highly emulsified and depleted in hydrogen, which means it doesn't burn readily. In many cases, it's easier to skim it off the surface. For the oil to sustain a fire, it needs to be condensed to several millimeters' thickness -- a task accomplished by retrofitted fishing vessels that work in pairs, dragging a 500-foot line of fireproof boom between them in a narrow U-shaped arc.

On any given day, as many as 10 fire teams are on the water, corralling oil and setting it alight. As the fishing vessels move in tandem at a speed of less than 1 mph, oil at the water's surface pools at the apex of the U. When about one-third of the area encased by the boom -- anywhere from 500 to 1,000 barrels of oil in volume -- is filled, an igniter boat releases a flare to set fire to a plastic container of gelled fuel, which floats toward the pooled oil and eventually burns it.

The ships stay in motion as the fire blazes; slowing down would allow the oil to thin out and eventually extinguish the fire. They try to tow into the wind so the smoke blows away from the vessels, but they're not always able to.

Oil occasionally escapes beyond the boom and creates smaller fires outside the contained area, but the slicks die off themselves within minutes. The fire inside the boom burns 2 to 3 millimeters of oil every 60 seconds, rising as high as 100 feet and generating massive plumes of smoke in its wake.

The National Institute for Occupational Safety and Health, which has been monitoring air quality aboard responder vessels, has recommended that respirators be made available to all burn crew members. As it stands, not all fire team vessels are fully equipped, and crew members head inside the ship's cabin if the smoke gets too heavy.

"Based on the air monitoring we've done to date, we haven't had any situations where respirators have been required," said BP consultant Alan Allen. "We're in the process of determining the best way to [distribute respirators] so that they have the option to wear masks."

Gulf Coast residents have requested that controlled burns only be conducted when the wind blows out, according to environmental consultant Wilma Subra, who works with the Louisiana Environmental Action Network. Allen says that hasn't been necessary because the in-situ burns occur 40 to 50 miles from the shore.

"If we were to do burns within 10 miles or so, we would activate the Smart protocols," he said, referring to a monitoring program for burns and dispersants designed cooperatively by four federal agencies.

Data from the U.S. Environmental Protection Agency show that concentrations of airborne particles from controlled burns are higher than normal at two or more monitoring stations along the Louisiana coast. The agency is also monitoring concentrations of volatile organic compounds evaporating from the oil on the water's surface. It has classified the air quality along the coastline as "unhealthy for sensitive groups," at worst.

But some residents have complained about nausea, sore throats, burning eyes and respiratory problems, and some try to avoid outdoor activity when the wind blows in. Some of the health complaints may not stem from oil burning but from the oil's propensity to be churned by wind and waves into an aerosol that can blow onshore.

Subra says BP should cut back on in-situ burns and focus on skimming.

"If they can surround it by a boom, they should be able to skim it rather than burn it," she said.

Critics also note burning can imperil wildlife. Last week, the Center for Biological Diversity filed suit against BP under the Clean Water Act, charging the company with burning endangered sea turtles alive in the course of its cleanup efforts. In response, the National Oceanic and Atmospheric Administration's National Marine Fisheries Service announced it would place a NOAA observer with each fire team to inspect oil corrals before they are ignited.

"You can't help but recognize, if we're collecting oil along the convergence line, the oil will be ideal for collecting but that may also be an area where there's a potential for turtles to gather," Allen said. "We go to great lengths ... to try to avoid including that in our burn."

Some oil is being burned using another method: flaring.

Only one of the two rigs collecting oil from the leaking well has the capacity to process and store the crude oil it captures. That ship, the Discoverer Enterprise, is connected to a cap that contains some of the gushing crude and feeds it to the rig through a riser. The Enterprise is able to isolate and burn the gas, then store the oil and pump the leftover water back into the ocean.

Its cohort, the Q4000, can't process or store the crude oil it collects. So the vessel burns both oil and gas through an "EverGreen" burner, said to provide a relatively clean burn by eliminating visible smoke emissions. Since it went into operation on June 16, the Q4000 has burned an average of 8,556 barrels of oil per day, totaling 119,780 barrels as of June 29 -- about half the oil burned thus far.

Burning oil aboard the Q4000 isn't harmless, says Subra, but it's far preferable to burning it off the water's surface. Gas flaring, meanwhile, is a waste of potentially usable energy, and further burdens the atmosphere with unnecessary greenhouse gas emissions, according to NOAA.

Together the Q4000 and the Discoverer Enterprise have flared more than 1 billion cubic feet of gas -- eight times the volume of the Louisiana Superdome. That's a significant amount -- it's more than 1 percent of the total amount of gas flared in the entire United States in 2008, according to satellite data collected by NOAA's Earth Observation Group.

BP plans to deploy a third containment vessel, the Helix Producer, but has thus far been foiled by the weather. Like the Enterprise, the Helix Producer would separate oil, water, and gas and flare off the gas. The Producer, scheduled to deploy Tuesday, is expected to increase oil collection by 25,000 barrels per day.

That can't come soon enough for critics of burning oil in-situ and aboard the Q4000.

"At least they're getting that material off of the slick and out of the water column," Subra said. "But there's still a long way to go before they recover all oil that's coming out of that well head."

. . . . . .

Aimee Miles can be reached at amiles@timespicayune.com or 504.826.3318.

Times-Picayune, New Orleans, Louisiana.

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HUFFINGTON POST — *Blog*

Dan Froomkin

froomkin@huffingtonpost.com | HuffPost Reporting

Gulf Oil Spill: The Plight of the Sea Turtles

First Posted: 07- 2-10 03:41 PM | Updated: 07- 2-10 04:21 PM

Read More: BP Oil Spill, Gulf Oil Spill, Oil Spill, Oil Spill Impact, Oil Spill Response, Oil Spill Sea Turtles, Sea Turtles, Slidepollajax, Green News

The seemingly endless oil disaster in the Gulf of Mexico is killing countless sea animals and sea birds, large and small. But there is no story as tragic as the plight of the sea turtles.

These magnificent, graceful, creatures are particularly vulnerable to the effects of oil in the water, which weakens their eggs, chokes and poisons their young, and leaves adults addled and starving.

In the case of the most endangered species, the Kemp's ridley turtle, hatchlings leaving their nests in Mexico this season are swimming right into the heart of the spill area, where their instinct to seek shelter and prey among floating vegetation is betraying them by leading them straight to thick clots of oil and oil-soaked seaweed.

There, instead of finding security and food, they are getting poisoned, trapped and asphyxiated.

And if that weren't tragic enough, it turns out that shrimp boats hired by BP to corral floating oil with booms and set it on fire have been burning hundreds if not thousands of the young turtles alive.

A GLIMPSE INTO THE UNSEEN

Despite the heart-wrenching photos of oil-covered animals along the Gulf Coast shoreline, marine scientists say the greater carnage remains offshore and, as yet, largely unnoticed.

Due to the extraordinary depth of the blown-out well and the unprecedented application of 1.6 million gallons of dispersants, much if not most of the oil (and gas, as well) still lurks unseen in the water column -- out of sight, but potentially wiping out vast populations of plankton, fish, and even larger marine animals.

The images of dead and suffering sea turtles (see the slideshow, below) are a rare, visible example of that offshore and underwater devastation.

Their plight offers a glimpse of what is happening where we can't see.

ABOUT THE SEA TURTLES

Sea turtles are long-lived animals, often with lifespans of three decades or more, and as a species have been swimming the oceans for more than 100 million years.

All five of the sea turtle species that make their home in the Gulf are listed as either "endangered" or "threatened". Several approached the brink of extinction, primarily due to the destruction of their nesting areas and the use of indiscriminate fishing nets.

For three decades, scientist and environmentalists and volunteers have successfully fought to protect sea turtles --- and have dramatically reversed the declines in population. It's been one of the great environmental success stories of our time.

But this oil spill is killing them in potentially catastrophic numbers.

Sarah L. Milton, a sea-turtle physiologist at Florida Atlantic University, and co-author of a 2003 NOAA report on oil toxicity and its impacts on sea turtles, told the Huffington Post it couldn't have happened at a worse time.

"The adults, both males and females, will be just offshore for breeding," she explained. "Oil on the beaches will affect females going ashore to nest. Studies have shown that oil on the eggs leads to reduced nest success and increased deformities. Hatchlings that emerge will have to cross the oiled beaches to get to the water, and then swim through what is out there.

"Proportionately, the oil is likely to have a much greater effect on the hatchlings, just due to their smaller size -- swallowing a tar ball will do far worse damage to a tiny gut than a large one."

Adults are far from immune, however. At all ages, for instance, turtles are indiscriminate eaters, and they inhale deeply before diving for food, two behaviors that increase their risk of fatal exposure. Many of them right now are foraging for food along the Northern Gulf coast, where the oil is currently concentrated.

A new report from the environmental group Oceana identifies some other risks:

*\Oil or dispersants on the sea turtle's skin and body can cause skin irritation, chemical burns,and infections. Oil exposure for just 4 days can cause sea turtles' skin to continually fall off in sheets. This condition persists even after they are removed and treated from the exposure.

* Inhalation of volatile petroleum compounds or dispersants can damage the respiratory tract and lead to diseases such as pneumonia.

* Ingesting oil or dispersants may cause injury to the gastrointestinal tract, which may affect the animals' ability to absorb or digest foods....

* Chemicals that are inhaled or ingested may damage liver, kidney, and brain function, cause anemia and immune suppression, or lead to reproductive failure or death.

Moby Solangi, director of the Institute for Marine Mammal Studies in Gulfport, Miss., told Huffpost that more than 200 dead turtles have been recovered along the Mississippi coast since the spill.

Many of them, oddly enough, had fish-hooks in their mouths and guts. But that, Solangi said, is a clue to how dramatically their behavior has changed due to the oil spill.

"As the spill started to escalate, these animals started moving closer to the shoreline," he said. Out of their normal habitats, they lunged for anything that looked like food -- including fishing bait.

And now, with the oil having arrived on Mississippi's coasts, even the turtles that had avoided it so far are suffering from its direct effects.

Oil, Solangi said, disrupts sea turtles' chemoreceptors -- in other words, their senses.

"It affects their ability to find prey," Solangi said. "It affects their ability to identify where their habitat is, or to understand movement."

Solangi concluded: "They're confused and they're hungry."

NOAA'S RESPONSE

As of the end of June, the federal government's National Oceanic and Atmospheric Administration (NOAA) reported that 583 sea turtles had been found in the spill area thus far. The great majority were either found dead or died soon after, leaving 136 to be taken to rehabilitation centers.

The biggest success story has been NOAA's turtle-rescue vessels, which have captured about 90 live turtles -- most of them Kemp ridleys. But the rescue effort is dwarfed by the scale of the disaster.

First of all, NOAA didn't even get its turtle rescue boats out onto the Gulf until late May, a month or so after the BP well first started spewing millions of gallons of oil a day into the pristine waters. And even now, there are only three such boats being deployed.

Blair Witherington, a sea turtle research scientist for Florida's Fish and Wildlife Conservation Commission -- who's been working on one of those boats -- told the Huffington Post that he recently charted all the areas where NOAA boats have been working, and "it's just a group of little squiggles

off in one tiny area of the spill zone."

Witherington said dozens of vessels should be out every day. But, he said, "I'm coming to realize that there are so many logistical and bureaucratic roadblocks between the people who want to get things done and getting those things done."

Many of those roadblocks, he said, "are not understandable to me."

And then there is the matter of the burning.

In mid-June, public reports started to emerge that the "controlled burns" BP was using to remove oil from the surface of the Gulf were also incinerating untold numbers of young turtles.

NOAA scientists at the time were rescuing turtles -- dozens of them -- from precisely the same kinds of floating "oil lines" and "weed lines" that BP-hired shrimp boats were corralling with boom and then setting on fire.

In a June 13 YouTube video, Louisiana charter boat captain Mike Ellis told marine biologist Catherine Craig about how his boat, carrying NOAA turtle rescuers, was turned away from what's become known as the "burn box" -- the section of the Gulf designated for burning on a given day.

"They kept trying to ran us out of there and then they shut us down, they would not let us get back in there. In the meantime, how many turtles got caught up in there and just burned?" Ellis asked.

"They drag a boom between two boats, and whatever's caught up, they circle it together and catch it on fire. Once the turtles are in it, they can't get out. I mean they come up, it looks, they look like they're chocolate covered. "

Ellis also submitted a declaration for a lawsuit filed June 30, in which three animal-welfare groups asked a federal district judge in New Orleans judge to put an immediate stop to the burns.

"[B]ased on my years of experience in the Gulf of Mexico, it is almost certain that endangered turtles were present in the burn boxes that I observed on the same oil line where our rescue team saved ten

endangered turtles, and that these turtles will continue to be present in similar burn boxes that continue to be used by BP as part of its practice of controlled burns," Ellis declared.

Bob Hoffman, the endangered species branch chief for NOAA's Southeast regional office, told the Huffington Post on Wednesday that the burns had been temporarily curtailed because of high seas, and that when they resume, NOAA will now make sure each "burn team" -- made up of two shrimp boats hauling booms and an "igniter" boat -- includes a trained observer who will be able to rescue turtles before they are incinerated..

The animal-welfare groups declared themselves satisfied on Friday, withdrawing their request for an immediate restraining order. "BP and the Coast Guard have further agreed to establish a standard operating protocol for the burns, and to convene a group of scientists to determine the necessary elements of the protocol to ensure the safety of the turtles," the groups announced Friday.

The first NOAA observer actually went out with a burn team last week, and reported seeing no turtles at all. But, Hoffman said: "I think that there were turtles in the area that were being burned. I'm not going to deny that.... When they pop up into the thick oil, it's like a fly on flypaper, they just can't get out of it."

Hoffman said there have been more than 200 controlled burns since the oil well blew up in late April. And no one knows how many turtles that could have been saved instead were cremated alive.

But based on the data the observers collect going forward, Hoffman said, an estimate of how many turtles were killed by fire "will be part of what we do when we do the biological opinion at the end of this project." That's the Natural Resource Damage Assessment that NOAA is compiling, and that will be used to make sure that the responsible party -- in this case, BP -- pays what is required to compensate the public for its losses.

DESPERATE MEASURES

Most Kemp ridley turtles nest in Mexico, but many of the other Gulf of Mexico turtles nest along the U.S. coastline. And rather than watch a whole generation of hatchlings hurtle into the muck and die, a consortium of federal and state wildlife groups on June 26 announced a plan to collect about 70,000 mostly loggerhead turtle eggs in up to 800 nests buried in the sand across Florida Panhandle and Alabama beaches -- and release the hatchlings along Florida's central Atlantic coast.

It's a radical move, and one for which many marine scientists have only modest hopes.

"In developing this plan we realized early on that our expectations for success needed to be realistic," U.S. Fish and Wildlife Service national sea turtle coordinator Sandy MacPherson said in a statement. "On the one hand the activities identified in the protocols are extraordinary and would never be supportable under normal conditions. However, taking no action would likely result in the loss of all of this year's Northern Gulf of Mexico hatchlings."

Milton, the turtle physiologist from FAU, said similar, smaller scale moves have resulted in "reduced hatching success." But, she told HuffPost: "reduced hatch success is better than sending hatchlings into the Gulf."

Institute director Solangi is similarly sober about his expectations. "This is the only thing that is left to do," he said. Putting animals in new habitats is a risky proposition. But, he said, "the option is between death -- or give them a chance."

THE PROGNOSIS

Carole Allen is Gulf office director for the Sea Turtle Restoration Project. She's been working to save turtles since 1982.

"They've been around since the dinosaurs, and I feel we have a moral responsibility not to kill things that were on the earth long before we were," she said. "They're a wonderful animal, and they have survived so many threats."

The effects of the spill are "worse probably than anybody dreamed, particularly for the Kemp's ridleys," she said. "It is a tremendous setback. It's just really unbelievable. I can't believe that just a few months ago, the news was so encouraging, and the government was predicting that the Kemp's ridleys could be downlisted from endangered to threatened in five years."

The immediate dangers are horrible enough, she said. "But what is the long-term effect on the Gulf of Mexico if all this oil goes to the bottom?.. The food supply of these turtles is right where the oil is sinking into the estuaries and the marshes," she said.

"When they plug that well, it's going to help. But it's certainly not going to go away. And we may not know for years just how profound the effect is."

Milton, the FAU turtle expert, shared Allen's concerns. "There are two long term effects that worry me because they are unknown, which are oil in the foodchain and the potential effects of the dispersants, which is likely to effect the first problem," she told HuffPost.

"The potential for toxic buildup of oil byproducts in the foodchain is likely to be quite large, and we don't know enough about turtle physiology to know what the long term effects of bioaccumulation will be. And we know nothing about the dispersants at all, except that by busting the oil up into smaller bits and making it sink, it' s all the more likely to enter the foodchain at the level of invertebrate prey."

One thing that's clear to marine scientists is that the turtle casualties we've seen so far only represent a small fraction of the toll these noble creatures are suffering -- both now and for years to come.

Solangi, for instance, notes that the hundreds of dead turtles in Mississippi were all retrieved from beaches -- and most of the state's shoreline consists of inaccessible marshes, estuaries, and barrier islands. For each turtle retrieved, he said, there are several times as many that remain undiscovered.

The Oceana reports notes that many dead and injured turtles will never be found by search crews, "because currents often carry the carcasses out to sea or carcasses can sink or be eaten by predators."

And yet none of the scientists or turtle rescuers interviewed by the Huffington Post has given up hope.

"I've got to be optimistic about it," said Allen, the 28-year veteran of turtle advocacy. "The Gulf is big and I'm hoping that there are some places where the turtles are where they can stay out of trouble."

"I would say turtles probably have been hit the worst of the endangered species," said NOAA's Hoffman. "But I don't think it's going to nullify the whole recovery. I'm keeping my fingers crossed, anyway."

"I'm a scientist. I try to remain objective," said Witherington, the Florida Fish and Wildlife turtle

expert. "Sometimes I start to dwell on the tragedy, and then I realize I'm just getting depressed," he said. "And I understand the job at hand, and that is to rescue these turtles."

For years, Witherington has been studying the juvenile phase of the sea-turtles' lives, watching them as they travel the open ocean, congregating around floating seaweed and other debris -- the very behavior that's now killing them.

"They live in a beautiful place," Witherington said. "The animals are interesting; the place where they live is interesting. It's beautiful. And now all that has changed."

****

Dan Froomkin is senior Washington correspondent for the Huffington Post. You can send him an e-mail, bookmark his page; subscribe to his RSS feed, follow him on Twitter, friend him on Facebook, and/or become a fan and get e-mail alerts when he writes.

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Subject: Oil spill update
From: Kate Sardi Sampson <Kate.Sampson@noaa.gov>
Date: Fri, 16 Jul 2010 16:52:45 -0400
To: NE Region Stranding Group <ners@neaq.org>

Hi everyone- I'm not sure how many of you were able to tune in to the town meeting discussion with Barbara Schroeder and reps from the USFWS and the NPS. I watched the earlier session with the media, but not the second public session in the afternoon. There were some interesting points brought up during the session I observed and maybe someone who watched the second session can chime in with any additions. Here are the points I found interesting:

Nesting
- There have been 13 nests (1Lk, 12Cc) in the Fl panhandle so far this season (about average for this time of year)
- There have been an increase in non-nesting emergences of adult females this season, presumably b/c of all the cleanup ops that are making these beaches more active, even at night
- 10 or so nests (incl 1 Lk) have been moved so far
- Nest relocations will continue even though the oil is currently contained
- The first nest that was moved has emerged and about 50 of 60 laid eggs were successful
- All nests that are moved will be taken to the Kennedy Space Station, where they will be incubated in nest boxes; they will be moved to the beach only once the eggs hatch
- Eggs that hatch at the Kennedy Space Station will be moved to beaches on the Atlantic coast of FL, spread out over several counties
- Lk nests in TX and Mexico are not being relocated b/c they are far south of the spill site and the currents should not bring oil into those areas; the risk of relocation for these nests was deemed higher than the risk to the hatchlings of entering the Gulf in these areas

Other issues
- The TX shrimp fishery is closed each year from late spring through July 15- it opened again as usual recently
- There are currently five observers on the burn operation vessels- they have not yet documented any sea turtles in these operations
- Approx. 150 turtles have been recovered in offshore survey ops, which are currently operating out of Destin, FL and Venice, LA; they will likely start in AL soon

Below also is a link of a good news piece from the New York Times about sea turtles in the Gulf:

http://video.nytimes.com/video/2010/07/14/science/earth/1247468438688/what-s-killing-the-sea-turtles.html

Have a great weekend, Kate

Kate Sardi Sampson <Kate.Sampson@noaa.gov>
Sea Turtle Stranding and Disentanglement Coordinator
Protected Resources Division
NOAA Fisheries Northeast Region

Release

Subject: Oil spill update
From: Kate Sardi Sampson <Kate.Sampson@noaa.gov>
Date: Wed, 30 Jun 2010 16:13:45 -0400
To: Kate Sampson <Kate.Sampson@noaa.gov>
CC: NE Region Stranding Group <ners@neaq.org>

Hello everyone- Here is an oil spill update for the last week or so.

I returned from my second "tour of duty" in the Gulf on Friday. As I think I mentioned in a previous email, I was involved with offshore surveys to locate and collect oiled sea turtles. Surveys currently operate out of Venice, LA- the last town on the Mississippi delta accessible by vehicle- and work 30-50+ miles offshore near the wreck site. Oiled turtles are brought to shore and transported to a
rehabilitation facility- currently the Audubon Aquarium of the Americas (AAOA). Barring rough sea conditions (like those produced by hurricane Alex- see article below), these surveys are planned to continue indefinitely, though the base of operations may shift or expand, depending on a variety of factors.

You may have read some of the media articles regarding turtles and in-situ burn operations. Mark Dodd of the GA DNR has gone out with the burn operations to determine the feasibility of placing observers on ignition vessels to rescue oiled turtles. Mark witnessed while he was out there that the ignition of the oil is a relatively slow process and turtles had much more of an opportunity to escape than had previously been thought. Placement of observers would also mitigate the risk to turtles in these areas. Logistics are currently being worked out for placement of observers.

The Command Center is coordinating staffing (both vet and tech) assistance at the AAOA. I know several NER organizations have received calls from BP to start contract paperwork. Some of you may know that there are parallel efforts through AZA to coordinate staffing for AAOA. As Mendy and I have mentioned previously, to ensure reimbursement, please make sure that requests for assistance go through the Command Center and BP's contract company. If you travel down to the Gulf based on requests through AZA or from AAOA directly, reimbursement for your expenses is not assured. Please let Mendy and I know if you are heading down to the Gulf, just so that we are in the loop on NER involvement.

Currently AAOA has the lion's share of turtles in rehabilitation. If and when transports occur, they will likely be within the SER. All decisions for the transport of turtles will come through the Command Center and they have given no indication to me that they are considering NER rehab space at this time. (You may've heard conversation through AZA about moving turtles into the NER, but this is not coming from the Command Center and is unofficial.) If you have contacted me regarding available rehab space in your facility, I have that info on file if and when the request comes down from the Command Center.

Here's an article about the impact of the hurricane on containment operations if you are interested:

http://www.miamiherald.com/2010/06/30/1708518/skimming-and-booming-operations.html

Subject: Re: Recent Article: BP Burning Sea Turtles and Dolphins Alive
From: Kate Sardi Sampson <Kate.Sampson@noaa.gov>
Date: Mon, 28 Jun 2010 10:26:28 -0400
To: Mendy Garron <Mendy.Garron@noaa.gov>
CC: Teri Rowles <Teri.Rowles@noaa.gov>, Janet Whaley <Janet.Whaley@noaa.gov>, Trevor Spradlin <Trevor.Spradlin@noaa.gov>, Lanni Hall <Lanni.Hall@noaa.gov>, David Gouveia <David.Gouveia@noaa.gov>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>

Hi Mendy- This story has been blown out of proportion. The burns that are being conducted are targeting areas of fresh, thick oil. As it said in the article, they are booming the oil to concentrate it into one area and then lighting it on fire. There was a lot of concern about the fact that turtles have been sighted in the areas where these burn operations are being conducted and it is possible that turtles that are in the oil slicks would be taken in the burns. Recently, Mark Dodd from the GA DNR (under directive of the command center) went out with the burn vessels to investigate their operations and see if there are opportunities for observers to be placed aboard to monitor burn activities. He discovered that the burns actually ignite quite slowly and turtles that aren't completely debilitated would likely be able to escape prior to the fire overtaking them. The command center is working on the logistics of putting observers on these vessels and will likely be starting those ops in the next week. Observers would have the opportunity to not only document take, but likely also to capture turtles from the oil slicks prior to ignition. There is cooperation b/w USCG/BP and the wildlife branch to make this happen.

I can not speak to an official statement regarding this and similar articles, but I wanted to give you some background for answering questions. I believe that Alexis Gutierrez is in the command center right now on the turtle side of things. I've cced her here to see if she can speak more to an official statement from unified command. Thanks, Kate

Mendy Garron wrote:

> Hi All:
> Over the last few days I have received many questions from the NER Network about the statements made in the below recent article. A lot of network members are fielding questions from the public regarding this article. Is there any guidance we should be giving them regarding addressing these questions?
> Thanks,
> Mendy
>
> BP is burning sea turtles alive, says Gulf captain*
>
> * From: NewsCore
> * June 23, 2010 11:10PM
>
> A BOAT captain working to rescue sea turtles in the Gulf of Mexico said he saw BP ships burning sea turtles and other wildlife alive.
>
> Captain Mike Ellis said in an interview that the boats were conducting controlled burns to get rid of the oil, myFOXtampabay.com reported.

Subject: updated version of turtle bmp
From: William.Whitmore@noaa.gov
Date: Sun, 04 Jul 2010 17:51:48 -0400
To: lawrence.malnor@bp.com, Alexis.Gutierrez@noaa.gov
CC: William.Whitmore@noaa.gov

Version up for signature from AUC.

-Willie

turtlebmps_v1.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Release

BEST MANAGEMENT PRACTICES
TO PROTECT SEA TURTLES AND MARINE MAMMALS DURING
IN-SITU BURNING OPERATIONS FOR THE
DEEPWATER HORIZON (MC 252) OIL SPILL RESPONSE

Approved by the Area Unified Command

USCG RADM J. Watson (FOSC) / RDML R. Nash (DFOSC)

7-4-10
date

BP Mr. D. Suttles

7-4-10
date

TOI Mr. A. Rose

7-4-10
date

BOEM Mr. L. Herbst

Michael Prendergast
for Lars Herbst

7/4/10
date

LA Mr. D. Bradshaw

for

7/4/2010
date

TO: Area Unified Command

FROM: Environmental Unit, Area Command

SUBJECT: Best Management Practices During In-Situ Burn Operations for Sea Turtles and Marine Mammals

The following documents detail the Best Management Practices (BMPs) for sea turtles and marine mammals with regards to in-situ burning operations for the Deepwater Horizon (MC 252) response. Guidance to response personnel is offered for skimming and in-situ burn operations and protocols for field observers are also provided. Due to area, environmental, and situational differences amongst the unique operation areas, we recommend that the Environmental Units in the incident commands reserve the authority to amend these BMPs as they deem necessary, and have them approved by their respective commands. These documents have been reviewed and approved by the Area Command Environmental Unit:

1. Best Management Practices to Protect Sea Turtles and Marine Mammals
2. Sea Turtle At-Sea Retrieval Protocol
3. In-Situ Burn Sea Turtle Observer Protocol
4. Instructions for Completing the Marine Species Observation Form
5. Marine Species Observation Form

Lawrence Malnor Environmental Unit Leader – BP 7/4/10 date

William Whitmore Environmental Unit Leader – NOAA 7/4/10 date

BEST MANAGEMENT PRACTICES TO PROTECT SEA TURTLES AND MARINE MAMMALS
(In-Situ Burn Operations)

Sea Turtles

- Sea turtles can be adversely affected during corralling of oil and oiled Sargassum or other converged material by being herded by the booms into oil, turtles may also be in the oil already whether or not there is Sargassum present. The concern with in-situ burning is that any live turtles in the boomed oil and/or oiled Sargassum or other converged material could potentially be burned when the oil is ignited.

Best Management Practices to Reduce In-Situ Burns Impacts to Sea Turtles

- Collection of all live and dead turtles needs to be conducted according to the "Sea Turtle At-Sea Retrieval Protocol" document
- The best possible mitigation measure would be to have turtle rescue vessels (with trained rescue personnel, if available) accompany the burn taskforce into the burn box and to search all material to rescue turtles prior to burning, while oil is being boomed or otherwise is awaiting burning. If this is not possible then the following should be considered:
  - Send turtle rescue vessels (with trained rescue personnel, if available) into the next day's projected burn box to search for and rescue turtles. Feasibility will depend on the size of the projected area and whether material has already been boomed or otherwise collected.
  - Have a trained observer (if available) or a crew member dedicated to looking for sea turtles (and marine mammals) during corralling operations and record each sighting event, including GPS location, species (if known), description of encounter on the attached form (attachment 2).
  - Contact the Wildlife Hotline (866-557-1401) or your supervisor to report the turtle to the Wildlife Branch immediately.
  - If possible all Sargassum that is not-oiled or is only very lightly oiled should be avoided.
  - If possible a survey should be conducted in the burn area after the burn is complete and all dead sea turtles should be counted and if possible collected.

Marine Mammals

- Marine mammals can be adversely affected by in-situ burns if they are in the burn area during burning. It is expected that marine mammals will avoid the area once the oil is ignited.

Best Management Practices to Reduce In-Situ Burns Impacts to Marine Mammals

- Have a trained observer, if available, or a crew member dedicated to looking for marine mammals that may be affected by the burn or are impacted by oil.
- Contact the Wildlife Hotline (866-557-1401) or your supervisor to report any marine mammal that is impacted by burn operations or that has signs of oil impacts to the Wildlife Branch as quickly as possible.

- If possible avoid burn operations where marine mammals have been spotted. if a marine mammal is spotted during operations, if possible, stop operations until the animal is outside the operations area.

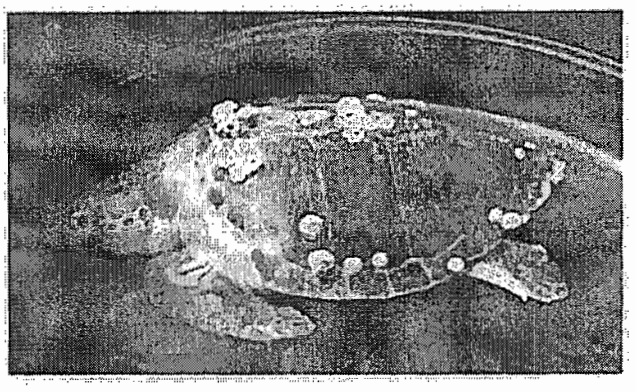
SEA TURTLE AT-SEA RETRIEVAL PROTOCOL

All live and dead sea turtles (includes oiled turtles) should be recorded and retrieved (if possible) and taken to an onshore facility for cleaning and rehabilitation or salvage/necropsy. Animals can be netted at the surface using dipnets or other hoists. Once onboard, sea turtles need to be carefully handled and transported to shore as soon as possible, in accordance with NMFS guidance.

BE SURE TO USE APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT
(Gloves, Tyvek suits, boots, and goggles if necessary)

Sea Turtle Retrieval Kit (1 per boat) Includes:

- Large Diameter dip net
- Large Rubbermaid Crate
- Large Cotton Towel
- PPE (Gloves, Tyvek, goggles)



1. Bring turtle on board (dipnets are useful for small turtles less than ~3 ft length). Do not pick up turtles by their flippers, but rather, lift them by grasping both sides of the carapace. If the turtle attempts to evade capture, do not pursue. When handling turtles, be aware of the head and flippers – they will bite and have powerful flippers with claws.

2. Determine position at sea (latitude/longitude coordinates as DD.DDDD).

3. Contact the Wildlife Hotline (866-557-1401) or your supervisor to report the turtle to the Wildlife Branch as quickly as possible.

4. Get the towel wet and put it in the bottom of the transport crate. Place the turtle on top of the towel. Put the crate with the turtle inside in the shade. Do not add more water to the crate.

5. If the turtle appears to be dead, follow the same process but roll the towel up to raise the hind end a few inches higher than the head. Keep the crate in the shade. (Note: live turtles may appear comatose for up to 24 hours!)

6. Deliver the sea turtle (live or dead) to the designated Response Center. Transport turtles in individual containers when possible. Be sure to provide location, date and time data, and a chain of custody form with each turtle.

IN-SITU BURN SEA TURTLE OBSERVER PROTOCOL

(subject to refinement and change as more data is gathered)

The observer will be stationed on the ignition boat and conduct the survey from a position that optimizes visibility. A general header data collection sheet will be filled out by the observer that includes information on the time survey begins, location, sea state, a general description of the oil and habitat, and unique information to track the survey data.

A sea turtle survey includes monitoring of 3 areas prior to the burn including; the area in front of the trawlers, oil concentrated in the boom, and any oil trailing behind the boom. As part of the survey, observers will note the type of oil encountered during the survey, the type of habitat (e.g. sea weed or other aquatic vegetation) encountered during the survey. A powerpoint for trainees explains in greater detail.

Sea turtles encountered during the survey that can be removed from the oil will be captured with a dip net. The sea turtle will be boarded and the observer will provide a cursory assessment of its status. Data relative to condition, location, and survey phase will be recorded. Sea turtles will be placed in a confined area/container and covered with a wet towel to minimize stress if the animal is alive. The sea turtle will be transported to the support vessel and the observer will notify the support vessel to arrange transport the sea turtle back to land.

INSTRUCTIONS FOR COMPLETING THE MARINE SPECIES OBSERVATION FORM

The Marine Species Observation Form has been developed to document information pertaining to the sightings and retrieval of marine species during at-sea operations. The data forms are to be completed by the observer during each dedicated survey. The form will be used for all marine operations involving visual observers. In the event that a field is not applicable indicate this by writing "N/A". In the event that information is unobtainable or unknown write "UK" in the corresponding field and describe the circumstances in the comment section of the data form.

Animals Sighted: Circle yes or no to indicate if any animals were sighted during surveys associated with marine operations.

Animals Retrieved: Circle yes or no to indicate if any animals were retrieved during the course of the marine operation.

Observer #: This is a unique number assigned to each observer by the contractor. e.g. C45

Page ____ of ____: This field is used link all documents associated with each marine operation. Pages should be numbered consecutively and arranged in the order that sightings or retrievals occur during each survey.

Trip #: Trip numbers will be three digit numbers designated by the number of trips the observer has completed as part of this program. For example observer C45's first trip will be 001, the second trip will be 002 and so forth.

Survey #: This is a three digit number assigned by the observer on a trip basis for each of the surveys completed during a trip. A survey is an observation event focused on a single marine effort such as surface skimming or surface burning.

Date: Enter the date that the survey is commenced.

Vessel Name: Indicate the name of the vessel from which observations are being completed.

Type: Indicate the type of vessel from which the observations are being completed.

Location: The fields contained in this section of the data form will capture the start and end position and time relative to the survey platform in which the observer is completing the visual observation and species retrieval. Additional elements such as general location, qualitative description of the oil and habitat type will also be recorded by checking the most appropriate box.

Length of Boom: Recorded in feet this figure should be obtained by asking the Captains of the vessels towing the boom or from the burn team.

Skirt Height: Recorded in inches this field should be obtained from the Captains of the vessels towing the boom or from the burn team.

Start Burn Time: Using the 24hour clock format record the time that the burn in initiated by the burn team.

Weather Description: Indicate one of the following weather conditions: unknown, clear, partly cloudy, continuous layer of clouds, drizzle, rain, showers, thunderstorms, rain and fog, fog or thick haze, or other with a description in the comments section.

Visibility: Estimate in feet the distance of clear visibility across the survey area.

Sea State: Using the Beaufort scale describe the sea state present during the survey.

Animal Observation Summary: This section is used to summarize the condition of each type of animal encountered during a survey.

Sighting and Retrieval-Additional Information: This section is used to log each specimen encountered during the survey.

Spec. #: Indicate the three digit specimen number assigned by the observer on a per survey basis for each animal sighted and/or retrieved during the survey.

Species: Indicate the common name of the species sighted and/or retrieved.

Condition: Note whether the animal was alive "A", deceased "D", or unknown "UK" upon sighting and separated by a hyphen whether the animal was retrieved "R" or stayed "S" at sea. For example if a live animal is encountered and it is retrieved the observer would indicate A-R in the condition field. If the animal is not retrieved and stays at sea the observer must use the comment section do describe the circumstances for leaving the animal at sea.

Photos: Indicate with a "Y" or "N" if digital images of the specimen were taken.

Latitude and Longitude: Using the format of DD.MM.mmm indicate the position of the vessel when the animal is retrieved. In the event that an animal is not retrieved indicate the position of the survey vessel, approximate the distance to the animal in feet and indicate the information in the comment section.

Survey phase: Indicate one of the following:

1. survey of material in front of trawlers
2. survey of material in boomed area
3. survey of material trawling behind boom

Comments: Indicate with a "Y" or a "N" whether coments have been included pertaining to the specimen..

Comments: This section should be used to document all observed interactions between animals and gear, list key identification characteristics, to describe behavioral characteristics and any other notable information pertaining to the survey. All information relative to a specimen should be identified by the specimen number.

Specimen Delivery Information: This section is used to document the chain of custody for all specimens that are either transferred at sea or delivered to a shore based facility.

Date Specimen Delivered: Indicate the data that the specimen was transferred or delivered (mm/dd/yy).

Vessel/Organization Name: Indicate the name of the vessel or organization that receives the specimen.

Name of Receiving Individual: Indicate the name of the individual that takes possession of the specimen.

The information contained herein is confidential and should be submitted to NOAA Resources at Risk Environmental Unit at nmfe.ser.emergency.consult@noaa.gov

MARINE SPECIES OBSERVATION FORM	ANIMALS SIGHTED: Y OR N ANIMALS RETRIEVED: Y OR N
OBSERVER #:	PAGE ____ OF ____
TRIP #:	DATE (MM/DD/YY):
SURVEY #:	SKIMMER TYPE:
OBSERVATION PLATFORM:	

LOCATION		
	START LAT/LONG (DD.MM.mmm)	START TIME(24hr)
	END LAT/LONG (DD.MM.mmm)	END TIME(24hr)

SOURCE ☐ NON-SOURCE ☐ NEAR SHORE ☐ BEACH ☐

TARGET OIL		HABITAT TYPES		
HEAVY(dark black/brown)	☐	SARGASSUM WEEDLINE: OIL ☐ NO OIL ☐	OIL LINE NO SARGASSUM ☐	
MEDIUM (brown to peanut color)	☐	DISPERSED SARGASSUM: OIL ☐ NO OIL ☐	OTHER:	
LIGHT (silver/rainbow sheen, metallic brn)	☐	HEAVY CONTINUOUS OIL NO SARGASSUM	☐	
Emulsified (orange)	☐	DISPERSED PATCHES OF OIL NO SARGASSUM	☐	

LENGTH OF BOOM (FT):		SKIRT HIEGHT (INCHES):
START BURN TIME (24hr):	WEATHER DESCRIPTION	VISIBILITY (FT):
		SEA STATE:

ANIMAL OBSERVATION SUMMARY

ANIMAL TYPE	NUMBER OF ANIMALS	
	ALIVE	DECEASED
Sea turtles		
Dolphins		
Whales		
Manatees		
Sea birds		
Other (Specify):		

The information contained herein is confidential and should be submitted to NOAA Resources at Risk Environmental Unit at nmfe.ser.emergency.consult@noaa.gov

SIGHTING AND RETRIEVALS- ADDITIONAL INFORMATION

SPEC. #	SPECIES	CONDITION	PHOTOS (Y OR N)	LATITUDE	LONGITUDE	SURVEY PHASE	Comment (Y or N)

COMMENTS (Describe any interactions with equipment, species identification characteristics, behaviorial characteristics, ect.):

SPECIMEN DELIVERY INFORMATION

Date Speciment Delivered	Vessel/Organization Name	Name of Individual Receiving

Subject: [Fwd: Friday press conference on turtles]
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Wed, 07 Jul 2010 07:52:14 -0400
To: Connie Barclay <Connie.Barclay@noaa.gov>, Monica Allen <Monica.Allen@noaa.gov>

Should we get Alexis cleared to talk to press? I think she would be good.

-------- Original Message --------
Subject: Friday press conference on turtles
Date: Wed, 07 Jul 2010 06:45:41 -0400
From: Connie Barclay <Connie.Barclay@noaa.gov>
To: Monica Allen <Monica.Allen@noaa.gov>
CC:'barbara.schroeder@noaa.gov' <Barbara.Schroeder@noaa.gov>, 'robert.hoffman@noaa.gov' <Robert.Hoffman@noaa.gov>, 'helen.golde@noaa.gov' <Helen.Golde@noaa.gov>
References:<21EA52DE70258D478470098CD3359235019D914234@Vmail51.noaa.nems>

Good morning Monica: Barbara is not going to be able to participate on
Friday -- a personal issue. I was going to contact
Bob Hoffman today to see if he could be our NOAA turtle expert on the
call. It sounds like you and Bob have already talked,
and he's up for it. Should we see if Brian can get on as well to
address necropsy questions? Connie

Monica Allen wrote:
> Hi Barbara,
> I've been talking with Chris Tollefson, Chuck's colleaugue at FWS, and he recommends NOAA be on the call. Whether the issue of controlled burn
> Thank you,
> Monica
>
> ----- Original Message -----
> From: Barbara.Schroeder <Barbara.Schroeder@noaa.gov>
> To: Monica Allen <Monica.Allen@noaa.gov>
> Cc: Robert Hoffman <Robert.Hoffman@noaa.gov>; 'connie.barclay@noaa.gov' <Connie.Barclay@noaa.gov>; Helen Golde <Helen.Golde@noaa.gov>
> Sent: Tue Jul 06 20:31:46 2010
> Subject: Re: Unified Command needs your help with press and congressional call on friday on turtles
>
> Monica,
> Chuck Underwood said explicitly today that these calls would be limited
> to the nest translocation effort and that questions aside from that
> would not be entertained. Just reporting what he said.
> Barbara
>
> Monica Allen wrote:
>
>> Hi Bob,
>> I would like to ask you to join two calls on Friday, a congressional
>> call at 11:30 EST, and a press call at 1 PM, that will primarily focus
>> on the FWS led turtle nest relocation project that we've been
>> consulting on as well. Barbara Schroeder is unable to be on the call
>> and I think it is very important that NOAA be represented on the call
>> to address any questions that may come up about the range of turtle
>> issues raised by the spill. We are making some progress on the burning
>> issue and we have cleared talking points, attached. By Friday, there
>> may be more updates on this and there may be questions from reporters.
>> I know you've done an interview on this and did a great job. The story
>> came out quite well.Please let me know if you can be on the calls that
>> will be run out of the Unified Area Command here in New Orleans. You
>> need not be here. I'm here and will coordinate with my FWS colleagues.
>> Thank you,
>> Monica
>> cell 202 379 6693
>>

--
Connie Barclay
Director, NOAA Fisheries Communications
NOAA Communications & External Affairs
(301)713-2370 work/(202)441-2398 cell
Join us on Facebook: www.facebook.com/noaa.lubchenco

--
Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Subject: [Fwd: Re: [Fwd: Friday press conference on turtles]]
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Wed, 07 Jul 2010 09:47:58 -0400
To: Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>

Are you willing to be cleared to talk to press? We need to spread the pain on this.

-------- Original Message --------
Subject: Re: [Fwd: Friday press conference on turtles]
Date: Wed, 07 Jul 2010 09:37:34 -0400
From: Monica Allen <Monica.Allen@noaa.gov>
To:'helen.golde@noaa.gov' <Helen.Golde@noaa.gov>, 'connie.barclay@noaa.gov' <Connie.Barclay@noaa.gov>, 'monica.allen@noaa.gov' <Monica.Allen@noaa.gov>

That would be great!!

From: Helen Golde <Helen.Golde@noaa.gov>
To: Connie Barclay <Connie.Barclay@noaa.gov>; Monica Allen <Monica.Allen@noaa.gov>
Sent: Wed Jul 07 07:52:14 2010
Subject: [Fwd: Friday press conference on turtles]

Should we get Alexis cleared to talk to press? I think she would be good.

-------- Original Message --------
Subject: Friday press conference on turtles
Date: Wed, 07 Jul 2010 06:45:41 -0400
From: Connie Barclay <Connie.Barclay@noaa.gov>
To: Monica Allen <Monica.Allen@noaa.gov>
CC:'barbara.schroeder@noaa.gov' <Barbara.Schroeder@noaa.gov>, 'robert.hoffman@noaa.gov' <Robert.Hoffman@noaa.gov>, 'helen.golde@noaa.gov' <Helen.Golde@noaa.gov>
References:<21EA52DE70258D478470098CD3359235019D914234@Vmail51.noaa.nems>

Good morning Monica: Barbara is not going to be able to participate on
Friday -- a personal issue. I was going to contact
Bob Hoffman today to see if he could be our NOAA turtle expert on the
call. It sounds like you and Bob have already talked,
and he's up for it. Should we see if Brian can get on as well to
address necropsy questions? Connie

Monica Allen wrote:
> Hi Barbara,
> I've been talking with Chris Tollefson, Chuck's colleaugue at FWS, and he recommends NOAA be on the call. Whether the issue of contr
> Thank you,
> Monica
>
> ----- Original Message -----
> From: Barbara.Schroeder <Barbara.Schroeder@noaa.gov>
> To: Monica Allen <Monica.Allen@noaa.gov>
> Cc: Robert Hoffman <Robert.Hoffman@noaa.gov>; 'connie.barclay@noaa.gov' <Connie.Barclay@noaa.gov>; Helen Golde <Helen.Golde@noaa.gov>
> Sent: Tue Jul 06 20:31:46 2010
> Subject: Re: Unified Command needs your help with press and congressional call on friday on turtles
>
> Monica,
> Chuck Underwood said explicitly today that these calls would be limited
> to the nest translocation effort and that questions aside from that
> would not be entertained. Just reporting what he said.
> Barbara
>
> Monica Allen wrote:
>
>> Hi Bob,
>> I would like to ask you to join two calls on Friday, a congressional
>> call at 11:30 EST, and a press call at 1 PM, that will primarily focus
>> on the FWS led turtle nest relocation project that we've been
>> consulting on as well. Barbara Schroeder is unable to be on the call
>> and I think it is very important that NOAA be represented on the call
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301-713-2332 x 108

Subject: [Fwd: Re: [Fwd: LA times story on turtle team and burning dilemna]]
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Thu, 17 Jun 2010 13:54:14 -0400
To: Katie Nichols <Katie.Nichols@noaa.gov>

And here is Jessica's question.

-------- Original Message --------
Subject: Re: [Fwd: LA times story on turtle team and burning dilemna]
Date: Thu, 17 Jun 2010 09:38:43 -0400
From: Brian Pawlak <Brian.T.Pawlak@noaa.gov>
To: Jessica Kondel <Jessica.Kondel@noaa.gov>
CC: Helen Golde <Helen.Golde@noaa.gov>
References:<4C1A229F.5060303@noaa.gov>

I believe PR is working on a response....

Jessica Kondel wrote:

> are we developing a stock response to this? can you share it with me? Or, call me and let me know what we should say about this? I got a couple of Hill inquiries and would like to call the staffers today.
> lauren
>
> ---
>
> **Subject:**
> LA times story on turtle team and burning dilemna
> **From:** Monica Allen <Monica.Allen@noaa.gov>
> **Date:** Thu, 17 Jun 2010 09:20:32 -0400
> **To:** "Teri.Frady" <Teri.Frady@noaa.gov>, Maggie Mooney-Seus <Marjorie.Mooney-Seus@noaa.gov>, Shelley Dawicki <Shelley.Dawicki@noaa.gov>, Connie Barclay <Connie.Barclay@noaa.gov>, Monica Allen <Monica.Allen@noaa.gov>, kim amendola <kim.amendola@noaa.gov>, "Kim.Couranz" <Kim.Couranz@noaa.gov>, Lesli Bales-Sherrod <Lesli.Bales-Sherrod@noaa.gov>, "Janet.Sears" <Janet.Sears@noaa.gov>, "Brian.Gorman" <Brian.Gorman@noaa.gov>, "Jim.Milbury" <Jim.Milbury@noaa.gov>, "Wende.Goo" <Wende.Goo@noaa.gov>, Elizabeth Crapo <Elizabeth.Crapo@noaa.gov>, Christine Patrick <Christine.Patrick@noaa.gov>, Linda Joy <Linda.Joy@noaa.gov>, Steve Murawski <Steve.Murawski@noaa.gov>, Samuel.Rauch@noaa.gov, John Oliver <John.Oliver@noaa.gov>, Gloria Thompson <Gloria.Thompson@noaa.gov>, Brenda.Jans@noaa.gov, Monica Allen <Monica.Allen@noaa.gov>, Heather.Sagar@Noaa.Gov, Connie Barclay <Connie.Barclay@noaa.gov>, Michael.S.Gallagher@noaa.gov, Jim Balsiger <Jim.Balsiger@noaa.gov>, Gary Reisner <Gary.Reisner@noaa.gov>, Jim Mccallum <Jim.Mccallum@noaa.gov>, Mark Holliday <Mark.Holliday@noaa.gov>, Jessica Kondel <Jessica.Kondel@noaa.gov>, Anne Barrett <Anne.Barrett@noaa.gov>, Beth Lumsden <Beth.Lumsden@noaa.gov>, Brycen Swart <Brycen.Swart@noaa.gov>, Jessica Dutton

<Jessica.Dutton@noaa.gov>, Elizabeth Crapo <Elizabeth.Crapo@noaa.gov>, Kari MacLauchlin <Kari.MacLauchlin@noaa.gov>, Eric Schwaab <Eric.Schwaab@noaa.gov>, Rebecca Chiampi <Rebecca.Chiampi@noaa.gov>, Justin Kenney <Justin.kenney@noaa.gov>, Scott Smullen <Scott.Smullen@noaa.gov>, justin Kenney <Justin.kenney@noaa.gov>
To: "Teri.Frady" <Teri.Frady@noaa.gov>, Maggie Mooney-Seus <Marjorie.Mooney-Seus@noaa.gov>, Shelley Dawicki <Shelley.Dawicki@noaa.gov>, Connie Barclay <Connie.Barclay@noaa.gov>, Monica Allen <Monica.Allen@noaa.gov>, kim amendola <kim.amendola@noaa.gov>, "Kim.Couranz" <Kim.Couranz@noaa.gov>, Lesli Bales-Sherrod <Lesli.Bales-Sherrod@noaa.gov>, "Janet.Sears" <Janet.Sears@noaa.gov>, "Brian.Gorman" <Brian.Gorman@noaa.gov>, "Jim.Milbury" <Jim.Milbury@noaa.gov>, "Wende.Goo" <Wende.Goo@noaa.gov>, Elizabeth Crapo <Elizabeth.Crapo@noaa.gov>, Christine Patrick <Christine.Patrick@noaa.gov>, Linda Joy <Linda.Joy@noaa.gov>, Steve Murawski <Steve.Murawski@noaa.gov>, Samuel.Rauch@noaa.gov, John Oliver <John.Oliver@noaa.gov>, Gloria Thompson <Gloria.Thompson@noaa.gov>, Brenda.Jans@noaa.gov, Monica Allen <Monica.Allen@noaa.gov>, Heather.Sagar@Noaa.Gov, Connie Barclay <Connie.Barclay@noaa.gov>, Michael.S.Gallagher@noaa.gov, Jim Balsiger <Jim.Balsiger@noaa.gov>, Gary Reisner <Gary.Reisner@noaa.gov>, Jim Mccallum <Jim.Mccallum@noaa.gov>, Mark Holliday <Mark.Holliday@noaa.gov>, Jessica Kondel <Jessica.Kondel@noaa.gov>, Anne Barrett <Anne.Barrett@noaa.gov>, Beth Lumsden <Beth.Lumsden@noaa.gov>, Brycen Swart <Brycen.Swart@noaa.gov>, Jessica Dutton <Jessica.Dutton@noaa.gov>, Elizabeth Crapo <Elizabeth.Crapo@noaa.gov>, Kari MacLauchlin <Kari.MacLauchlin@noaa.gov>, Eric Schwaab <Eric.Schwaab@noaa.gov>, Rebecca Chiampi <Rebecca.Chiampi@noaa.gov>, Justin Kenney <Justin.kenney@noaa.gov>, Scott Smullen <Scott.Smullen@noaa.gov>, justin Kenney <Justin.kenney@noaa.gov>

latimes.com

Death by fire in the gulf

So-called burn boxes are torching oil from the water's surface at the sacrifice of turtles, crabs, sea slugs and other sea life.

By Kim Murphy, Los Angeles Times

June 17, 2010

Reporting from the Gulf of Mexico

Advertisement

Here on the open ocean, 12 miles from ground zero of the Deepwater Horizon oil spill, the gulf is hovering between life and death.

The large strands of sargassum seaweed atop the ocean are normally noisy with birds and thick with crustaceans, small fish and sea turtles. But now this is a silent panorama, heavy with the

smell of oil.

There are no birds. The seaweed is soaked in rust-colored crude and chemical dispersant. It is devoid of life except for the occasional juvenile sea turtle, speckled with oil and clinging to the only habitat it knows. Thick ribbons of oil spread out through the sea like the strips in egg flower soup, gorgeous and deadly.

A few dead fish float in the water, though dolphin-fish, tuna, flying fish and the occasional shark can still be seen swimming near the surface, threading their way through the wavy, sometimes iridescent gobs of crude.

"This is devastating. I mean literally, it's terrible. All this should be pretty much blue water, and — look at it. It just looks bad," said Kevin Aderhold, a longtime charter fishing captain who has been taking a team of researchers deep into the gulf every day to rescue oil-soaked sea turtles.

"When this first happened, a lot of us were like, they'll cap that thing and we'll be out fishing again. Now reality's set in. Look around you. This is long-term. This'll be here for-ev-er."

And then it gets worse. When the weather is calm and the sea is placid, ships trailing fireproof booms corral the black oil, the coated seaweed and whatever may be caught in it, and torch it into hundred-foot flames, sending plumes of smoke skyward in ebony mushrooms. This patch of unmarked ocean gets designated over the radio as "the burn box."

Wildlife researchers operating here, in the regions closest to the spill, are witnesses to a disquieting choice: Protecting shorebirds, delicate marshes and prime tourist beaches along the coast by stopping the oil before it moves ashore has meant the largely unseen sacrifice of some wildlife out at sea, poisoned with chemical dispersants and sometimes boiled by the burning of spilled oil on the water's surface.

"It reflects the conventional wisdom of oil spills: If they just keep the oil out at sea, the harm will be minimal. And I disagree with that completely," said Blair Witherington, a research scientist with the Florida Fish and Wildlife Conservation Commission who has been part of the sea turtle rescue mission.

By unhappy coincidence, the same convergences of ocean currents that create long mats of sargassum — nurturing countless crabs, slugs and surface fish that are crucial food for turtles, birds and larger fish — also coalesce the oil, creating islands of death sometimes 30 miles long.

"Most of the Gulf of Mexico is a desert. Nothing out there to live on. It's all concentrated in these oases," Witherington said.

"Ordinarily, the sargassum is a nice, golden color. You shake it, and all kinds of life comes out: shrimp, crabs, worms, sea slugs. The place is really just bursting with life. It's the base of the food chain. And these areas we're seeing here by comparison are quite dead," he said.

"It's amazing. We'll see flying fish, and they'll land in this stuff and just get stuck."

Hardest hit of all, it appears, are the sea jellies and snails that drift along the gulf's surface, some

of the most important food sources for sea turtles.

"These animals drift into the oil lines and it's like flies on fly paper," Witherington said. "As far as I can tell, that whole fauna is just completely wiped out."

* * *

The turtle rescue team sets out at 6 a.m. in the muggy warm stillness of the harbor at Venice, La. The researchers move into the open gulf about an hour later, past a line of shrimp boats deputized to lay boom along the coastal marshes.

Closer to the Deepwater Horizon site, the water takes on a foreboding gray pallor tinged with a rainbow-like sheen. Soon, the oil begins swirling around the boat and the seascape smells like an auto mechanic's garage.

Strewn among the oil and seaweed are human flotsam: an orange hardhat, a pie pan, a wire coat hanger, yellow margarine-tub lids, a black-and-green ashtray. The crew has found papers — long at sea on global currents — bearing inscriptions in Spanish, Arabic, Greek and Chinese.

The only sound that breaks the stillness is the deep thrum of the motors of the large charter boat and a small skiff carrying the turtle researchers. From dawn until nearly dusk, across sargassum islands that normally are alive with birds looking for crabs and snails — bridal terns, shearwaters, storm-petrels — only one bird is seen.

"What's amazing is there's so little bird life out here right now. Either they've moved on, or the oiling has had a tremendous impact," said Kate Sampson, a researcher with the National Oceanic and Atmospheric Administration who is part of the turtle rescue team.

"We saw a few yesterday. We saw a few laughing gulls fly by. They were oiled, but they could still fly. And we saw a northern gannet, a diving bird. It was oiled too," she said. "I can only imagine that the birds left because the dining hall is closed."

Soon, the rising towers of the Discoverer Enterprise drill ship, which is collecting oil and gas from the damaged well, and the tall rigs boring two relief wells miles into the seabed appear through the haze. A flare of burning natural gas is silhouetted against the gray hull of the ship.

The Premier Explorer, which is helping coordinate cleanup operations at the broken well, announces the day's burn box: A 500-square-mile field within which 16 controlled burns will be conducted.

In the days since the April 20 explosion on the Deepwater Horizon, more than 5 million gallons of oil have been consumed in more than 165 burns.

"The real issue is to stop this thing at the source, do maximum skimming, in-situ burning — deal with it as far off shore as possible, and do everything you can to keep it from getting to shore, because once it's into the marshes, quite frankly, I think we would all agree there's no good solution at that point," Coast Guard Adm. Thad Allen told reporters last week.

But the burn operations have proved particularly excruciating for the turtle researchers, who have been trolling the same lines of oil and seaweed as the boom boats, hoping to pull turtles out of the sargassum before they are burned alive.

Much of the wildlife here seems doomed in any case. "We've seen the oil covering the turtles so thick they could barely move, could hardly lift their heads," Witherington said. "I won't pretend to know which is the nastiest."

Yet in one case, the crew had to fall back and watch as skimmers gathered up a long line of sargassum that hadn't yet been searched — and which they believe was full of turtles that might have been saved.

"In a perfect world, they'd gather up the material and let us search it before they burned it," Witherington said. "But that connection hasn't been made. The lines of communication aren't there."

The smoke starts rising on the horizon at midday. The two boats carrying the researchers head in different directions, hoping to find and rescue a few more turtles before their mission wraps up. They find 11, all of them heavily speckled with oil.

Each day, the chances of rescues grow smaller. That there are still so many left stranded in the oil without food is a small miracle. Their long-term chances "are zero," Witherington said.

"Turtles just take a long time to die."

kim.murphy@latimes.com <mailto:kim.murphy@latimes.com>

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Brian Pawlak
Deputy Director
NOAA Fisheries Service
Office of Habitat Conservation
301-713-2325 (167)
301-713-1043 (Fax)

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Helen M. Golde
Deputy Director
Office of Protected Resources
NOAA Fisheries Service
301-713-2332 x 108

Subject: [Fwd: Turtle stories -- lawsuit and extensive Huffington Post story on overall tragedy for sea turtles with NOAA quotes]
From: Helen Golde <Helen.Golde@noaa.gov>
Date: Sat, 03 Jul 2010 13:03:12 -0400
To: David Bernhart <David.Bernhart@noaa.gov>

-------- Original Message --------
Subject: Turtle stories -- lawsuit and extensive Huffington Post story on overall tragedy for sea turtles with NOAA quotes
Date: Sat, 03 Jul 2010 12:23:31 -0400
From: Monica Allen <Monica.Allen@noaa.gov>
To: Robert Hoffman <Robert.Hoffman@noaa.gov>, Barbara Schroeder <Barbara.Schroeder@noaa.gov>, Alexis Gutierrez <Alexis.Gutierrez@noaa.gov>, Teri Frady <Teri.Frady@noaa.gov>, Teri Rowles <Teri.Rowles@noaa.gov>, Helen Golde <Helen.Golde@noaa.gov>, bstacy@ufl.edu, witherington@cfl.rr.com, Michael Ziccardi <mhziccardi@ucdavis.edu>, "'connie.barclay@noaa.gov'" <Connie.Barclay@noaa.gov>, Elizabeth Crapo <Elizabeth.Crapo@noaa.gov>, kim amendola <kim.amendola@noaa.gov>, Christine Patrick <Christine.Patrick@noaa.gov>, Eric Schwaab <Eric.Schwaab@noaa.gov>, Gloria Thompson <Gloria.Thompson@noaa.gov>, John Oliver <John.Oliver@noaa.gov>, Rebecca Chiampi <Rebecca.Chiampi@noaa.gov>, Steve Murawski <Steve.Murawski@noaa.gov>, Beth Lumsden <Beth.Lumsden@noaa.gov>, Samuel Rauch <Samuel.Rauch@noaa.gov>, Deb Lambert <Deb.Lambert@noaa.gov>, Monica Allen <Monica.Allen@noaa.gov>

NEW ORLEANS TIMES-PICAYUNE

Burning off the oil may carry its own hazards

Some question safety, efficiency of practice

Saturday, July 03, 2010

By Aimee Miles

Staff writer

With controlled burns temporarily suspended on account of tempestuous weather, Gulf waters have had a reprieve lately from the roaring fires and billowing smoke plumes that, since late April, have

come to overwhelm the oily seascape.

But as fire teams prepare to resume their work, the burning and flaring of oil is attracting growing criticism from environmentalists who worry about the hazards it poses to wildlife and Gulf Coast communities. Some say that BP isn't investing enough energy in other methods of cleaning up the roughly 2.2 million to 4.2 million barrels of oil that have spewed into the Gulf as of June 29, according to the latest estimates.

As oil continues to pour into the Gulf, the question of how to optimize cleanup while minimizing environmental risks is still up for debate. Even comparing the efficiency of different methods of cleanup is difficult.

About 670,000 barrels of oily water have been skimmed as of July 1, BP said, but there's no telling what proportion of that is oil.

By comparison, controlled burns, also known as in-situ burns, have collectively removed 238,000 barrels of oil from the water's surface since they were initiated by the Coast Guard in late April. The burning has cleared up an estimated 6 percent to 11 percent of the total spill volume -- an amount that exceeds the generally accepted estimate for the total amount of oil spilled during the 1989 Exxon Valdez incident.

But burning is fraught with complications. The crude that litters the Gulf is highly emulsified and depleted in hydrogen, which means it doesn't burn readily. In many cases, it's easier to skim it off the surface. For the oil to sustain a fire, it needs to be condensed to several millimeters' thickness -- a task accomplished by retrofitted fishing vessels that work in pairs, dragging a 500-foot line of fireproof boom between them in a narrow U-shaped arc.

On any given day, as many as 10 fire teams are on the water, corralling oil and setting it alight. As the fishing vessels move in tandem at a speed of less than 1 mph, oil at the water's surface pools at the apex of the U. When about one-third of the area encased by the boom -- anywhere from 500 to 1,000 barrels of oil in volume -- is filled, an igniter boat releases a flare to set fire to a plastic container of gelled fuel, which floats toward the pooled oil and eventually burns it.

The ships stay in motion as the fire blazes; slowing down would allow the oil to thin out and eventually extinguish the fire. They try to tow into the wind so the smoke blows away from the vessels, but they're not always able to.

Oil occasionally escapes beyond the boom and creates smaller fires outside the contained area, but the slicks die off themselves within minutes. The fire inside the boom burns 2 to 3 millimeters of oil every 60 seconds, rising as high as 100 feet and generating massive plumes of smoke in its wake.

The National Institute for Occupational Safety and Health, which has been monitoring air quality aboard responder vessels, has recommended that respirators be made available to all burn crew members. As it stands, not all fire team vessels are fully equipped, and crew members head inside the ship's cabin if the smoke gets too heavy.

"Based on the air monitoring we've done to date, we haven't had any situations where respirators have been required," said BP consultant Alan Allen. "We're in the process of determining the best way to [distribute respirators] so that they have the option to wear masks."

Gulf Coast residents have requested that controlled burns only be conducted when the wind blows out, according to environmental consultant Wilma Subra, who works with the Louisiana Environmental Action Network. Allen says that hasn't been necessary because the in-situ burns occur 40 to 50 miles from the shore.

"If we were to do burns within 10 miles or so, we would activate the Smart protocols," he said, referring to a monitoring program for burns and dispersants designed cooperatively by four federal agencies.

Data from the U.S. Environmental Protection Agency show that concentrations of airborne particles from controlled burns are higher than normal at two or more monitoring stations along the Louisiana coast. The agency is also monitoring concentrations of volatile organic compounds evaporating from the oil on the water's surface. It has classified the air quality along the coastline as "unhealthy for sensitive groups," at worst.

But some residents have complained about nausea, sore throats, burning eyes and respiratory problems, and some try to avoid outdoor activity when the wind blows in. Some of the health complaints may not stem from oil burning but from the oil's propensity to be churned by wind and waves into an aerosol that can blow onshore.

Subra says BP should cut back on in-situ burns and focus on skimming.

"If they can surround it by a boom, they should be able to skim it rather than burn it," she said.

Critics also note burning can imperil wildlife. Last week, the Center for Biological Diversity filed suit against BP under the Clean Water Act, charging the company with burning endangered sea turtles alive in the course of its cleanup efforts. In response, the National Oceanic and Atmospheric Administration's National Marine Fisheries Service announced it would place a NOAA observer with each fire team to inspect oil corrals before they are ignited.

"You can't help but recognize, if we're collecting oil along the convergence line, the oil will be ideal for collecting but that may also be an area where there's a potential for turtles to gather," Allen said. "We go to great lengths ... to try to avoid including that in our burn."

Some oil is being burned using another method: flaring.

Only one of the two rigs collecting oil from the leaking well has the capacity to process and store the crude oil it captures. That ship, the Discoverer Enterprise, is connected to a cap that contains some of the gushing crude and feeds it to the rig through a riser. The Enterprise is able to isolate and burn the gas, then store the oil and pump the leftover water back into the ocean.

Its cohort, the Q4000, can't process or store the crude oil it collects. So the vessel burns both oil and gas through an "EverGreen" burner, said to provide a relatively clean burn by eliminating visible smoke emissions. Since it went into operation on June 16, the Q4000 has burned an average of 8,556 barrels of oil per day, totaling 119,780 barrels as of June 29 -- about half the oil burned thus far.

Burning oil aboard the Q4000 isn't harmless, says Subra, but it's far preferable to burning it off the water's surface. Gas flaring, meanwhile, is a waste of potentially usable energy, and further burdens the atmosphere with unnecessary greenhouse gas emissions, according to NOAA.

Together the Q4000 and the Discoverer Enterprise have flared more than 1 billion cubic feet of gas -- eight times the volume of the Louisiana Superdome. That's a significant amount -- it's more than 1 percent of the total amount of gas flared in the entire United States in 2008, according to satellite data collected by NOAA's Earth Observation Group.

BP plans to deploy a third containment vessel, the Helix Producer, but has thus far been foiled by the weather. Like the Enterprise, the Helix Producer would separate oil, water, and gas and flare off the gas. The Producer, scheduled to deploy Tuesday, is expected to increase oil collection by 25,000 barrels per day.

That can't come soon enough for critics of burning oil in-situ and aboard the Q4000.

"At least they're getting that material off of the slick and out of the water column," Subra said. "But there's still a long way to go before they recover all oil that's coming out of that well head."

. . . . . .

Aimee Miles can be reached at amiles@timespicayune.com or 504.826.3318.

Times-Picayune, New Orleans, Louisiana.

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HUFFINGTON POST — *Blog*

Dan Froomkin

froomkin@huffingtonpost.com | HuffPost Reporting

Gulf Oil Spill: The Plight of the Sea Turtles

First Posted: 07- 2-10 03:41 PM | Updated: 07- 2-10 04:21 PM

Read More: BP Oil Spill, Gulf Oil Spill, Oil Spill, Oil Spill Impact, Oil Spill Response, Oil Spill Sea Turtles, Sea Turtles, Slidepollajax, Green News

The seemingly endless oil disaster in the Gulf of Mexico is killing countless sea animals and sea birds, large and small. But there is no story as tragic as the plight of the sea turtles.

These magnificent, graceful, creatures are particularly vulnerable to the effects of oil in the water, which weakens their eggs, chokes and poisons their young, and leaves adults addled and starving.

In the case of the most endangered species, the Kemp's ridley turtle, hatchlings leaving their nests in Mexico this season are swimming right into the heart of the spill area, where their instinct to seek shelter and prey among floating vegetation is betraying them by leading them straight to thick clots of oil and oil-soaked seaweed.

There, instead of finding security and food, they are getting poisoned, trapped and asphyxiated.

And if that weren't tragic enough, it turns out that shrimp boats hired by BP to corral floating oil with booms and set it on fire have been burning hundreds if not thousands of the young turtles alive.

A GLIMPSE INTO THE UNSEEN

Despite the heart-wrenching photos of oil-covered animals along the Gulf Coast shoreline, marine scientists say the greater carnage remains offshore and, as yet, largely unnoticed.

Due to the extraordinary depth of the blown-out well and the unprecedented application of 1.6 million gallons of dispersants, much if not most of the oil (and gas, as well) still lurks unseen in the water column -- out of sight, but potentially wiping out vast populations of plankton, fish, and even larger marine animals.

The images of dead and suffering sea turtles (see the slideshow, below) are a rare, visible example of that offshore and underwater devastation.

Their plight offers a glimpse of what is happening where we can't see.

ABOUT THE SEA TURTLES

Sea turtles are long-lived animals, often with lifespans of three decades or more, and as a species have been swimming the oceans for more than 100 million years.

All five of the sea turtle species that make their home in the Gulf are listed as either "endangered" or "threatened". Several approached the brink of extinction, primarily due to the destruction of their nesting areas and the use of indiscriminate fishing nets.

For three decades, scientist and environmentalists and volunteers have successfully fought to protect sea turtles --- and have dramatically reversed the declines in population. It's been one of the great environmental success stories of.our time.

But this oil spill is killing them in potentially catastrophic numbers.

Sarah L. Milton, a sea-turtle physiologist at Florida Atlantic University, and co-author of a 2003 NOAA report on oil toxicity and its impacts on sea turtles, told the Huffington Post it couldn't have happened at a worse time.

"The adults, both males and females, will be just offshore for breeding," she explained. "Oil on the beaches will affect females going ashore to nest. Studies have shown that oil on the eggs leads to reduced nest success and increased deformities. Hatchlings that emerge will have to cross the oiled beaches to get to the water, and then swim through what is out there.

"Proportionately, the oil is likely to have a much greater effect on the hatchlings, just due to their smaller size -- swallowing a tar ball will do far worse damage to a tiny gut than a large one."

Adults are far from immune, however. At all ages, for instance, turtles are indiscriminate eaters, and they inhale deeply before diving for food, two behaviors that increase their risk of fatal exposure. Many of them right now are foraging for food along the Northern Gulf coast, where the oil is currently concentrated.

A new report from the environmental group Oceana identifies some other risks:

*\Oil or dispersants on the sea turtle's skin and body can cause skin irritation, chemical burns,and infections. Oil exposure for just 4 days can cause sea turtles' skin to continually fall off in sheets. This condition persists even after they are removed and treated from the exposure.

* Inhalation of volatile petroleum compounds or dispersants can damage the respiratory tract and lead to diseases such as pneumonia.

* Ingesting oil or dispersants may cause injury to the gastrointestinal tract, which may affect the animals' ability to absorb or digest foods....

* Chemicals that are inhaled or ingested may damage liver, kidney, and brain function, cause anemia and immune suppression, or lead to reproductive failure or death.

Moby Solangi, director of the Institute for Marine Mammal Studies in Gulfport, Miss., told Huffpost that more than 200 dead turtles have been recovered along the Mississippi coast since the spill.

Many of them, oddly enough, had fish-hooks in their mouths and guts. But that, Solangi said, is a clue to how dramatically their behavior has changed due to the oil spill.

"As the spill started to escalate, these animals started moving closer to the shoreline," he said. Out of their normal habitats, they lunged for anything that looked like food -- including fishing bait.

And now, with the oil having arrived on Mississippi's coasts, even the turtles that had avoided it so far are suffering from its direct effects.

Oil, Solangi said, disrupts sea turtles' chemoreceptors -- in other words, their senses.

"It affects their ability to find prey," Solangi said. "It affects their ability to identify where their habitat is, or to understand movement."

Solangi concluded: "They're confused and they're hungry."

NOAA'S RESPONSE

As of the end of June, the federal government's National Oceanic and Atmospheric Administration (NOAA) reported that 583 sea turtles had been found in the spill area thus far. The great majority were either found dead or died soon after, leaving 136 to be taken to rehabilitation centers.

The biggest success story has been NOAA's turtle-rescue vessels, which have captured about 90 live turtles -- most of them Kemp ridleys. But the rescue effort is dwarfed by the scale of the disaster.

First of all, NOAA didn't even get its turtle rescue boats out onto the Gulf until late May, a month or so after the BP well first started spewing millions of gallons of oil a day into the pristine waters. And even now, there are only three such boats being deployed.

Blair Witherington, a sea turtle research scientist for Florida's Fish and Wildlife Conservation Commission -- who's been working on one of those boats -- told the Huffington Post that he recently charted all the areas where NOAA boats have been working, and "it's just a group of little squiggles

off in one tiny area of the spill zone."

Witherington said dozens of vessels should be out every day. But, he said, "I'm coming to realize that there are so many logistical and bureaucratic roadblocks between the people who want to get things done and getting those things done."

Many of those roadblocks, he said, "are not understandable to me."

And then there is the matter of the burning.

In mid-June, public reports started to emerge that the "controlled burns" BP was using to remove oil from the surface of the Gulf were also incinerating untold numbers of young turtles.

NOAA scientists at the time were rescuing turtles -- dozens of them -- from precisely the same kinds of floating "oil lines" and "weed lines" that BP-hired shrimp boats were corralling with boom and then setting on fire.

In a June 13 YouTube video, Louisiana charter boat captain Mike Ellis told marine biologist Catherine Craig about how his boat, carrying NOAA turtle rescuers, was turned away from what's become known as the "burn box" -- the section of the Gulf designated for burning on a given day.

"They kept trying to ran us out of there and then they shut us down, they would not let us get back in there. In the meantime, how many turtles got caught up in there and just burned?" Ellis asked.

"They drag a boom between two boats, and whatever's caught up, they circle it together and catch it on fire. Once the turtles are in it, they can't get out. I mean they come up, it looks, they look like they're chocolate covered. "

Ellis also submitted a declaration for a lawsuit filed June 30, in which three animal-welfare groups asked a federal district judge in New Orleans judge to put an immediate stop to the burns.

"[B]ased on my years of experience in the Gulf of Mexico, it is almost certain that endangered turtles were present in the burn boxes that I observed on the same oil line where our rescue team saved ten

endangered turtles, and that these turtles will continue to be present in similar burn boxes that continue to be used by BP as part of its practice of controlled burns," Ellis declared.

Bob Hoffman, the endangered species branch chief for NOAA's Southeast regional office, told the Huffington Post on Wednesday that the burns had been temporarily curtailed because of high seas, and that when they resume, NOAA will now make sure each "burn team" -- made up of two shrimp boats hauling booms and an "igniter" boat -- includes a trained observer who will be able to rescue turtles before they are incinerated.

The animal-welfare groups declared themselves satisfied on Friday, withdrawing their request for an immediate restraining order. "BP and the Coast Guard have further agreed to establish a standard operating protocol for the burns, and to convene a group of scientists to determine the necessary elements of the protocol to ensure the safety of the turtles," the groups announced Friday.

The first NOAA observer actually went out with a burn team last week, and reported seeing no turtles at all. But, Hoffman said: "I think that there were turtles in the area that were being burned. I'm not going to deny that.... When they pop up into the thick oil, it's like a fly on flypaper, they just can't get out of it."

Hoffman said there have been more than 200 controlled burns since the oil well blew up in late April. And no one knows how many turtles that could have been saved instead were cremated alive.

But based on the data the observers collect going forward, Hoffman said, an estimate of how many turtles were killed by fire "will be part of what we do when we do the biological opinion at the end of this project." That's the Natural Resource Damage Assessment that NOAA is compiling, and that will be used to make sure that the responsible party -- in this case, BP -- pays what is required to compensate the public for its losses.

DESPERATE MEASURES

Most Kemp ridley turtles nest in Mexico, but many of the other Gulf of Mexico turtles nest along the U.S. coastline. And rather than watch a whole generation of hatchlings hurtle into the muck and die, a consortium of federal and state wildlife groups on June 26 announced a plan to collect about 70,000 mostly loggerhead turtle eggs in up to 800 nests buried in the sand across Florida Panhandle and Alabama beaches -- and release the hatchlings along Florida's central Atlantic coast.

It's a radical move, and one for which many marine scientists have only modest hopes.

"In developing this plan we realized early on that our expectations for success needed to be realistic," U.S. Fish and Wildlife Service national sea turtle coordinator Sandy MacPherson said in a statement. "On the one hand the activities identified in the protocols are extraordinary and would never be supportable under normal conditions. However, taking no action would likely result in the loss of all of this year's Northern Gulf of Mexico hatchlings."

Milton, the turtle physiologist from FAU, said similar, smaller scale moves have resulted in "reduced hatching success." But, she told HuffPost: "reduced hatch success is better than sending hatchlings into the Gulf."

Institute director Solangi is similarly sober about his expectations. "This is the only thing that is left to do," he said. Putting animals in new habitats is a risky proposition. But, he said, "the option is between death -- or give them a chance."

THE PROGNOSIS

Carole Allen is Gulf office director for the Sea Turtle Restoration Project. She's been working to save turtles since 1982.

"They've been around since the dinosaurs, and I feel we have a moral responsibility not to kill things that were on the earth long before we were," she said. "They're a wonderful animal, and they have survived so many threats."

The effects of the spill are "worse probably than anybody dreamed, particularly for the Kemp's ridleys," she said. "It is a tremendous setback. It's just really unbelievable. I can't believe that just a few months ago, the news was so encouraging, and the government was predicting that the Kemp's ridleys could be downlisted from endangered to threatened in five years."

The immediate dangers are horrible enough, she said. "But what is the long-term effect on the Gulf of Mexico if all this oil goes to the bottom?.. The food supply of these turtles is right where the oil is sinking into the estuaries and the marshes," she said.

"When they plug that well, it's going to help. But it's certainly not going to go away. And we may not know for years just how profound the effect is."

Milton, the FAU turtle expert, shared Allen's concerns. "There are two long term effects that worry me because they are unknown, which are oil in the foodchain and the potential effects of the dispersants, which is likely to effect the first problem," she told HuffPost.

"The potential for toxic buildup of oil byproducts in the foodchain is likely to be quite large, and we don't know enough about turtle physiology to know what the long term effects of bioaccumulation will be. And we know nothing about the dispersants at all, except that by busting the oil up into smaller bits and making it sink, it' s all the more likely to enter the foodchain at the level of invertebrate prey."

One thing that's clear to marine scientists is that the turtle casualties we've seen so far only represent a small fraction of the toll these noble creatures are suffering -- both now and for years to come.

Solangi, for instance, notes that the hundreds of dead turtles in Mississippi were all retrieved from beaches -- and most of the state's shoreline consists of inaccessible marshes, estuaries, and barrier islands. For each turtle retrieved, he said, there are several times as many that remain undiscovered.

The Oceana reports notes that many dead and injured turtles will never be found by search crews, "because currents often carry the carcasses out to sea or carcasses can sink or be eaten by predators."

And yet none of the scientists or turtle rescuers interviewed by the Huffington Post has given up hope.

"I've got to be optimistic about it," said Allen, the 28-year veteran of turtle advocacy. "The Gulf is big and I'm hoping that there are some places where the turtles are where they can stay out of trouble."

"I would say turtles probably have been hit the worst of the endangered species," said NOAA's Hoffman. "But I don't think it's going to nullify the whole recovery. I'm keeping my fingers crossed, anyway."

"I'm a scientist. I try to remain objective," said Witherington, the Florida Fish and Wildlife turtle

expert. "Sometimes I start to dwell on the tragedy, and then I realize I'm just getting depressed," he said. "And I understand the job at hand, and that is to rescue these turtles."

For years, Witherington has been studying the juvenile phase of the sea-turtles' lives, watching them as they travel the open ocean, congregating around floating seaweed and other debris -- the very behavior that's now killing them.

"They live in a beautiful place," Witherington said. "The animals are interesting; the place where they live is interesting. It's beautiful. And now all that has changed."

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Dan Froomkin is senior Washington correspondent for the Huffington Post. You can send him an e-mail, bookmark his page; subscribe to his RSS feed, follow him on Twitter, friend him on Facebook, and/or become a fan and get e-mail alerts when he writes.

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