

MC252 Deepwater Horizon (DWH) oil spill
Operations Section, Wildlife Branch, Marine Mammal and Sea Turtle Group (MMSTG)
After Action Review Summary Report

Background

An After Action Review (review) was conducted to allow for a retrospective assessment of the response operations within the Operations Section, Wildlife Branch, Marine Mammal and Sea Turtle Group (MMSTG) following the MC252 Deepwater Horizon (DWH) oil spill. The review was completed through a written online survey to all responders and an in-person meeting for key responders. The review provided a forum for responders to discuss response operations, discuss the strengths and weaknesses of the response, provide feedback to National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS), and discuss planning for future events. Areas of discussion included communication during response, readiness, training, logistics, data needs and protocols.

The focus of the review encompassed activities during the primary response period from April 2010 through November 2010, but also included response activities that continued into 2011 (i.e. marine mammal stranding response and sea turtle nest monitoring).

The in-person review was organized into two sessions:

Session 1: On-the Ground Response (Day 1, Day 2 and morning on Day 3): Approximately 30 invited Federal and non-Federal participants, including field responders and response coordination personnel from various Federal, state and private agencies participated in this Session. The structure of the review involved a combination of discussion, presentations, and requested feedback on structured topics. Participants separated into two breakout groups (one for mammals and one for turtles) for a portion of the review.

Session 2: Federal Review and Coordination (afternoon on Day 3 and Day 4): NOAA and USFWS staff participated in this closed session. The primary purpose was to synthesize the information received and discussed during the previous days and determine how best to implement action items and further the mission and legal requirements of the agencies during a response involving marine mammals and sea turtles.

This report captures a summary of individual thoughts and recommendations. This report is intended to serve as a guidance document to help NOAA and USFWS better prepare for future oil spill response.

Primary Objectives of After Action Review and Summary Report

To incorporate experiences and lessons learned during DWH to better prepare for future oil spill response. Identify elements that NOAA and USFWS can address and improve upon and also identify

elements that must be raised up the chain of command within Department of Commerce (DOC), NOAA and USFWS for resolution.

Throughout the After Action Review, the following topics were discussed in detail related to what occurred during the DWH response, what worked well, what improvements could be made for a future response, and how NOAA, FWS and our partners should move forward to become better prepared for a future oil spill response.

1. Sea Turtle Stranding Response (sea turtle responders)
2. Facilities for De-oiling and Rehabilitation; Transport and Release (all participants)
3. Sampling, Necropsy and Sample Handling (all participants)
4. Sea Turtle Nesting and Translocation (sea turtle responders)
5. Sea Turtle On-Water Rescue (sea turtle responders)
6. Aerial Surveys (sea turtle responders)
7. Marine Mammal Protocols (marine mammal responders)
8. Training (marine mammal responders)
9. Marine Mammal Health Assessments/Pro-active Monitoring (marine mammal responders)
10. Staffing, Use of Trained Personnel and the Use of Volunteers (all participants)
11. Communication, Outreach to Public and Interest groups (all participants)
12. Overall Preparedness (all participants)

Throughout the Review, several topics were identified as priority areas that required additional discussion, those topics are described in more detail below.

1) ESA and MMPA Regulatory Issues, ESA Section 7 and BMPs:

Topics Identified for Discussion:

- Coordination with USCG personnel on ESA section 7 to actively work on the implement of protocols for listed species and comply with section 7 BMPs.
- How to better integrate ESA listed species and statutory responsibilities into the priorities of the UC.
- How to better ensure the integration and implementation of BMPs into response activities outside Wildlife Branch.
- Discussion on the UC review process for BMPs, how it can be streamlined to be more effective.
- Structure and coordination of the observer program. Is it best managed in the Wildlife Branch or in the Environmental Unit?

Discussion/Comments:

- It was noted that, during DWH, NMFS and USFWS ESA section 7 staff worked within the UC/Planning/Environmental Unit to implement BMPs and require ESA mandates. While these

staff worked within the UC, they also needed to maintain their regulatory role as the agency issuing the emergency consultation on the spill response.

- It was suggest that a training program on ESA and MMPA regulatory requirements would be useful for the SSC's and USCG so they can better understand the process, requirements and their responsibilities under the ESA.
- It was discussed and suggested that NMFS and USFWS should revisit the national Memorandum of Understanding (MOU) with USCG regarding spill response. Currently the MOU only covers ESA Section 7 topics, but it could potentially be expanded to include MMPA.
- It was noted that there are existing ESA section 7 consultations on response plans in various regions. These may be useful as a references for future consultations are initiated on response plans from Regional Response Teams and Area Committees.
- It was discussed and suggested that NMFS and USFWS leadership may need to be present in the UC to reinforce the importance of NMFS and USFWS as regulatory agencies with.
- It was suggested that NMFS and USFWS should develop coordinated talking points or a briefing document for ESA section 7 to help educate the UC on responsibilities and requirements under the ESA. It was noted that NMFS SER and USFWS Region 4(Atlanta) to take the lead and bring in Headquarters as needed.
- It was suggested that NMFS and USFWS should determine a mechanism to better coordinate all statutory responsibilities (e.g., MMPA, ESA, Migratory Bird Treaty Act, etc.). BMPs are required under each of these statutes and a coordinated effort would be beneficial to both agencies, UC and the species.
- It was noted that it is critical for NMFS and USFWS to differentiate between BMPs that are developed under statutory requirements for the protection of species and protocols (also called BMPs) that are developed for different aspects of the clean-up effort (e.g., BMPs for how to clean beaches, collect oil samples). This was a challenge during DWH, which resulted in less effective management measure for the protection of species.
- It was suggest that NMFS and USFWS should have a joint meeting to discuss the above topics further and our coordinated efforts under ESA and MMPA during an oil spill.

2) Structure and Staffing Within the Wildlife Branch:

Topics Identified for Discussion:

- Discussion on who should direct efforts within the Wildlife Branch (e.g. RP, USCG, NMFS and USFWS) and how to structure the roles within the Wildlife Branch for marine mammal and sea turtle response efforts.
- Discussion on multiple staffing issues that arose during DWH, including: rotational periods and staff change-over, and mechanism to bring in additional staff resources to assist with a response.

- Discussion on the decision-making process during DWH and how it can be improved for future spills.
- Discussion on communication between the SSC and the Wildlife Branch during DWH and how that can be improved in the future.

Discussion/Comments:

- It was suggested that NMFS and USFWS should develop an ideal structure for Wildlife Branch that can be scaled up or scaled down depending on the size of the spill and how many people are required to work within the Wildlife Branch. This structure should include a list of roles required and skill sets necessary for those roles. Options for the structure of the Wildlife Branch and MMSTG were discussed. It was suggested that Wildlife Branch should remain broken out by taxa, similar to during DWH, including a sea turtle, marine mammal, bird and invertebrate group. An alternative option discussed was to break the structure out by function, including a transport group, logistics and ordering, on-water search and rescue, where each of these groups would work across all taxa. A final recommendation was not made, but participants agreed that the structure should be flexible and allow for any size of response effort.
- It was discussed that NMFS and USFWS leadership may need to be more closely involved in the establishment of the Wildlife Branch and its importance in a response. Additionally, it may be beneficial for NMFS and USFWS leadership to serve in a Liaison position working within the UC to help facilitate and bring awareness to protected species issues. During DWH, NMFS leadership was not regularly present in the UC, but DOI leadership was present which was helpful to advocate for all protected species issues.

3) Procurement of Supplies and Equipment/Contracting:

Topics Identified for Discussion:

- How to ensure that supply and equipment needs are fulfilled in a timely and effective manner in future spills.
- Discussion of procurement and contracting options available during a spill.

Discussion/Comments:

- It was noted that during DWH, we obtained supplies and personnel contracts solely through the UC Logistics Branch. The supplies, equipment and medications the MMSTG requested were very complex and specific and the Logistic Branch was unable to understand what was needed, where to order them and why substitutions for some items was not acceptable. The ordering process caused stress and tension within the Wildlife Branch and specifically within the MMSTG.
- Given the problems that occurred in DWH with ordering and contracting response personnel, it was suggested that NMFS and USFWS identify options for quickly procuring small supplies (e.g.

sampling kits and medical supplies), larger equipment (e.g. vessels, ATV's) and personnel contracts. Options suggested include: Using the NOAA or USFWS PRFA funds rather than the UC Logistics Group to order supplies. In this situation, the MMSTG would need to request a certain amount of funds through the PRFA for use to purchase supplies. NMFS and USFWS could then purchase supplies using credit cards, which could then be reimbursed through the PRFA. It was suggested that further discussions are needed between ORR and NMFS for contracting options. There may be mechanisms available to have personnel contracts in place for quick activation when needed.

- It was suggested throughout the review that NMFS and USFWS should develop a list of supplies and vendors for commonly used items so that a list is prepared at the beginning of the spill. NMFS and USFWS should also look into options for developing stockpiles or caches of supplies and equipment. However, further discussion is necessary to determine where the stockpiles will be kept, who will maintain the stockpile and how with the initial purchase of the supplies be paid for.

4) Coordination within the Unified Command

Topic Identified for Discussion:

- Discussion on mechanisms to improve coordination and understanding of the MMSTG needs within the UC. Discussion of issues that arose and how to overcome them in the future.

Discussion/Comments on Search and Rescue Access and Protected Species Observers:

- The sea turtle on-water search and rescue effort did not receive support within the UC at the beginning. It was difficult for the MMSTG to gain the resources needed to get on the water. Once the program was operational, there were problems accessing the areas where in situ burning was taking place to search for oiled turtles. Another significant challenge was placing protected species observers within the on-water oil clean-up operations, in particular in situ burning and skimming operations.
- It was acknowledged that the USCG and UC did not fully understand or appreciate the critical importance of those programs as they relate to the USCG responsibilities under the ESA. As the spill response went on, the MMSTG efforts became more visible.
- For future spills, it was suggested that NMFS and USFWS work with ORR and the Regional Response Teams to make sure on-water search and rescue efforts and the need for protected species observers are written into every the Regional Response Plan and Area Contingency Plan. In the response plans NMFS and USFWS need to clearly include on-water and on-land observers for protected species in every response activity conducted by the UC. This visibility in the response planning process will ensure that MMSTG efforts will be included in any future spill response. Response plans should also include protocols and equipment needs for all MMSTG programs and potential response efforts.

- It was noted that there were conflicting programs and needs and sample collection plans between Response and NRDA, and it was often unclear how the two worked together. Conflicts arose early in the response regarding the coordination of data that was collected for response, but was also necessary for NRDA.
- It was suggested that cross awareness of NRDA and Response procedures and needs should occur in the future.

5) Protocol and Outreach Material Clearance; Reporting

Topics Identified for Discussion:

- Discussion on the problems that occurred during DWH with protocol and outreach material clearance, and mechanisms to improve or streamline that process.
- Discussion on the problems that occurred with multiple reporting requirements.

Discussion/Comments:

- It was noted that during DWH it took a very long time for protocols to be cleared, even when the protocols were necessary under our statutory requirements. In some cases, the protocols that described technical processes (e.g. the collection of eggs from a sea turtle nest) were reviewed and edited by non-scientific people. It was suggested that some of the MMSTG protocols, when they are describing technical instructions related to sampling or species specific information should undergo a different review process than other protocols that discuss the structure and flow of information.
- As a result of the efforts during DWH, NMFS and USFWS have developed an extensive list of protocols. It was suggested that NMFS and USFWS review the protocols that were developed, and put them together into a reference document for future spill response efforts.
- It was noted that website content and any outreach materials were required to be cleared through the Joint Information Center (JIC) and through the NOAA communication office during. This resulted in a delay in any outreach information getting to the public. NGO partners and the sea turtle and marine mammal communities felt that we were keeping information a secret from them. Options for streamlining the clearance procedures were discussed, and suggestions were made to have certain text related to oil spill response cleared a head of time. It was also suggested that data updates should not need to be cleared, rather the format for providing that information should be cleared ahead of time, so that available data can be shared with the public early in a spill response.

Discussion/Comments on Agency vs. Unified Command Reporting:

- The MMSTG experienced multiple reporting requests during DWH. It was noted that the MMSTG were required to report to the UC as well as through the NOAA leadership process. This often caused multiple demands on staff time and resources.
- The NOAA War Room worked to feed information to Dr. Lubchenco (NOAA Administrator) and the White House. The War Room successfully served this purpose, but it caused confusion and extra demands on staff on the ground, especially early in the spill response when reporting procedures were first developed.
- It was suggested that NMFS and USFWS work together to develop an overall response plan for future spills that includes potential reporting plans and procedures.

Action Items:

- 1) NMFS and USFWS should determine the feasibility of providing ESA and MMPA training to the SSCs and USCG, so they are better prepared for the consultation process when an oil spill occurs.
- 2) NMFS and USFWS should determine the value and feasibility of revisiting the national Memorandum of Understanding (MOU) with USCG regarding spill response.
- 3) NMFS and USFWS should develop coordinated talking points or a briefing document for ESA section 7 to help educate the UC on responsibilities and requirements under the ESA. It was noted that NMFS SER and USFWS Region 4 (Atlanta) to take the lead on this effort and bring in Headquarters as needed.
- 4) NMFS and USFWS should look into planning a follow-up meeting to further discuss the outcomes and action items from this review.
- 5) NMFS and USFWS should draft a structure for Wildlife Branch that can be scaled up or scaled down depending on the size of the spill.
- 6) NMFS and USFWS should develop an inventory of necessary supplies, equipment and personnel for a spill response, and identify potential mechanisms for quickly procuring small supplies (e.g. sampling kits and medical supplies), larger equipment (e.g. vessels, ATV's) and personnel contracts.
- 7) NMFS and USFWS should work with ORR and the Regional Response Teams to incorporate marine mammal and sea turtle response needs into Regional Response Plan and Area Contingency Plan.