



***Gulf of Mexico
Regional Citizens' Advisory Council
(GoM RCAC)***

Organizing Committee

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2014 September 30

Honorable Sally Jewell, Secretary
U.S. Department of the Interior
1849 C Street NW Washington, DC 20240

Dear Secretary Jewell:

Subject: Request for Administrative Order to establish a *Gulf of Mexico Regional Citizens' Advisory Council (GoM RCAC)*

We, the undersigned, request respectfully that you establish by administrative order a *Gulf of Mexico Regional Citizens' Advisory Council (RCAC)*. A *Gulf of Mexico RCAC* is the ideal vehicle by which citizens can be effective allies to industry and government in protecting the Gulf of Mexico and its coastal habitats. A *Gulf of Mexico RCAC* will provide industry and government with the informed, organized engagement of local citizens to help prevent and respond more effectively to future accidents or pollution disasters in the Gulf of Mexico; and it will give to Gulf Coast communities and stakeholders insight and voice into offshore industry decisions that directly affect our lives, livelihoods, and environment.

As the Obama Administration continues to navigate the difficulties of a partisan, divided Congress, the President has signaled his intention to use executive authority where necessary to benefit the American people and our natural resources. Establishment of a *Gulf of Mexico RCAC* is a prime opportunity to use this authority to effect a tremendous and enduring benefit for all.

In learning and recovering from the *Deepwater Horizon* disaster of 2010, it has become clear above all that we must do everything in our power to prevent and to prepare better for future accidents and pollution disasters. Even with the new DOI drilling safety rules, and establishment of the Offshore Energy Safety Institute and the Center for Offshore Safety, we are very

concerned that significant risks still exist from offshore oil and gas operations. These risks are evidenced by the many offshore explosions, fires, and spills that have continued in the Gulf since 2010 -- Black Elk, Hercules, Ship Shoal 225, Taylor Energy, Bayou Perot, and more. The Chemical Safety and Hazard Investigation Board recently noted this:

Despite improved regulation of deep-water drilling since the disaster, the Board found that problems persist in oil and gas companies' offshore safety systems. "This results in potential safety gaps in U.S. offshore operations and leaves open the possibility of another similar catastrophic accident," said Cheryl MacKenzie, lead investigator of the safety board inquiry. (— Los Angeles Times 2014 June 06)

Regardless of how safe government and industry have made oil and gas development in the Gulf, human error, mechanical malfunction, and storms remain real and substantial threats. We cannot afford another major pollution disaster here. Citizens offer a powerful, skilled source of support and safeguards, which has yet to be tapped effectively. A *Gulf of Mexico RCAC* offers a proven, highly successful way to bring citizens, government, and offshore industries together to make a whole that is greater than the sum of the parts in the effectiveness with which they prevent and respond to future accidents and offshore pollution disasters.

While oil continued to spew from the Macondo wellhead in the summer of 2010 and it became clear that drive for production over regulatory compliance had been an underlying cause of the *Deepwater Horizon* disaster, citizens across the Gulf Coast urged Congress and the Obama administration to establish a *Gulf of Mexico RCAC*, modeled after the highly successful RCAC formed in Prince William Sound, Alaska after the 1989 *Exxon Valdez* oil spill (see pwsrca.org).

We drafted legislation to accomplish this, which we proposed directly to Congress and to your predecessor, Secretary Salazar. In January 2011, the *National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling* endorsed strongly our call for a *Gulf of Mexico RCAC*. To date, the government has not yet taken action to mandate the creation of a *Gulf of Mexico RCAC*. This historic, pivotal act has waited for the Obama Administration, and we urge you to help make it a reality.

The concept of organized, legislatively established Citizens' Advisory Councils is not limited to the offshore oil and gas industry. Such councils provide a means for local citizen stakeholders to be directly involved in the review and oversight of any resource industry operations that potentially affect their lives and livelihoods. The United Nations has endorsed such councils as

ongoing, structured mechanisms for enhancing communication, collaboration and trust among citizens, government, and industry, and for reducing risks of negative environmental and economic impact from industry. (See, e.g., United Nations Environment Programme 2013 June, Issue 10.) Citizen councils are an ideal complement to governmental oversight, whose need and benefits are now recognized worldwide.

Last year, citizens from all five Gulf Coast states made new efforts to garner industry support for a *Gulf of Mexico RCAC*. We convened an organizing meeting in New Orleans on May 30, 2013, to which we invited approximately 20 citizen stakeholders and 20 representatives from oil and gas companies working in the Gulf of Mexico, as well as a number of federal agencies. Industry invitees included BP, Shell, ExxonMobil, ConocoPhillips, Chevron, Marine Well Containment Company (including Anadarko, Apache, BHP Billiton, Hess, and Statoil), the American Petroleum Institute, U.S. Oil & Gas Association, Texas Oil and Gas Association, Louisiana Mid-Continent Oil & Gas Association, and the Texas Independent Producers & Royalty Organization. While virtually all citizen invitees attended, most government invitees politely declined, and only one industry invitee even acknowledged the invitation. That industry invitee said that they didn't see a need for additional inputs from or coordination with citizen stakeholders.

The fact is that offshore safety and risk reduction require continual vigilance by all — industry, government, and citizens. The *Gulf of Mexico RCAC* will work with and beside federal and state agencies, the oil and gas industry, the Ocean Energy Safety Institute (OESI), the Center for Offshore Safety (COS), and more, to ensure that safety and risk reduction are continually re-assessed and maintained.

Since last year's failed attempts to gain voluntary cooperation from the oil and gas industries in the Gulf, citizens have sent hundreds of letters to senators and representatives. These communications have included updated draft legislation for a *Gulf of Mexico RCAC* (enclosed here) as well as numerous published references that have described our vision in more detail.

The government's *Deepwater Horizon* restoration program has announced their intention to form a *Citizens' Advisory Committee*, which is tasked strictly with advising the government's restoration program and RESTORE Act spending to address damages from the *Deepwater Horizon* disaster. The role of that committee is much like that of the public advisory committee created for the Exxon Valdez Oil Spill Trustee Council in Alaska.

The *Gulf of Mexico Regional Citizens' Advisory Council* (RCAC) will be entirely distinct from the above committee. The RCAC's purview is *not* restoration or compensation for past incidents. The RCAC will look *forward*, not back at damages from the *Deepwater Horizon* disaster. The RCAC's primary concerns will be to prevent and to respond effectively to future environmental and community damage from offshore oil and gas industry operations. The RCAC will give citizens an advisory voice and appropriate, agreed-on practical roles in current and future spill prevention, response planning, and environmental monitoring. Experience in Alaska since the *Exxon Valdez* spill has shown definitively that both kinds of citizen advisory bodies are needed and effective — one that addresses restoration from the past disaster, and one that looks forward to prevention of and response to future incidents.

Alaska's RCAC first formed by voluntary contract between citizens of the oil spill region and the oil industry. Subsequently, the *Oil Pollution Act of 1990* (OPA 90) mandated establishment of multiple Alaska RCACs and expressed the clear intent of Congress for the need to improve citizen oversight of the oil industry, as follows:

The present system of regulation and oversight of [oil operations] in the United States has degenerated into a process of continual mistrust and confrontation. Only when local citizens are involved in the process will the trust develop that is necessary to change the present system from confrontation to consensus. One way to combat this complacency is to involve local citizens in the process of preparing, adopting, and revising oil spill contingency plans. A mechanism should be established which fosters the long-term partnership of industry, government, and local communities in overseeing compliance with environmental concerns in [oil operations]. Similar programs should eventually be established in other major [oil operations] in the United States....

The *Gulf of Mexico RCAC* will enhance engagement, communication, collaboration, and trust among the Gulf oil and gas industries, federal and state governments, and citizens potentially impacted by oil and gas industry operations. The RCAC will include representatives of all major citizen stakeholders across the Gulf, including commercial fishing, charter fishing, tourism operators, women's organizations, indigenous people, local governments, scientists, environmental groups, and vulnerable communities and municipalities.

In fulfilling its mission, the *Gulf of Mexico RCAC* will:

- 1) Provide oversight and monitoring of all aspects related to possible environmental and community impacts of maritime energy exploration, development, production, transportation, and the maritime pipeline distribution system in the Gulf of Mexico;
- 2) Monitor oil spill prevention and response plans for the Gulf of Mexico coastal and offshore regions;
- 3) Recommend standards and conditions for regulations intended to ensure that oil, gas and energy activities in the Gulf of Mexico are conducted in safe and environmentally sound manners; and
- 4) Conduct other activities within the authority and scope of the *Gulf of Mexico RCAC* that the members agree are appropriate.

The *Gulf RCAC* will fund its own research, which will include such important issues as environmental monitoring, spill prevention, response preparedness, use of chemical dispersants and their alternatives, community health, coastal habitat, and fisheries. It will operate autonomously (*i.e.*, not directed by government or industry), it will have a substantial budget and a paid staff, and it will continue to operate for as long as oil and gas development continues in the Gulf of Mexico.

To accomplish its mission, we propose a budget for the *Gulf of Mexico RCAC* of at least \$10 million per year. For comparison, note that the Alaska Prince William Sound RCAC has a budget of about \$4 million per year, which it receives directly from the oil industry. We suggest that the budget for the *Gulf of Mexico RCAC* not come directly from Gulf of Mexico oil or gas operators, but rather from either:

- a) the existing federal *Oil Spill Liability Trust Fund* (OSLTF), which currently contains over \$3.7 billion from a nationwide \$0.08-per-barrel fee on oil and collects annual revenues of about \$500 million, and is slated to receive 20% of the penalties award as a result of the Clean Water Act (which, in lieu of the recent court judgment of negligence, could be a very significant addition to the OSLTF, perhaps even doubling its current balance); or
- b) a dedicated endowment from fines and civil penalties paid by the defendants for the 2010 *Deepwater Horizon* disaster. There could be no better use of penalties from the *Deepwater Horizon* than to use them to prevent a repeat disaster.

An RCAC is an excellent model for genuine corporate and governmental responsibility. A *Gulf of Mexico RCAC* will benefit everyone, in that it will:

- reduce the risks of future pollution incidents and of costly future litigation;
- improve preparedness for response to future offshore pollution incidents; and
- build a strong base of trust and communication among industry, government, and local citizens.

In view of the current partisan, divided Congress, it may be time for the administration to act on its own authority to establish the *Gulf of Mexico RCAC*. This is clearly beneficial and necessary for American citizens. Establishing the *Gulf of Mexico RCAC* is an historic opportunity. The need, the funding mechanisms, and the citizens to implement it are all here and ready.

We simply need you, Madam Secretary, to make this a priority, for a *Gulf of Mexico RCAC* to become a reality. This would be a profound legacy of your administration.

Thus, we ask you, as Secretary of Interior, to use your administrative authority to establish the *Gulf of Mexico Regional Citizens' Advisory Council*.

We look forward to working with you toward this goal.

At your convenience, a delegation from the GoMR RCAC Organizing Committee would enjoy meeting with you and your staff to discuss further details. Please let us know when such a meeting would fit with your schedule.

Thank you for your excellent work and for your help in this matter.

Respectfully yours,

Bonny L. Schumaker, Ph.D.
Facilitator, *Gulf of Mexico RCAC* Organizing Committee

Enclosure: (1) Draft legislation for *GoM RCAC*

cc: Eric Holder, US Attorney General, Department of Justice
Admiral Paul F. Zukunft, Commandant, US Coast Guards
Gina McCarthy, Administrator, Environmental Protection Agency

The following citizen groups offer their signatures to this letter as testament to their whole-hearted support for establishment by government mandate of a *Gulf of Mexico RCAC*. To minimize the size of this list, we have asked groups or communities to choose single names to represent them. The number of individual citizens who have offered their support to this letter and who are represented here exceeds by many times the number of organizations listed.

Name	Representing	Location
Antalan, Jackie	Operation Home Care, Inc.	Mobile, AL
Bagwell, Babs	IsleDeJeanCharles.com	Isle de Jean Charles, LA
Berk, Michael	Mississippi Chapter of the Sierra Club (MISSISSIPPI.SierraClub.org)	Ocean Springs, MS
Bettis, Teresa	Center for Fair Housing (sacfh.org)	Mobile, AL
Breault, Christine	Citizen Volunteers	New Orleans, LA
Brune, Michael	Sierra Club (SierraClub.org)	San Francisco, CA
Cake, Edwin W.	Gulf Environmental Associates	Ocean Springs, MS
Dardar, Theresa	Gulf Organized Fisheries in Solidarity & Hope (GOFISH) / pactribe.tripod.com	Montegut, LA
Dutta, Jayeesha	Mind Power Collective	New Orleans, LA
Fisher, Allison	Public Citizen (CITIZEN.org)	Washington, DC
Forsyth, Susan	Citizen Volunteers	Miramar Beach, FL
Fortmann, Louise	Dept of Environmental Science, Policy, & Mgmt (ourenvironment.berkeley.edu)	Oakland CA
Foytlin, Cherri	The Mothers Project - Gulf Coast	Rayne, LA
Gauthe, Sharon S.	Bayou Interfaith Shared Community Organizing (bisco-la.org)	Thibodaux, LA
Gutierrez, Mary	Earth Ethics, Inc. (EarthEthics.us)	Pensacola, FL
Harmon, Michele	Alabama Coast United (AlabamaShrimpFestival.com)	Mobile, AL

Hastings, Robert W.	Alabama Chapter of the Sierra Club (ALABAMA.SierraClub.org)	Prattville, AL
Ishmael, Francine D.	Citizens Against Toxic Exposure (cate.ws)	Pensacola, FL
Jerolleman, Alessandra	Natural Hazard Mitigation Association (nhma.info)	Metairie, LA
Kirby, Rip	Audubon Environmental Engineering, LLC (AudubonEnvEng.com)	Gulfport, MS
Kramer, Ken	Texas Lone Star Chapter of the Sierra Club (TEXAS.SierraClub.org)	Austin, TX
Laird, Gale Singley	Land Trust for the Mississippi Coastal Plain (ltmcp.org)	Pass Christian, MS
Levi, Rex	Gulf Coast Charter Captains	Tampa, FL
Martin, Haywood	Louisiana Chapter of the Sierra Club (LASierraClub.org)	Lafayette, LA
Matthews, Debbie	Florida Chapter of the Sierra Club (FLORIDA.Sierra.Club.org)	St. Petersburg, FL
Montalvo, Stephanie	Brighter Future Foundation, Inc. (BrighterFoundation.org)	Hallandale, FL
Orr, Marylee M.	LA Environmental Action Network (LEANweb.org)	Baton Rouge, LA
Orr, Paul R.	Lower Mississippi Riverkeeper — Waterkeeper Alliance (LMRK.org)	Baton Rouge, LA
Ott, Riki	ALERT – Earth Island Institute (alertproject.org)	Bayfield, CO
Peterson, Kristina	Lowlander Center (LowlanderCenter.org)	Gray, LA
Rolfes, Anne	Louisiana Bucket Brigade (LABucketBrigade.org)	New Orleans, LA
Ruch, Jeff	Public Employees for Environmental Responsibility (PEER.org)	Washington, DC
Sakashita, Miyoko	Center for Biological Diversity (BiologicalDiversity.org)	San Francisco, CA

Sarthou, Cynthia	Gulf Restoration Network (HealthyGulf.org)	New Orleans, LA
Savitz, Jacqueline	Oceana (OCEANA.org)	Washington, DC
Schumaker, Bonny	On Wings Of Care, Inc. (OnWingsOfCare.org)	New Orleans, LA
Skrmetta, Louis	Gulf Islands Conservancy, Inc. (GulfIslandsConservancy.org)	Biloxi, MS
Steiner, Rick	Oasis Earth (Oasis-Earth.com)	Anchorage, AK
Stocker, Michael	Ocean Conservation Research (ocr.org)	Lagunitas, CA
Stokes, Chiggers	North Pacific Marine Resource Committee (wdfw.wa.gov/about/volunteer/mrc/)	Port Townsend, WA
Sturdivant, Michael	Emerald Coast Chapter of Surfrider Foundation (emeraldcoast.surfrider.org)	Santa Rosa Beach, FL
Swanson, Mark	PrinceWilliamSound RCAC (pwsrcac.org)	Valdez, AK
VanWagner, Kimberly	Citizen volunteers	New Orleans, LA
Vu, Thao	MS Coalition for Vietnamese-American Fisher Folks & Families (MSCVAFF)	Biloxi, MS
Waddell, Diane	Presbyterians for Earth Care (presbyearthcare.org)	Washington, DC
Washington, Jackie	Nixon St. Neighborhood Association	Biloxi, MS
Wilson, Dean	Atchafalaya Basinkeeper (basinkeeper.org)	Bayou Sorrel, LA
Wilson, Diane	Union of Commercial Oystermen of Texas (TexasOysterMen.com)	Seadrift, TX