Jeff Miller
Ann Kirkpatrick

Members of Congress

NATIONAL PRAYER BREAKFAST CO-CHAIRS

November 15, 2010

The Honorable Kenneth L. Salazar
Secretary of the Interior
1849 C Street, NW
Washington, DC 20240-0001

Dear Mr. Secretary and Mrs. Salazar:

On behalf of the Congressional Committee, we have the pleasure of inviting you to join us for the 59th National Prayer Breakfast on Thursday, February 3, 2011, 7:30 a.m. at the Hilton Washington in Washington, D.C.

Annually, Members of Congress, the President and other national leaders have gathered to reaffirm our trust in God and recognize the reconciling power of prayer. Friends and leaders from throughout the United States and more than 130 countries come in the spirit of friendship to set aside their differences, seeking to build and strengthen relationships through our love for God and concern for one another. Although we face tremendous challenges each day, our hearts can be strengthened both individually and collectively as we seek God's wisdom and guidance together.

Your prompt response is essential and greatly appreciated. We sincerely hope you will be able to participate in this special time.

Sincerely,

Jeff Miller Ann Kirkpatrick

NPB 5

PHONE (703) 237-3630 FAX (703) 237-1807
E-MAIL: NPB@INTFRIENDS.US

Members of the Congress
of the United States of America

request the pleasure of your company at the

59th Annual
National Prayer Breakfast
with
The President of the United States
and other national leaders in the Executive,
Judicial and Legislative Branches
of our government

Thursday, February 3, 2011
at eight o'clock

Hilton Washington
International Ballroom
Washington, D.C.

Guests to be seated
by 7:30 a.m.

Adjournment
by 9:30 a.m.

Congress of the United States
Washington, DC 20515

July 31, 2014

The Honorable Sally Jewell
Secretary
United States Department of Interior
Mail Stop 6242
1849 C Street, N.W.
Washington, D.C. 20240

The Honorable Penny Pritzker
Secretary
United States Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Secretaries Jewell and Pritzker:

We write today to express our concerns over the proposed Endangered Species Act (ESA) listing of several species of non-native sturgeon, specifically its failure to exempt farmed fished and aquaculture-based populations and products.

The United States is a leader in raising and commercializing the production of sturgeon through land-based, closed-system, sustainable and environmentally sound aquaculture techniques. Florida's burgeoning industry, which includes three commercial-scale sturgeon farms and a fourth one in the planning stage, creates much needed jobs and promotes economic development.

All of Florida's sturgeon farms are or will be culturing non-native species of sturgeon, several of which are slated for inclusion under the proposed rule – Russian (*Acipenser gueldenstaedtii*), stellate (*Acipenser stellatus*) and Siberian (*Acipenser baerii*). Without an exemption for farmed fished and aquaculture-based populations and products, this listing will have a devastating impact on the burgeoning sturgeon aquaculture industry in our state. As our nation's aquaculture industry is not dependent on wild fish for species currently being farmed, the proposed listing will likely have a negligible impact on efforts to protect wild stocks. Additionally, strong protections governing the global trade in sturgeon are already in place under the Convention on International Trade in Endangered Species (CITES).

Sturgeon aquaculture also benefits conservation, providing a viable marketplace alternative to the harvesting of wild stocks and thereby reducing fishing pressures on both legal and illegal fisheries. In addition, sturgeon aquaculture allows the academic communities to research topics such as physiology, nutrition, pathology and endocrinology, without disturbing or risking harm to threatened and endangered wild stocks. Among those academic institutions are several in our home state, including the University of Florida, the University of South Florida, the University of Miami, and the Mote Marine Laboratory.

For these reasons, we urge you to reject any effort to list these species under the Endangered Species Act without first providing a workable exclusion to allow the continued trade in farmed

fish and aquaculture-based populations and products, consistent with the goals of the Act and protections already provided under CITES.

Thank you for your consideration of this request.

Sincerely,

Steve Southerland, II
United States Representative

Mario Diaz-Balart
United States Representative

Ileana Ros-Lehtinen
United States Representative

Thomas J. Rooney
United States Representative

Gus M. Bilirakis
United States Representative

Ander Crenshaw
United States Representative

Ron D. DeSantis
United States Representative

Ted S. Yoho, DVM
United States Representative

Dennis A. Ross
United States Representative

Daniel A. Webster
United States Representative

Jeff B. Miller
United States Representative

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

AUG 19 2014

The Honorable Jeff B. Miller
House of Representatives
Washington, D.C. 20515

Dear Representative Miller:

Thank you for your letter of July 31, 2014, to Secretary of the Interior Jewel and Secretary of Commerce Prizker regarding the potential Endangered Species Act (ESA) listing of several species of sturgeon not native to the United States, including the Russian (*Acipenser gueldenstaedtii*), stellate (*Acipenser stellatus*) and Siberian (*Acipenser baerii*) sturgeon. The U.S. Fish and Wildlife Service (Service) is currently conducting the 12-month status review of ten sturgeon species that we were petitioned to list under the ESA, including the three mentioned in your letter.

The Service is collecting and evaluating information on the sturgeon and has not made a determination regarding the listing of these species. Our listing determination will be made on the best scientific and commercial information available. At any time during our status review, the aquaculture community may provide us with information that will help us in making this determination. Once the status review is completed, and should the Service find that listing is warranted, the Service will prepare a proposed rule. At that point, the public will be given 60 days to comment on the proposed listing. This will give the aquaculture community another opportunity to provide the Service with information.

As noted in your letter, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was created to ensure that international trade in animals and plants does not threaten their survival in the wild. Permits may be issued for the movement of caviar into or out of the United States for commercial use of CITES Appendix II listed species. In addition, the Services have the flexibility under the ESA for threatened species to allow imports and exports of caviar. However, such activities must also meet any requirements set forth by the U.S. Department of Agriculture and the Food and Drug Administration.

For species listed as endangered, the ESA provides a stringent regulatory setting when it comes to commercial activities. In particular, section 9(a)(1)(E) makes it illegal for any person subject to the jurisdiction of the United States to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any endangered species of wildlife. Our authority to provide exemptions to these prohibitions is quite narrow and generally must enhance the propagation or survival of the affected species as provided in section 10(a)(1)(A).

However, the ESA provides more flexibility to manage species listed as threatened, provided that the management is consistent with their long-term conservation. Section 4(d) of the ESA allows the Fish and Wildlife Service to implement special regulations for threatened species that tailor

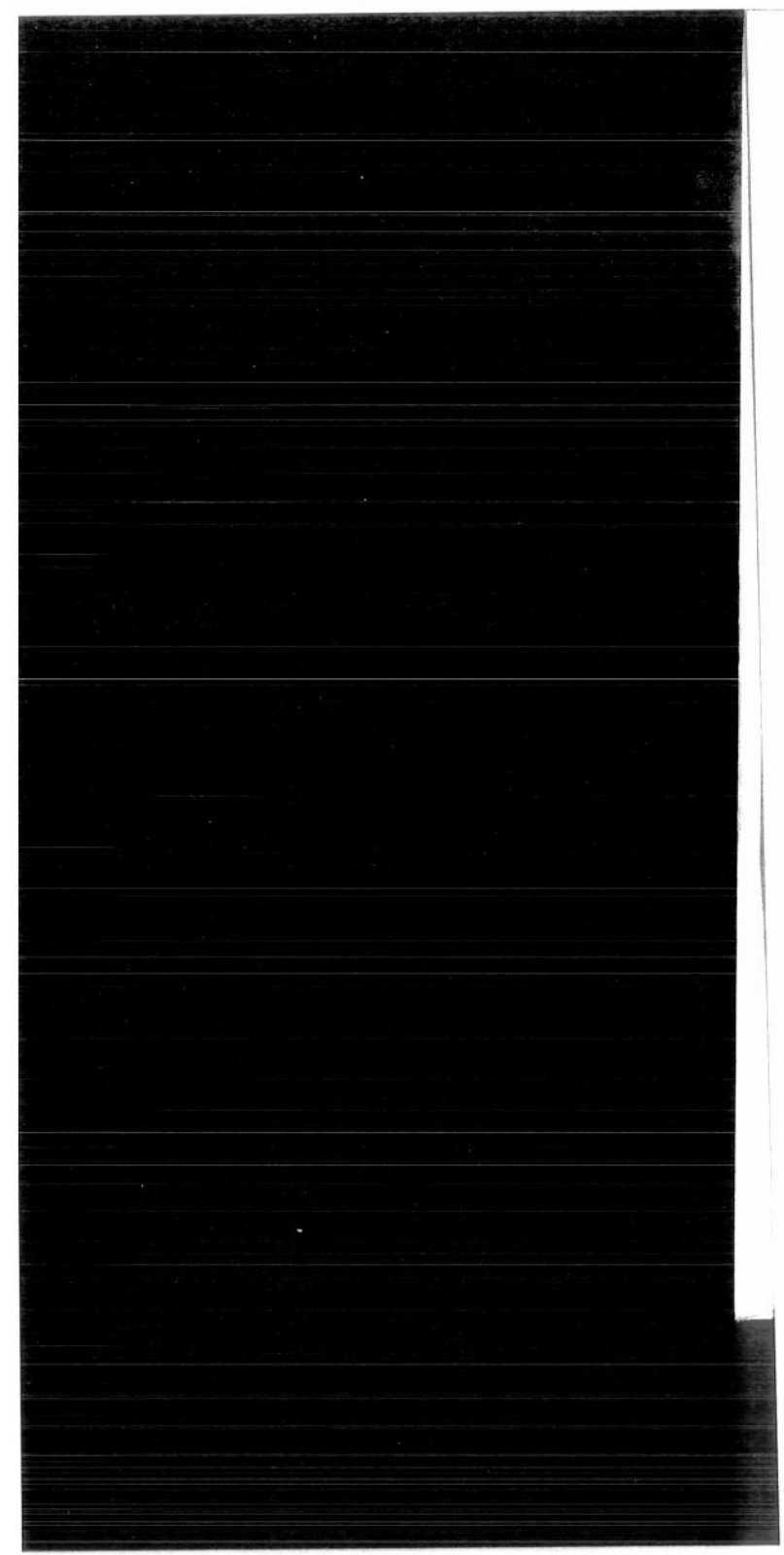
the take prohibitions of the ESA to those necessary and advisable for the conservation of the species. While such special regulations cannot be developed for endangered species, section 4(d) special regulations can provide important flexibility to address a variety of activities affecting species listed as threatened.

While we have not yet determined whether any of these sturgeon species under our jurisdiction warrant listing under the ESA, we appreciate the concern of the aquaculture community and would welcome any information they can provide to help us understand the status of these species and threats to their continued existence in the wild. If we do ultimately find it necessary to propose listing any of these species as threatened under the ESA, we would welcome the opportunity to work with the aquaculture community to explore section 4(d) special rules that might allow for certain commercial use consistent with the conservation of the species.

We appreciate your concerns regarding the ESA and the aquaculture industry. If you or your constituents have any further questions, please do not hesitate to contact me at 202-208-4646 or Janine Van Norman, chief of our Branch of Foreign Species, at 703-358-2370.

Sincerely,

Gary Frazer
Assistant Director for
Ecological Services



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

JEFF MILLER
FLORIDA

CHAIRMAN
HOUSE COMMITTEE ON VETERANS' AFFAIRS

March 31, 2014

The Honorable Sally Jewell
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear ~~Secretary Jewell,~~ Sally

I would like to let you know how much I value the time we spent during the recent ICE-X expedition. It was a great opportunity to visit and see a part of the world many do not get a chance to experience. The people we share these adventures with are what make for some of life's best memories. Let me know if I can ever be of assistance in the future.

With warm personal regards, I am

Sincerely,

JEFF MILLER
Member of Congress

JM/jl

It was a great pleasure to meet you. I hope to host you on the Gulf Coast

Congress of the United States
Washington, DC 20515

July 25, 2012

Secretary Ken Salazar
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Salazar,

As leaders and members of the Congressional Sportsmen's Caucus, we are concerned that the Idle Iron guidance issued by the Department of Interior in October of 2010 is having an adverse impact on critical marine habitat in the Gulf of Mexico. **We request that your Department enact a temporary moratorium on the removal of structures related to that Directive** until a stakeholder process can be developed to determine both the best methods to properly dismantle rigs that have cause to be removed, and to protect those structures that are shown to harbor thriving marine ecosystems.

The factors that may have influenced the decision to order removal of these structures were understandable in the aftermath of the tragic oil spill of 2010, but we believe a moratorium is necessary now to develop a more reasoned response to the issue of idle iron. As currently constructed, the policy stands to inflict sweeping, irreversible damage on an extensive range of marine fisheries and ecosystems. Extensive evidence indicates that these structures are the basis for thriving ecosystems that sustain an immense diversity of life, including seabirds, fish, turtles, marine mammals and corals. Rebuilding and management plans for Gulf reef fish important to recreational anglers and commercial fishermen are predicated on the presence of this artificial habitat. The Gulf of Mexico Fishery Management Council, the body charged with managing marine resources in the federal waters of the Gulf, is currently in the process of declaring rigs and related energy structures as Essential Fish Habitat.

We acknowledge the complex elements involved in developing a comprehensive policy to deal with idle iron. We agree that all abandoned wells should be plugged and secured to eliminate any future risks. Some structures may have associated environmental hazards that should be removed and the surrounding area remediated as soon as possible. The liability and navigational issues are formidable and maintenance costs going forward are a concern. However, the fact that many of these structures now provide ecological benefits that far outweigh the benefits of removal should compel us to engage stakeholders and develop rational criteria to protect them wherever possible.

Leading conservation and angler groups such as Coastal Conservation Association, American Sportfishing Association, International Game Fish Association, National Marine Manufacturers Association, The Billfish Foundation, the Congressional Sportsmen's Foundation and Center for Coastal Conservation have made the protection of these man-made reefs a top priority. We urge you to use this opportunity to declare a moratorium, engage stakeholders and develop more thoughtful methods to achieve our shared goal of protecting and enhancing our marine environment.

Sincerely,

Representative Steven Palazzo

Representative Jeff Miller

Representative Mike Ross

Representative Alan Nunnelee

Representative Bennie Thompson

Representative Chip Cravaack

Representative Walter Jones

Representative Gene Green

Representative Steve Southerland

Representative Robert Latta

Representative Blake Farenthold

Representative Heath Shuler

Representative Howard Coble

Representative Rich Nugent

Representative John Kline

Representative Michael Conaway

Representative Gus Bilirakis

Representative Adam Kinzinger

Representative Cedric Richmond

Representative Leonard Boswell

United States Department of the Interior
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT
WASHINGTON, DC 20240-0001

AUG 1 0 2012

The Honorable Steve Palazzo
U.S. House of Representatives
Washington, DC 20510

Dear Representative Palazzo:

Thank you for your letter of July 25, 2012, to Secretary of the Interior Ken Salazar concerning the Bureau of Safety and Environmental Enforcement's (BSEE) Notice to Lessees (NTL) on "Idle Iron" and requesting a temporary moratorium on the removal of structures pursuant to this guidance. Secretary Salazar has asked me to respond to your letter. A similar response will be sent to each signer of your letter.

Decommissioning of oil and gas facilities and structures on the Outer Continental Shelf (OCS) is not a new requirement. Under the authority of the OCS Lands Act, the Department of the Interior includes decommissioning requirements in every lease, Right-of-Way and Right-of-Use-and-Easement issued for oil, gas, and energy-related operations on the OCS. These requirements are further set out in BSEE's regulations. Facilities and structures are required to be removed from terminated leases – leases no longer producing – within one year of the lease termination. Facilities and structures, including wells, platforms and pipelines, which are "no longer useful for operations" are also required to be decommissioned and removed.

As a result of the navigational safety, personal safety, environmental, and economic ramifications of the catastrophic 2004, 2005, and 2008 hurricane seasons, BSEE conducted a review to analyze the idle infrastructure in the Gulf. This analysis determined there was significant risk based on the extensive numbers of idle platforms and wells, which led BSEE to issue NTL No. 2010-G05: "Decommissioning Guidance for Wells and Platforms" (the "Idle Iron" NTL). The "Idle Iron" NTL is designed to reduce a multitude of risks from non-producing infrastructure by clarifying terminology found in the Code of Federal Regulations. The NTL is also designed to establish guidelines for standard decommissioning timeframes and methods for wells and platforms on active leases that are no longer useful for operations, as well as providing detail to all aspects of the decommissioning process.

- For terminated leases, the NTL reiterated that decommissioning for structures and wells is required within one year of the lease being terminated.

- For active leases, the NTL clarified the definition of "no longer useful for operations" and established guidelines for standard decommissioning timeframes and methods for wells and platforms:

    - Wells are considered "no longer useful for operations" if there has been no production from the well in five years and there are no plans for future operations using that well. Well decommissioning, including permanent plugging and abandonment and removal of the riser structures, must be completed within three years of meeting the definition of "no longer useful for operations" or three years after the NTL was issued, whichever is later.

- Platforms are considered "no longer useful for operations" if they are toppled by a storm or incident, or have not been used for OCS operations for five years. Decommissioning of the platform must be completed within five years after the NTL was issued or five years after meeting the definition of "no longer useful for operations", whichever is later.

BSEE has long supported the reuse of obsolete oil and gas facilities as artificial reefs. BSEE's Rigs-to-Reefs policy allows for a departure from removal requirements and lease obligations and encourages an environmentally friendly method of structure disposal for lessees and operators provided that the facilities meet certain conditions:

- The structure becomes part of a state artificial reef program that complies with the criteria in the National Oceanic and Atmospheric Administration managed National Artificial Reef Plan;

- The responsible state agency acquires a permit from the U.S. Army Corps of Engineers and accepts title and liability for the reefed structure once removal/reefing operations are concluded;

- The operator satisfies any U.S. Coast Guard navigational requirements for the structure, including that the top of the structure is 85 feet below the waterline; and

- The reefing proposal complies with BSEE's Gulf of Mexico Region engineering, stability, and environmental reviewing standards and reef-approval guidelines.

Regarding your request for a temporary moratorium on the removal of structures, BSEE believes that our current regulations, policy and procedures allow for a balance of safe, environmentally responsible operations and conversion of obsolete structures to artificial reefs where appropriate. To date, approximately 383 platforms have been converted to artificial reefs in the Gulf of Mexico. This includes 270 platforms offshore Louisiana and 103 platforms offshore Texas. Since 1986, only six proposals to dispose of obsolete structures as artificial reefs have been denied.

BSEE is reaching out to the Gulf States regarding their artificial reef programs, and is currently working with the Texas Parks and Wildlife Department as they develop two new artificial reef planning areas offshore Corpus Christi. I recently met with the Texas and Louisiana state authorities on this issue, and plan to meet with their Mississippi and Alabama counterparts soon. We have started a dialogue for a path forward to help all stakeholders, including your constituents, understand our idle iron guidance and rigs-to-reefs policy.

I appreciate your concerns regarding the continued ability to convert obsolete oil and gas structures to artificial reefs, and your continued interest in environmentally responsible domestic oil and gas development on the Gulf of Mexico OCS. If you have any further questions, please do not hesitate to contact me at (202) 208-3500, or call Ms. Julie S. Fleming, Chief, BSEE Office of Congressional Affairs, at (202) 208-3827.

Sincerely,

James A. Watson
Director

JEFF MILLER
1ST DISTRICT, FLORIDA

COMMITTEE ON VETERANS' AFFAIRS
CHAIRMAN

COMMITTEE ON ARMED SERVICES

SELECT COMMITTEE ON INTELLIGENCE

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
2416 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4136

DISTRICT OFFICES:
4300 BAYOU BOULEVARD
SUITE 13
PENSACOLA, FL 32503
(850) 479-1183

348 S.W. MIRACLE STRIP PARKWAY
SUITE 24
FORT WALTON BEACH, FL 32548
(850) 664-1266

http://jeffmiller.house.gov
Toll Free: 1-866-367-1614

June 23, 2011

The Honorable Kenneth L. Salazar
Secretary
U.S. Department of the Interior
1849 C Street, NW, Room 6156
Washington DC 20240

Dear Secretary Salazar:

I write to request the Department of the Interior immediately provide a waiver to BP granting authorization to dig deeper than six inches below ground on Federal land in furtherance of the oil spill cleanup efforts stemming from the April 20, 2010 Deepwater Horizon disaster.

While the preservation of archeological and cultural sites under National Historic Preservation Act protections is important, the potential negative impact of the release of oil buried below six inches underground far outweighs the minimal effects a cleanup effort would have on these sites. Oil has been discovered at least two feet below the surface. Even a minor hurricane that hit the Gulf Coast could potentially scatter this oil-covered sand back into the water and along the beach's surface, leading to yet another environmental and economic disaster.

I urge the Interior Department provide the necessary waivers and permits to BP and its cleanup crews to allow the cleaning of sand more than six inches below ground. With the 2011 hurricane season already upon us, the expediency of this request should be given top priority. Thank you for your consideration.

With warm personal regards, I am

Sincerely,

JEFF MILLER
Member of Congress

JM/cs

THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

AUG 29 2011

The Honorable Jeff Miller
House of Representatives
Washington DC 20515

Dear Representative Miller:

Thank you for your letter of June 23, 2011, requesting that the Department of the Interior (DOI) provide a waiver to BP granting authorization to dig deeper than six inches below the ground surface to remove oil from DOI lands. The Deepwater Horizon Oil Spill impacted a number of DOI lands, especially Gulf Islands National Seashore (GUIS), Bon Secour National Wildlife Refuge (NWR), and the Southeast Louisiana Refuge Complex including Breton NWR. These lands represent some of the best remaining coastal habitats for wildlife along the Gulf of Mexico, as well as protected archeological and cultural sites.

The DOI bureaus have extensively evaluated a suite of cleanup techniques to determine which techniques are the most appropriate for DOI lands that have been impacted by the spill. One goal of this evaluation was to determine when response actions do more harm than good to the sensitive environments that DOI has statutory obligations to protect. One of the challenges in this regard is that while the affected DOI bureaus—the U.S. Fish and Wildlife Service (FWS), the National Park Service (NPS), and the Bureau of Land Management (BLM)—have provided the best available information to the Incident Command regarding the location of sensitive habitats (*e.g.*, turtle nesting sites and migratory bird nesting/foraging areas) and historical properties and artifacts, the location of all these areas is not yet known.

The bureaus have determined that targeted cleanup methods on sensitive lands and in areas with known biological and archeological resources are the most effective at accomplishing cleanup while addressing the statutory directives for both ecological and cultural resources. Oil recovery techniques referred to as "deep clean" operations involve the use of multiple pieces of heavy machinery that sieve sand to depths greater than six inches. While deep clean operations have the capability of removing large quantities of oil very quickly, these types of heavy machinery greatly change the beach topography, are non-discriminatory, and remove large quantities of sand and other beneficial components of the ecosystem as well as oil and have the potential to damage or destroy archeological resource.

If remaining pockets of deeper subsurface oil need to be recovered due to high concentrations or toxicity, our bureaus believe that, as a general matter, it is important to use less intrusive manual methods over mechanical methods, with the least intrusive mechanical method being favored over more intrusive mechanical methods. Decisions on how to recover pockets of deeper subsurface oil in sensitive areas are made by the DOI team on a case-by-case basis, and fully coordinated through Incident Command. These case specific decisions balance the need to recover oil with statutory obligations related to the protection and conservation of these areas.

We should note that over the past year, the NPS has allowed deep clean techniques to be used on GUIS recreational beaches and on limited areas of DOI sensitive lands. In these instances, the Federal land managers worked closely with Incident Command to determine the precise locations of buried oil, and deep cleaning was performed where buried oil was identified. For a more in-depth analysis of the scientific basis for decisions regarding the effects of cleanup techniques on sensitive lands, please see the enclosed attachment, the NPS report entitled "*Deepwater Horizon Oil Spill Stage III Treatment Techniques and Ecological Implications for Gulf Islands National Seashore*" (Attachment 1).

In each circumstance where oil was detectable the Federal land managers carefully evaluated the potential effects of various cleanup techniques and have made difficult decisions based on a variety of considerations, including scientific, cultural, and socio-economic factors. For these reasons, the DOI cannot issue a blanket waiver to BP granting authorization to dig deeper than six inches below ground to remove oil on DOI lands. Generally, however, DOI will continue to work diligently with the Incident Command to determine the most appropriate cleanup method using the established incident protocols.

Thank you for your concern about Gulf Coast preservation and restoration. If I can be of further assistance, please feel free to contact again.

Sincerely,

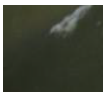
David J. Hayes

Enclosure

Deepwater Horizon Oil Spill Stage III Treatment Techniques and Ecological Implications for Gulf Islands National Seashore:

National Park Service

May, 2011



Contributors:
Rick Clark[1], Jeff Duncan[2], Greg Eckert[3], Mark Ford[2], Linda York[2]
[1]Gulf Islands National Seashore, [2] NPS Science and Natural Resource Management Division Southeast Regional Office, [3] NPS Biological Resource Management Division

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EXHIBIT A 30

Disclaimer: *Several factors make the Deepwater Horizon Oil Spill unprecedented. Not only is it the largest spill in U.S. history, but it occurred in deep water 81 miles (70 nm) offshore of Gulf Islands National Seashore (GUIS); the discharged oil was considered light sweet crude; a greater volume of chemical dispersants was used both at depth and over a broad geographic surface area than ever before; and it occurred in relatively warm, nutrient rich waters in a temperate-subtropical environment. As a result, stranded oil on GUIS shoreline arrived primarily in the form of light mousse and/or mousse patties, a highly weathered substance from which it is likely that most of the highly volatile compounds had evaporated (ITOPF, 2002). Over time, as the oil continues to degrade via natural processes, its toxicity, persistence and ultimate fate in the beach and other nearshore environments is uncertain as are effects on the ecological services provided by these environments. Extrapolation and inference from previous spills offers some insight, but our conclusions here remain tentative and are subject to change as new information becomes available. The information provided in this paper was based on knowledge, observation and data available at the time of drafting the paper between August and December, 2010. Any mention of trade names associated with cleanup technologies within this document does not represent an endorsement by the National Park Service or the United States Department of the Interior.*

1. Introduction

Following the explosion and subsequent sinking of the *Deepwater Horizon* mobile offshore drilling unit beginning on April 20, 2010, an estimated 4.9 million barrels (779, 038 cubic meters) of unrefined light crude oil gushed into the Gulf of Mexico over 84 days. The U.S. Coast Guard determined the incident(s) to be a Spill of National Significance (40 C.F.R. 300.323) and is America's largest oil spill in terms of volume of oil discharged and geographic scope of effect. In addition to the oil, as part of the response effort, 1.8 million gallons (6, 814 cubic meters) of chemical dispersants were discharged in to the gulf's waters via deepwater injection at the wellhead and aerial surface spraying (collectively referred to herein as "*Deepwater Horizon* Oil Spill"). The long-term fate of the oil, dispersants, and oil-dispersant compounds remains a point of scientific and societal concern.

In the wake of the *Deepwater Horizon* Oil Spill, the Unified Incident Command (UIC) has begun treatment procedures for oil stranded on shorelines across the northern Gulf of Mexico coast including areas within the boundaries of Gulf Islands National Seashore (GUIS, the Park, or the Seashore), a unit of the National Park Service. The mission of the National Park Service (NPS) requires managers to carefully consider any proposed management actions in such a way so that resources are unimpaired, while also providing for public use and enjoyment. Treatment of stranded oil and determining acceptable levels of residual oil for which additional treatment would exacerbate harm to resources at GUIS require that the agency strike a balance. Specifically, the agency's competing mandates for promoting public use and enjoyment while leaving resources unimpaired for future generations must be factors considered in developing beach treatment approaches.

GUIS was established as a unit of the National Park System in 1971 and stands as our nation's largest and arguably most unique national seashore. Located approximately 81 miles (70 nm) due north of the Macondo Prospect wellhead upon which the *Deepwater Horizon* rig operated, GUIS consists of a chain of barrier islands encompassing nearly 140,000 acres (56, 656 ha) of terrestrial and submerged habitat along the northern Gulf of Mexico coastline (Figure 1).

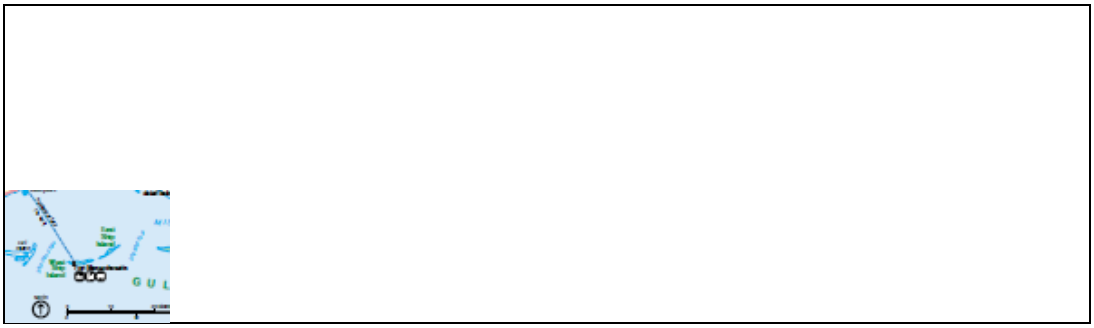


Figure 1. Area map of Gulf Islands National Seashore.

Terrestrial habitats at GUIS represent approximately 20 percent (19,445.46 acres/ 7, 869.29 ha) of the seashore's total area and comprise a combination of uplands, freshwater wetlands, maritime forests, fragile dune ecosystems, and white sand beaches--all above the mean high water line and much of which contributes to the shoreline. Nearly 80 percent the park's remaining lands (119,730 acres/48, 453 ha) are submerged, and comprise a variety of resource types including ecologically critical seagrass beds, open bottom habitats, and tidal marshes. In addition to these natural resources, GUIS also protects an array of cultural resources ranging from historic ship wrecks to fortifications. In all, GUIS stretches

some 160 linear miles (258 km)east to west from Santa Rosa Island in Florida to Cat Island in Mississippi with shorelines fronting the Gulf of Mexico and providing shelter to nearshore waters.

This paper provides information considered by the NPS in formulating a science-based management decision with regard to treating buried oil at GUIS. The management decision itself is addressed in a separate document. Specifically, we examine the extent of buried oil at GUIS (section 2); the fate of buried oil in coastal environments (section 3); a description of the sandy beach environment at GUIS (section 4); techniques for treating buried oil including cleanup stages (section 5); laws and policies pertinent to management decisions at GUIS (section 6); and a discussion of management zones at GUIS (section 7). Finally, we provide a summary and conclusion based on treatment types (section 8), and we propose a set of future actions for the NPS to undertake in dealing with the long-term effects of the *Deepwater Horizon* Oil Spill (section 9).

In its simplest form, the management decision concerning cleanup treatment of GUIS beaches that NPS faces has three alternatives: 1) proceed with Stage III cleanup of buried oil via various methods ranging from recovery (e.g., mechanized sifting) to sand cleaning (e.g., chemical degradation) to surf washing (e.g., hydrokinetic degradation via wave action) to biostimulated degradation; 2) allow buried oil to continue to weather and degrade naturally; or, 3) differentiate between shoreline management zones (i.e., recreational beaches, natural beaches) and evaluate treatment prescriptions based on zone type and corresponding management purpose and focus.

2. Extent of Buried Oil at GUIS

Despite the Park's relatively close geographic proximity (81 miles/70 nm) to the Macondo wellhead, oil did not reach the shores of GUIS until approximately June 1, some forty days after the *Deepwater Horizon* rig explosion. Stranded oil was first reported on Cat and West Ship islands, and gradually moved eastward to impact all of GUIS islands by mid-June. Oil came ashore primarily as dispersed, highly weathered mousse and mousse patties (i.e., a semi-solid combination of petroleum and seawater) generally several centimeters in diameter with some larger exceptions. During relatively calm seas, oil was deposited in a narrow band corresponding to the high tide line.

Weathered mousse patty typical of stranded oil along Gulf Islands National Seashore. (Photo by J. Duncan, Horn Island, August, 29, 2010.)

In late June, Hurricane Alex crossed the western Gulf of Mexico, making landfall south of Brownsville, Texas, producing higher than normal surf, and causing new oil to be stranded and a re-distribution of previously stranded oil. In some areas this event caused mousse patties to be spread from the intertidal zone, across the supratidal zone to the base of the primary dune. In over-wash areas, such as on the eastern and western tips of the islands, mousse patties extend across the entire width of the island (J. Duncan, pers. obs.).

High wave action caused by Hurricane Alex and other subsequent severe weather events caused oil to be mechanically broken down into smaller particles. In addition, direct observation by NPS personnel, surveys conducted by Shoreline Cleanup Assessment Team (SCAT), and Natural Resource Damage Assessment (NRDA) shoreline pre-assessments indicate that the dynamic nature of the park's barrier island beaches, particularly during severe weather events, caused some stranded oil to become buried. Based on observations by NPS staff, much of the buried oil forms one to two narrow lenses associated with a relatively short periods of severe weather and rough seas. Other buried deposits are the result of the dynamic movement of sands along these high energy beaches.

Photo of stranded oil spread in supratidal zone as the result of rough seas. (Photo by J. Duncan, Horn Island, August 21, 2010)

With the increased amount of oil captured at the wellhead and subsequent capping of the well, mass stranding of oil generally decreased from late June into July with the last reports of significant new oil in mid-July. Since that time, both manual and mechanized cleanup efforts under Stage II have focused on recovery of oil within the upper 3 inches (7.62cm) of the sand column[1]. Further, summer heat, photo-chemical processes, microbial interactions, and wave action have continued to cause the breakdown of

[1] In practice, mechanized sifting evolved to include the upper 6 inches of the sand column. It is unclear if this increase in depth is addressed within the Stage II Shoreline Treatment Recommendation.

stranded oil as has been seen in other spills (ITOPF, 2002). With the completion of the relief well, no further new oil is expected to migrate to shorelines, however (re)-oiling of the shoreline from tidal/wave action may occur into the future by the previously discharged oil.

Based on observations by NPS personnel in August and September, 2010, the most pronounced deposits of buried oil appear to occur within the barrier islands of the Mississippi District of GUIS. On Petit Bois Islands, buried oil exists near the high tide berm in two distinct, relatively thin discontinuous layers—one at a depth of 4-6 inches (10-15 cm) and another at 12-14 inches (30-35 cm)—generally less than 0.4 inches (1 cm) in thickness. The general discontinuous nature of the buried layers may be a function of oil reaching shore as individual mousse patties as opposed to a contiguous sheet of oil commonly seen in previous oil spills (e.g., Exxon Valdez). On Horn Island, there appears to be a single buried discontinuous layer near the high tide berm at a depth of 4-6 inches (10-15 cm). Similarly, a single layer can be found sporadically on East Ship Island predominantly near the over-wash zones (i.e., the tips of the island).

Oil buried in high tide berm on Horn Island. (Photo by J. Duncan, August 21, 2010).

Although buried oil has been seen in other areas of GUIS (i.e., Ft. Pickens, Okaloosa Beach), at present, these appear to be minor accumulations. Field observations of buried oil were made over a period of two weeks in late August by NPS ecologist J. Duncan working in conjunction with SCAT Team 1 on the Mississippi barrier islands. On September 13 and 16, a cursory survey for buried oil on beaches of the both the Mississippi and Florida districts was conducted jointly by NPS ecologists J. Duncan and G. Eckert. This informal survey by NPS staff consisted of digging 3-10 pits to a depth of approximately 36 inches (91 cm)at approximately 10 beach locations in the park ranging from Okaloosa Beach to Cat Island. In addition, preliminary mechanized auger data provided by a formal SCAT survey[2] appears to

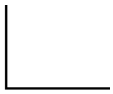
[2] Summary Report of Subsurface Oil Surveys, Gulf Islands National Seashore, Perdido Key, Fort Pickens, and Santa Rosa Areas. SCAT Teams 4 and 6, September-October 2010.

confirm the observations of the informal NPS survey with 93.3%, 98.4%, and 100% of auger pits at Perdido Key, Ft. Pickens, and Santa Rosa Island, respectively, having either no oil or amounts that fall below the No Further Treatment (NFT) criteria established by the Unified Incident Command (SCAT, 2010). Stage III cleanup guidelines dictate that buried accumulations of less than 1.2 inches (3 cm) in thickness and patchy distribution (10-50% coverage) constitute NFT[3].

3. Fate of Oil in Coastal Environments Including Natural Degradation

Oil from the *Deepwater Horizon* Oil Spill is a light (rich in short-chain alkanes), sweet (low sulfur content) crude oil. Once released, oil in the marine environment undergoes various degradation processes (ITOPF, 2002). In the case of the *Deepwater Horizon* Oil Spill, and based on the known properties of oil released into marine environments, weathering likely began immediately upon discharge from the wellhead when the oil mixed with ocean waters under high pressure. These natural processes in combination with the application of dispersants at the wellhead, likely broke the oil into smaller, less buoyant particles, potentially causing substantial volumes to remain below the water surface (ITOPF, 2002). Of the oil that reaches the surface, it is expected that lower molecular weight (LMW) hydrocarbons, including toxic benzene-toluene-ethylene-xylene (BTEX) compounds, are rapidly volatilized (Reible, pers comm.; ITOPF, 2002). The oil compounds remaining on the sea surface undergo physical, biological, and photochemical processes. These processes result in a water-oil emulsion. This emulsion may contain 70–80% water and form a glue-like mass, commonly known as 'mousse'.

[3] The NFT Guidelines for subsurface oil at oiled residential/amenity beaches is "no visible oil above background levels" (2010 SCAT - Shoreline Treatment Implementation Framework, Mobile Sector Table 1).



Figures depicting the conceptual break down of oil in the marine environment.
Source: ITOPF 2002

In time, mousse will disintegrate into semisolid lumps and be transported via sea currents, some eventually stranding on coastal shores. Oil stranded on beach surfaces is found in semi-solid masses (i.e., mousse patties) varying in size from typically less than 1 meter in diameter and commonly in the range of 0.4-4 inches (1-10 cm) diameter. As mousse patties, stranded oil can be readily handled for disposal.

Two basic mechanisms of subsurface pollution of beaches are penetration, or downward percolation (leaching) of oil, and burial, by way of beach dynamics. Sampling by SCAT and observations by NPS personnel (Duncan and Eckert, September 2010, personal observations) have not indicated leaching of oil, even during periods of high daytime temperatures. Distinct stratification of buried oil layers indicates that storm events, such as Hurricane Alex, shifted sands on GUIS beaches and buried oil. To date *Deepwater Horizon* oil has not been discovered buried deeper than 24 inches (60 cm) in beach sands at GUIS. Buried oil can be persistent because degradation slows with increasing depth and decreasing aerobic activity (Teal et. al, 1978, Hayes et al., 1993; Burns et al., 1994) and in some cases may result in significant long-term toxicity (Carls et al., 2003; Peterson et al., 2003; Bernabeu et al., 2009).Toxicity of stranded *Deepwater Horizon* oil within the beach environment and potential transport via groundwater needs further evaluation[4]. In the case of GUIS, buried oil has been found predominantly in the high tide berm (interface between intertidal and supratidal zones). While analyses of stranded oil have only begun recently, many acutely toxic components may have volatilized or degraded by the time the oil reached GUIS shorelines (Stout, pers. comm.).

Scientific investigations of previous oil spills have indicated that persistence of buried oil and the capacity for natural oil attenuation depend on beach dynamics that drive a sequence of physicochemical processes leading to degradation of oil. These processes continue to reduce subsurface oil to highly divided forms while also allowing appreciable weathering despite burial. Generally, oil persistence has been associated with differences in beach erosion and accretion processes. That is, high energy shorelines will see more rapid breakdown of buried oil, while low energy beaches risk slower decomposition and greater potential for transport to groundwater (Bernabeu et al., 2006; Bernabeu et al., 2009).

[4] OSAT II (2011) provides a preliminary assessment of transport of residual oil via groundwater, concluding that the potential for transport is minimal. Still, we believe a more comprehensive and long-term evaluation may be warranted.

Once stranded on beaches, aerobic degradation of oil can occur within days to months; while anaerobic decomposition can still occur over months to years (Huettel and Kostka, 2010). Factors in GUIS beach ecosystems that promote degradation include warm temperatures, oxygen and bacteria (Huettel and Kostka, 2010). Other variables, such as abundant organic matter and soil texture (Pereshki et al., 2000) are also important in natural degradation. Biodegradation occurs through the sandy beach environment, even at the base of dunes on sandy beaches where conditions (e.g., infrequent wave action) may be less than optimal (Daniels et al., 1995).

Knowing that oil breaks down over time, factors that could inhibit the rate of decay should be identified so that appropriate interventions can be suggested. Attributes of oil, and the characteristics of non-persistent oil, are presented in Table 1.

Table 1. Factors that mitigate persistence in marine/coastal environments

Oil character	Light or non-persistent oils (e.g., high API gravity crudes, distillates); weathering and dispersing prior to stranding
Oil amount	Small amounts or concentrations at any one location
Shoreline type	Impermeable bedrock or fine-grained sediments
Location with respect to tidal water levels action	Deposition within the inter-tidal zone and zone of normal wave
Location with respect to mobile sediments	Deposition within the zone of normal sediment reworking and redistribution
Interference by humans	Treatment or cleaning by response operations. Coastal engineering works that result in shoreline retreat; beach mining

Interference by nature	Dynamic or eroding shores. Earth changes
movements/water level	that lower the elevation of the shore zone

Sources : MC 252 Stage III SCAT- Shoreline Treatment Implementation Framework Mobile Sector (AL, FL, MS) 2010 and Owens et. al 2008.

Although the highly dispersed and weathered nature of stranded oil at GUIS makes it unlikely, managers must still be aware of the potential of buried oil to form hardened layers of asphalt-like material. The 1979 Ixtoc 1 oil spill off of the Mexican coast has similarities to the *Deepwater Horizon* Oil Spill. The Ixtoc spill also resulted from a failed well capping operation and led to massive amounts of oil released from the gulf floor. Recently, researchers have begun to revisit sites of known oiling, and despite 30 years of weathering, oil that may be linked to Ixtoc can still be found. However, it is worth noting that the *Deepwater Horizon* Oil Spill occurred at a significantly greater depth, farther from shore, and with approximately 1.8 million gallons (6, 814 cubic meters) of dispersants being applied. These factors suggest that oil stranded at GUIS is likely in an accelerated state of weathering compared to Ixtoc oil that reached the shore. With these distinguishing factors in mind, information generated from recent NGO-led investigations of Ixtoc spill may be useful to GUIS and other resource managers in the gulf as they monitor oil and shoreline condition resulting from the *Deepwater Horizon* Oil Spill.

4. Description of Affected Sandy Beach Natural Resources at GUIS

Geomorphology

Gulf Islands National Seashore, at more than 100 miles (160 km) in length, is the longest and largest national seashore represented within the National Park System. The Seashore consists of two districts along the northern coast of the Gulf of Mexico—the Florida District and the Mississippi District (there are no NPS-managed lands within Alabama). Barrier islands included within the Florida District of the Seashore are Santa Rosa Island and Perdido Key. Barrier islands within the Mississippi District include Petit Bois, Sand, Horn, East Ship, West Ship, and Cat islands. Two additional barrier islands—East and West Dauphin, separated from each other by Hurricane Katrina—lie immediately to the east of the Mississippi District near the mouth of Mobile Bay. Although East and West Dauphin are geomorphologically related to the Mississippi islands, they are not within the boundaries of GUIS. Collectively, the Park is comprised of 230 miles (371 km) of shoreline.

Santa Rosa Island is a narrow (a few hundred meters wide) island parallel to the mainland stretching from East Pass near Destin to Pensacola Pass in the west, with beaches along nearly 52 miles (84 km) of its shoreline. Separated from the mainland by Santa Rosa Sound, not all of Santa Rosa Island is GUIS property. The cities of Navarre Beach and Pensacola Beach are also on the island. Both Perdido Key and Santa Rosa Island are Holocene barrier islands comprised of quartz sand and shell beds, and have supported a series of coast-parallel sand dune and beach-ridge systems. However, extensive overwash occurs periodically on the islands during hurricanes (e.g., Hurricane Ivan in 2004), which greatly modifies the dune system.

The islands of the Mississippi District are separated from the mainland by Mississippi Sound, more than 7 miles (11 km) wide on average. The Mississippi-Alabama barrier chain is underlain by the same

sedimentary unit as under Santa Rosa Island. As in Florida, the Mississippi barrier islands (with the exception of Cat Island) receive sediment from mainland sources to the east by way of an east-to-west longshore transport. Cat Island was essentially cut off from this sand supply from the east as early as 2,400 years ago due to the influence of a prograding Mississippi River delta lobe and its associated shoals.

The islands are low in elevation (< 4 m) and, at present, the intervening tidal inlets are wide. The islands have had a history of westward migration through erosion of the sediments at the eastern ends and deposition at the western ends by way of the westward directed longshore transport. Although episodic, hurricane destruction and island segmentation have also played an essential role in the evolution of all the Mississippi Sound barrier islands.

Ecology

The beaches of GUIS support a diverse ecological community consisting of early successional plants critical for beach stability, infauna, birds, mammals including the endangered Perdido Key beach mouse, and seasonally nesting sea turtles. The Gulf itself provides a key source of nutrients and microhabitats with the beach landscape in the form of stranded *Sargassum*, sea grass, and other organic debris.

Beach Meiofauna

Meiofauna are minute macroscopic benthic invertebrates defined by their size range .002 -0.039 inches(0.06 - 1.0 mm in length), but more importantly, by their ability to persist in the interstitial matrix of marine and coastal sediments (Kennedy and Jacoby, 1999). They consist of representatives of at least 20 phyla of animals, and play an important role in beach food webs. Meiofauna enhance the rate of nutrient cycling in shorelines through predation and consumption of detritus produced by larger deposit-feeding invertebrates. Increasingly, meiofauna are used as indicators of pollution and shoreline management (Kennedy and Jacoby, 1999).

Meiofauna have also been studied for response to beach cleanings. Single, surficial cleanings have impacts on meiofaunal metrics, but these are short lived due to rapid recolonization (Gheskiere et al., 2006). These authors hypothesized that recolonization occurred from below the cleaned sands, and led these authors to caution against deep sand cleaning which could result in greater impacts to sand and sediment communities. Further, there is a high probability that broad scale manipulation of the upper 7.9 inches (20 cm) of the sand column will result in defaunating the beach (A. Todaro, per comm., Llewellyn and Shackley, 1995) making recolonization a much slower process.

The dynamics of microbe-meiofauna interactions in sediments are ultimately regulated by the amounts of essential nutrients derived from detritus (Alongi, 1985). Thus, the maintenance of surface and sub-surface habitat structure and quality (natural distribution of shells, organic detritus, and sorted and unsorted mineral particle sizes on beaches) are important in maintaining beach ecosystem species assemblages. Although it is likely that once disturbed beyond natural disturbance levels, meiofauna (and other groups) may recolonize, the principles of community assembly dynamics indicate that recolonization may occur at variable rates and result in an ecological endpoint markedly different from the pre-disturbance state (Drake, et al., 1993). Moreover, human-induced disturbance (e.g., beach cleaning) followed by natural recolonization increases susceptibility to biological invasion and/or loss of species diversity. These factors should be evaluated as part of response or injury assessment.

Beach Macroinvertebrates

An assortment of macroinvertebrates, ranging from insects to crustaceans, inhabit the intertidal and supratidal zones within GUIS. Perhaps the most iconic of these is the ghost crab (*Callichirus islagrande*). Ghost crabs are an important link in beach ecosystems serving as prey for shorebirds and contributing to nutrient cycling by consuming beach detritus. Ghost crabs live at the interface between the intertidal and supratidal zones. Their excavation of borrows in the supratidal zone to depths up to 19.7 inches (50 cm) makes them particularly susceptible to any activities that disturb the supratidal sand column. Like ghost crabs, other macroinvertebrate groups such as tiger beetles (*Cicindela sp*) and beach amphipods may also be vulnerable to manipulation of beach sands and trampling by personnel and machinery (Knisley and Schultz, 1997). Together, many of these macroinvertebrates are important prey for shorebirds including the endangered piping plover.

In the Prestige oil spill of 2002 on the coast of Spain, polychaetes, insects, semi-terrestrial crustaceans, and other taxonomic groups lost species from their community; however, in some cases species different from the original assemblage were gained. The most oil impacted affected beaches saw a decrease of up to 66.7% of the total species richness after the oil spill. The most disturbed levels of beach were swash zone, losing most of the polychaetes, and dry sand, with decrease in insects and semi-terrestrial crustaceans. Although the dry sand level received a high amount of oil, its macroinvertebrate community was more affected by response activities of grooming and cleaning. Fuel and polluted debris were removed, as well as the algal wrack that is used by the supratidal macrofauna as food and shelter (de la Huz et al., 2005).

Turtles

Four species of sea turtles inhabit GUIS beaches: the green turtle *(Chelonia mydas),* Kemp's ridley turtle *(Lepidochelys kempii),* leatherback turtle *(Dermochelys coriacea),* and the loggerhead turtle *(Caretta caretta)*. All of these species are federally listed as endangered and are protected under the Endangered Species Act. Ninety percent of all loggerhead turtle nesting in the United States occurs on Florida beaches with a substantial portion occurring along the panhandle. One of the major threats to all sea turtles is the destruction or altering of nesting or foraging habitats. Though sea turtles live most of their lives in the open ocean, females must return to the beach in order to nest and lay eggs. Nesting generally occurs from April through August with hatchlings emerging as late as December. Turtle nesting areas must be avoided by manual beach cleaners and must not be approached by mechanical cleaners (NOAA, 2010a).

Piping Plover

The piping plover (*Charadrius melodus)* is a small, stocky, sandy-colored bird resembling a sandpiper. The piping plover, a federally listed threatened species protected under the Endangered Species Act, winters on sandy beaches within GUIS. Habitat alteration and destruction are the primary causes for the decline of the piping plover (USFWS, 1996). Portions of GUIS are designated Critical Habitat for the species. Beach traffic, including ATV's and other vehicles, can disturb birds and degrade habitat. Beach raking removes driftwood, seaweed, and other debris used by roosting plovers, and may disrupt nutrient cycles and remove prey organisms from areas where plovers forage on the beach. Habitat avoidance may potentially result from continued human activity near plover nesting and/or foraging areas.

Ecological Effects of Residual Oil

Few studies are available that evaluate the effects of oil on sandy beaches. Published studies addressing effects of oil even on marsh and rocky shore can cautiously be used to inform our evaluation of stranded oil on GUIS sandy beaches. A range of plant/vegetation responses were found in a review of oil spill impacts on marsh plants (Pereshki et al., 2000). Because of the multiple factors that can influence plant response (amount and type of oil, species present, season of oiling, physical site conditions), at least one growing season will be needed to begin understanding the short term impacts of the spill (Pereshki et al., 2000). Evaluating the extent of seasonal beach shifts over this period can provide inputs for beach dynamic/oil persistence models. Differential species responses can cause difficulties in interpreting impacts to the Park's resources. Following the Ixtoc I spill in 1979, crabs, including the ghost crab *Ocypode quadrata* were almost totally eliminated locally, contrasting with little observed effect on clams, such as *Donax* spp. (Jernelov and Linden, 1981).

Carman, et al. (1994) cited species adaptation to chronic pollutant exposure as a potential reason for limited negative impacts on marsh microbial and meiofauna individuals and ecological function. In a mesocosm study, investigators found significant impacts to (1) algal synthesis of phospholipid, (2) algal physiological condition, (3) nematode abundance, (4) the nematode/copepod ratio of abundance, and (5) the nauplius/copepod ratio of abundance. But in the same study, no significant effects of polycyclic aromatic hydrocarbons (PAHs), a constituent of oil frequently associated with toxicity, were observed for the following: (1) copepod lipid-storage material, (2) copepod grazing, (3) algal synthesis of neutral lipids, (4) sedimentary chlorophyll *a*, (4) bacterial phospholipid synthesis, (5) bacterial physiological condition, (6) bacterial abundance, (7) copepod abundance, (8) copepod nauplii total abundance, or (9) total meiofaunal abundance.

Dauvin (1998) reported that the fine-sand benthic infauna community of the Bay of Morlaix, France (western English Channel), suffered deficit production for 11 years following the April 1978 Amoco Cadiz oil spill. At an annually monitored site, benthic biomass dropped from 0.27 to 0.09 oz/yd ^{2} (9 to 3 g/m2) but did not return to the range of 0.27 to 0.32 0z/yd ^{2} (9to 11 g/m^2) for more than a decade.

Potential ecological impacts of stranded oil at GUIS may be limited to direct ingestion of semi-solid pieces by some organisms that could produce lethality, sublethal effects, and biotransfer. These possibilities warrant further evaluation as part of both the response and NRDA efforts. It is expected that the lack of liquid or viscous oil, and slow to little leaching of oil into sands will minimize the common mortality agent of coating and suffocation of invertebrates. This thicker condition of the weathered oil may also influence the solubility of toxic components of buried oil and, depending on the amount of buried oil found in recently initiated SCAT auger surveys, should be evaluated. Weston and Mayer (1998a&b) found that solubility is a key factor to bioaccumulation of toxins in benthic organisms.

5. Techniques for Stage III Beach Cleaning

Stages of Shoreline Assessment and Cleanup

The Shoreline Cleanup and Assessment Technique developed for the *Deepwater Horizon* Oil Spill consists of three stages.

Stage I involves water-borne recovery of oil (e.g., skimming, burning).

Stage II consists of initial, surface cleaning of stranded oil. Removal consists of using absorbent materials, then collecting and disposing of them as hazardous waste, manual removal using handtools (e.g., rakes, shovels, strainers) and/or mechanized removal. Only the oil directly on the surface (i.e., within the upper 3-6 inches) is collected in this stage. Stranded oil on a segment or zone is defined by a combination of surface oil thickness, percent cover, and particle size.

Mechanical removal using mobile tractor-drawn and/or self-propelled beach sifters (e.g., Beach Tech 2000s, Sandshark, etc.) is a major part of the Stage II cleanup. Sand is collected to a depth of 3 to 6 inches or less. Stage II activities will be repeated as necessary for areas where new oil washes ashore of becomes exposed by natural processes (e.g., wave action, wind). Mechanical sifting has been shown to remove a significant portion of surface oil, although residual oil remains on the sand surface in the form of smaller particles. Recent in-situ observations by Drs. Duncan and Eckert revealed that self-propelled walk-behind machines may be most effective for removing surface oil; however, both techniques also result in the removal of massive quantities of inorganic and organic debris, a limiting resource for sand beach ecosystems. Further, mechanical sifting is likely to reduce mean grain size and microgeomorphological characteristics of the supratidal[5]. Together, these factors may result in increased erosion rates.

[5] See discussion under Mechanical Removal.

Top: Three tractor-pulled Beach Tech 2000 sit ready on Horn Island. Bottom: Spoil piles from mechanical sifters on Horn Island. Note the extensive accumulations of *Sargassum* and other organic debris. Attempts were made throughout the process to minimize removal of organic material (e.g., avoiding the wrack line), but it is likely the mechanized sifting still resulted in significant removal of ecologically important detritus across the beachfront. (Photo by J. Duncan, August 27, 2010).

Stage III SCAT will conduct initial aerial and ground surveys to inform the development of final habitat-specific Shoreline Treatment Recommendations (STRs) and long-term monitoring plans. Among the issues addressed by Stage III is buried oil. The Unified Incident Command developed an approved and finalized Interagency Stage III Shoreline Treatment Implementation Framework plan dated October 13, 2010. Subsequently, NPS developed a decision document, dated November 5, 2010, that was later amended as Appendix H to the Interagency Stage III Shoreline Treatment Implementation Framework. The conclusions reached in Appendix H were based in part on an early version of this document.

Factors that should be addressed in Stage III STRs include the nature and degree of oiling including subsurface oil deposits, cleaning techniques including the depth of sand removal and cleaning, and cleanup endpoints. STRs are written to ensure proper protocols and best management practices are observed. The STRs provide specific guidance to the types of cleaning, times of cleaning, natural resource and cultural concerns and the depth to which cleaning can take place.

Methods for Treating Stranded Oil on Sandy Beaches

There are a number of options available for addressing buried oil as part of Stage III implementation. These options are summarized here.

Natural recovery

Natural recovery is a shoreline treatment technique that allows a site to recover without intervention or intrusion. All shore types affected by small amounts of non-persistent oil can recover naturally over time, given appropriate conditions (e.g., temperature, oxygen, microbial activity, wave energy, etc.). Assessment of the oiling and resources at risk is required to determine the likely consequences of

allowing oil to degrade naturally. Shorelines must be monitored to ensure that recovery occurs (not simply for the absence of oil). This option may be particularly appropriate for sites of high environmental sensitivity (e.g., turtle nesting sites) and where more harm to the resources would be caused by human intervention. Manual and mechanical operations can be problematic - even during non-nesting periods because of the potential for beach topography alteration, loss on armoring to protect against erosion, and the removal of naturally occurring organic materials, such as wrack (NOAA, 2010).

Conditions at GUIS for natural degradation of oil are generally favorable, and precedent for recovery without active response exists. In a review of several spills, Sell, et al. (1995) found a majority of spill-affected areas had recovered in approximately 10 -12 years and suggest that non-recovering sites experienced, among other factors, the extensive mechanical removal of substrate. In the Prestige oil spill in 2002, cleanup efforts led to maritime vegetation being trampled and spreading of oil in the supra-tidal zone. Backshore botanical impacts resulted from cleanup equipment, vehicle refueling, and vehicular and pedestrian traffic. In some cases, vegetation and often soil removal during construction of access routes across the backshore meant permanent adverse impact (Little and Fichaut, 2005). Therefore, limiting cleanup equipment, as much as is reasonable, should be a goal. If not possible, then a restoration plan should be in place prior to any deep cleaning using heavy equipment.

Biostimulation

Biostimulation is the active addition of nutrients and/or enhancement of physical site conditions (aeration) to facilitate microbial breakdown of oil. Bioaugmentation is the addition of non-indigenous microbes that are proven decomposers of oil. With both, there can be saturation points of oil availability. One microcosm study compared degradation of naphthalene by slow release nutrient, augmentation with *Cycloclasticus* spp., and a petroleum degrader found in several ocean locations around the world in a combination of treatments. All treatments similarly increased the rate of naphthalene degradation within 60 days, but total naphthalene degradation was similar to that of control treatments after 90 days (Miyasaka et al., 2006). In another study, nitrogen and phosphorous additions effectively enhanced oil decomposition in microcosms but yielded no effect in field plots (Jackson et al., 1996). Lee and Pardue (2010) recently found evidence of natural anaerobic biodegradation of oil in sandy beaches.

Manual removal

Manual removal is defined as removing oil with hand tools and manual labor; no mechanized equipment is used. This methodology is preferred for medium-heavy oils, but is less effective where oil is buried or reworked into sediments (NOAA, 2010b). It is also used for oiled material such as wrack debris. Straight-edged shovels work better than pointed shovels on sandy beaches and little non-oiled material is removed. Oiled material is collected in bags, drums, containers and handled using protocols commensurate with State and Federal regulations. All material is collected from a clean area towards oiled. Natural recovery of the sands and biota of manually cleaned areas tends to be more rapid, due to less physical disturbance.

Mechanical removal

Mechanical removal is appropriate for long sections of beach with high concentrations of surface oil, provided that the operation can limit the removal of non-contaminated material. Techniques used for sandy shorelines include mobile beach sifters either self-propelled (e.g., Sandman) or tractor drawn (e.g., Beach Tech 2000).

Sandman walk-behind beach sifter operating on Cat Island, September 16, 2010,
Photo by J.Duncan, NPS.

Although mechanized sifting is generally an effective way of recovering stranded oil, machines do not discriminate between semi-solid oil masses and other solid material on the beach. Efforts have been undertaken by NPS Resource Advisors (READs) and other Operations personnel to avoid organic material. Despite these efforts, supratidal organic debris (e.g., *Sargassum)* an important attribute in beach ecology, is also removed. The smallest mesh currently considered is 6mm, which will remove most large pieces of weathered oil, but will still leave behind visible oil pieces smaller that 6mm commonly referred to as oil droplets.

In addition, mean grain sized of beach sand is reduced by mechanical sifting. All sand and shell particles on a beach are used to calculate mean grain size of a beach. Mechanical sifting of beach material through a 6 mm mesh screen removes shell and other particles 6 mm and larger. Removal of these largest size particles skews the mean grain size of beach material to a smaller size because the largest particles are no longer be part of the overall range of sizes used to calculate the mean. Combined, sifting induced mean grain size reduction can contribute to increased erosion and further alteration if microhabitats.

Mixing

Mixing may involve the use of farm-type equipment, such as disc systems, harrows, ploughs, rakes or tines. Alternatively, graders / front end loaders can be used. One disadvantage is that it may disturb surface substrate and shallow-burrowing organisms. This technique can be used on wet or dry sediments.

Mixing accelerates degradation and natural removal of light oils by breaking up oily sediments and surface oil deposits, increasing the surface area, and mixing deep subsurface oil layers to the surface. Specific site conditions may dictate two levels of mixing with appropriate equipment for the current response:

○ Gentle mixing = lifting to the surface for subsequent collection using beach cleaners and through sand treatment plant(s)

○ Aggressive mixing = vigorous mixing to get subsurface oil particles as small as possible.

Surf Washing

Sediment relocation, or surf washing, is a technique used to accelerate natural degradation of lightly contaminated sands and is generally applied at recreational beaches that require re-opening sooner than natural recovery can achieve. This methodology is considered a polishing step for stained sands which are moved into the active intertidal zone / surf zone using mechanical equipment and then can be further enhanced by reworking with disc to augment mixing. It is particularly useful on beaches with subsurface oil, where sediment removal is not feasible (due to erosion or disposal problems). Erosion issues have been cited in the *Deepwater Horizon* Oil Spill as a reason to minimize sand removal (Sayed Kalil, LA Office Coastal Protection and Restoration pers. comm., Sept 2010).

Sand Treatment Plants

Sand treatment plants are static, large-scale plant machinery designed to remove coats and stains from sand with minimal loss of sand and labor following initial collection through other means (manual/mechanical/beach cleaners). The plants can process large amounts of sand (~50 tons45 metric

tonnes/hour), but are relatively expensive and cannot be used for treating tar balls, which would need to be sieved out prior to processing. Up to 30% of sands, especially finer materials, can be lost to this process (Sayed Kalil, LA OCPR pers. comm., Sept 2010).

6. Pertinent Laws and NPS Management Policies

The Stage III Shoreline Treatment Implementation Framework discussed in the previous section was approved by the UIC on October 13, 2010., Two primary treatment approaches identified pertain to Gulf Islands National Seashore: 1) deeper, more intensive subsurface cleaning, including mechanized sifting; and, 2) natural recovery through biodegradation and other active shoreline processes.

Stage II treatment is currently in progress according to agency approved Shoreline Treatment Recommendations (STRs). While Stage II recovery of surface oil by both manual and mechanized methods seems to be relatively effective, treating of oil that has become buried under varying depths of beach sands presents the Park with a conundrum: At what point do cleanup operations, not only to treat buried oil, but also for the remaining post-treatment surface oil, begin to cause more ecological harm than would the unrecovered oil? Further compounding this question is the need to provide due consideration for public health, visitor experience, and public perception.

In attempting to evaluate resource management decisions in the context of public use, the NPS relies on applicable laws and policies. The most important statutory directive for the NPS is provided by interrelated provisions of the NPS Organic Act of 1916 and the NPS General Authorities Act of 1970, including amendments to the latter law enacted in 1978.

The NPS Organic Act provides that:

[The National Park Service] shall promote and regulate the use of Federal areas known as national parks, monuments, and reservations hereinafter specified … by such means and measures as conform to the fundamental purpose of said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (16 USC § 1.)

Congress supplemented and clarified these provisions through enactment of the General Authorities Act of 1970, and a 1978 amendment to that act, which in part states:

… The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress. (16 USC § 1a-1).

In addition to the authorities listed above, the Park System Resource Protection Act requires the Secretary to "undertake all necessary actions to prevent or minimize the destruction, loss of, or injury to park system resources, or to minimize the imminent risk of such destruction, loss, or injury." 16 USC § 19jj(b)(1). Based on these statutory responsibilities, NPS (2006) defines policy for the NPS and specifically directs managers to seek ways to avoid, or minimize to the greatest extent practicable, adverse impacts on park resources and values. The laws discussed above give the NPS "management

discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impact does not constitute impairment of the affected resources and values." When impacts on natural systems resulting from human-caused disturbances occur, including oil spills, the NPS will seek to return such disturbed areas to the natural conditions and processes characteristic of the ecological zone in which the damaged resources are situated. In such situations the NPS will use the best available methods "to restore the biological and physical components of these systems, accelerating the recovery of landscape and biological community structure and function" (NPS, 2006, Sections 1.4.3 & 4.1.5).

The Park's enabling legislation provides further guidance applicable to managing GUIS :
"That in order to preserve for public use and enjoyment, certain areas possessing outstanding natural, historic, and recreational values, the Secretary of Interior may establish and administer the Gulf Islands National Seashore." (P.L. 91-660)

The current General Management Plan (GMP) for the Park stipulates that the NPS will develop and maintain those types of public recreation that are compatible with continued preservation of Seashore resources. The GMP further elaborates that some recreational uses will offer experiences unique to the central Gulf Coast area, and that the Seashore will provide high-density day use facilities similar to those at nearby county and municipal areas, but large portions of the Seashore will remain inaccessible by auto, encouraging use by visitors seeking a change from the more highly developed beach areas. Within the context of beach recreation the GMP indicates that parking facilities adjacent to roadway thoroughfares will serve as primary beach recreation areas. Additionally, the GMP indicates that "major" beach development areas will be located at Perdido Key, Santa Rosa Island, Fort Pickens (east end), as well as the longstanding recreational use area on West Ship Island in Mississippi. [1978 GUIS General Management Plan & Environmental Assessment, Section I, D (4)]

7. GUIS Management Zones: Recreational Beaches and Natural Shoreline Areas

The Park's current General Management Plan designates recreational beaches on Santa Rosa Island, Fort Pickens, and Perdido Key. Within these locations are specific recreational beaches that correlate with a parking lot, boardwalk, or trail. Within these recreational beach areas sun bathing, beach combing, sand sculpture, swimming, and other customary beach pursuits are frequent and commonplace. Recreational beaches are generally defined to be 1/8-mile (0.2 km)east and west of the imaginary intercept line perpendicular to the center point of a facility (e.g., parking lot, boardwalk, or trail) and adjacent shoreline. In some areas where such facilities are contiguous and in relatively close proximity to one another (e.g., multiple parking lots and picnic shelters at "Opal Beach" on Santa Rosa Island and multiple boardwalk crossovers adjacent to the Perdido Key access road), the recreational beach segments are longer than 0.25 miles (0.4 km).

The rationale used in delineating recreational beaches is based upon 30+ years of managing these areas and observations by Park staff. This professional experience indicates that an average family of four is reluctant to negotiate by foot through the sand and travel any greater distance while also carrying customary beach gear, such as coolers, chairs, sun canopies/umbrellas, and other similar paraphernalia. Each of the Park's designated recreational beaches are referenced within the table below that also identifies the GPS coordinates for the easterly and westerly delimits that make-up the recreational beaches.

Recreational Beach Site	East Boundary	West Boundary
Fort Pickens		
Battery Cooper	-87.28530	-87.28899
	30.32005	30.32174
Campground Store/Loop A (combined)	-87.26955	-87.27766
	30.31668	30.31835
Langdon Beach	-87.25966	-87.26385
	30.31693	30.31680
Parking Lot 22	-87.23871	-87.24288
	30.31833	30.31816
Parking Lot 21	-87.20696	-87.21111
	30.32192	30.32148
Santa Rosa		
Parking Lot 10	-87.00327	-87.00737
	30.35665	30.35610
Parking Lot 9	-86.98989	-86.99403
	30.35879	30.35815

Opal Beach	-86.96222	-86.97432
	30.36395	30.36153
Parking Lot 1	-86.93625	-86.94032
	30.36824	30.36739
Perdido Key		
Perdido Key	-87.37921	-87.41961
	30.30704	30.29761
West Ship Island		
West Ship Island	-88.96990	-88.97408
	30.20757	30.20766

The total estimated length of Gulf-facing shoreline designated as recreational beaches is 5.73 miles (9.22 km), with 5.48 miles (8.82 km), or 24.1% of the total length of Gulf-facing beaches located in Florida and 0.25 mile (0.4 km), or 0.86% of the Park's total beach located in Mississippi. Recreational beaches, therefore, constitute 11% of the Park's estimated total of 51.72 shoreline miles (83.2 km) on the Gulf side. All other shoreline areas, 45.98 miles (74 km), or 89% of the Park's total shoreline on the Gulf side are considered to be natural settings with significantly more dispersed recreation or are primitive where natural processes are paramount and unencumbered by frequent public use. The designated recreational beaches are also demarcated within the attached series of GIS derived maps (Exhibit A).

8. Conclusions and Summary

Pursuant to laws and management polices applicable to the NPS, management actions endorsed by the agency must be measured with respect to conservation in perpetuity. Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant (NPS Organic Act, 2006 NPS Management Policies 1.4.3). With this as a guiding principle, NPS has decided against further subsurface treatment beyond what has already been initiated under existing STRs for recreational beaches. The Stage III interim SCAT summary report for subsurface oil within the Mississippi islands confirm our field observations that buried oil is discontinuous and relatively light within most trenches and pits examined. Based on this finding, all sandy beach environments within GUIS, other than those designated as recreational beaches or shoreline areas in Mississippi where moderate to heavy oiling has occurred (12 defined areas all relatively small in scope), as documented in the November 2010 SCAT summary report, will convert to no further treatment (NFT) once the NFT standards are met and maintained.

Subsurface treatment for the recreational beaches through the use of mechanized sand sifting machines will extend to a depth of 18 inches (45.72 km) with close monitoring and an operational stoppage clause

if quantities of oil extracted are minimal as determined by onsite NPS personnel[6]. For those shoreline areas in Mississippi where moderate to heavy oil has occurred manual extraction using hand tools by field crews will be completed. Natural recovery and monitoring as outlined in the Stage III Shoreline Treatment Implementation Framework (STIF) will be allowed to occur in the remaining majority of all other shoreline areas.

Small crab found alive among mechanical sifter spoil in Horn Island.
(Photo by J. Duncan, August 24, 2010)

9. Next Steps

In dealing with the long-term aftermath of the *Deepwater Horizon* Oil Spill, the NPS must exercise diligence in addressing furthercleanup actions. Because of the unprecedented nature of the spill coupled with inherent ecological complexities, the NPS should embark on a four-step process. Step 1 consists of defining success; step 2 is the development and implementation of a long-term adaptive management approach to dealing with residual oil; step 3 is to identify information gaps and develop proposals for additional research; and step 4 is to openly communicate the effects of oil on GUIS resources, subsequent management actions designed to mitigate these effects, and the ongoing status of ecosystem recovery.

1. Define Success
    - The selection of the optimal treatment approach (i.e., physical removal of buried oil, natural degradation, or a combination of both) should be evaluated on a clearly articulated definition of success (Eckert, 2009). This should go beyond the reduction of stranded oil and include metrics for natural resource recovery and ecological integrity compared to pre-oiling conditions. Specifically, the structure and function of Gulf barrier island ecological communities should be a key metric in defining success.

2. Develop an adaptive management plan for beach oil degradation and recovery that considers:

[6] In practice, NPS Resource Advisors (READs) worked closely with Operations by having auger crews proceed ahead of the mechanical sifters flagging areas of detected subsurface oiling. Only those flagged areas were cleaned, minimizing the impacts to recreational beaches.

- Identification / characterization of oil
    - Chemistry of stranded oil
    - Spatial distribution
    - Identification of causal factors in oil persistence and/or toxicity
    - Continued collection of information on fate and transport of oil on beaches, including more information on freshwater aquifers as an exposure pathway.

- Identify Endpoints and Objectives
    - Reducing the presence of visible oil should not be the only standard for success in shoreline treatment. Unknowns regarding toxicity of weathered oil and dispersant can be partially addressed by identifying desired endpoints of shoreline resources. These indicators should include microbial, meiofaunal, and macroinvertebrate indicators and microhabitat structure.

- Design and Implement Monitoring
    - Spatial sampling design to capture trends in a range of oiled and un-oiled areas, and classes of weathered oil (size, character, surface vs buried). This should include the establishment of permanent geo-referenced sampling locations such as quadrats and/or transects.
    - Sample sediments for multitrophic representatives of fauna (bacteria, meiofauna)
    - Set up appropriate intervals of resampling based on our understanding of continued weathering and new strandings.

3. Identify additional science needs
    - Identify supporting studies and develop proposals for acquiring additional research to address impacts, restoration, and recovery.
    - Some research on shoreline fate and transport of *Deepwater Horizon* oil has begun (Huettel and Kostka 2010).
    - Identify modeling efforts on decomposition and eco-toxicology such as those being developed by a group supported through the National Center for Ecological Analysis and Synthesis.

4. Develop a Communication/Interpretive Plan.
    - A communications plan specific to GUIS should be developed that addresses the long-term effects of oil on the ecosystem, NPS management actions to address impacts, new scientific information, etc. Although communications currently go through the UIC, there is a growing need for the conveyance of information specific to Gulf Islands National Seashore, particularly in light of park-specific management decisions that may differ from surrounding areas. Such a plan should be developed that employs the combined expertise of NPS interpretive and natural resource staff in close coordination with the UIC.
    - An interpretive plan should be specifically geared to engage diverse audiences such as youth, elected officials, other federal and state agencies, surrounding and adjacent communities, specific user groups such as fishing and diving, and minorities.
    - The interpretive plan should articulate the cultural, ecological, and economic importance of GUIS.
    - Alternative means of reaching out to various audiences should be vigorously explored (e.g., internet, social media, new partnerships, etc.).

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EXHIBIT A: Recreation Beach Maps

Fort Pickens Battery Cooper (FPBC) Recreational Beach
Stage III Shoreline Treatment Area

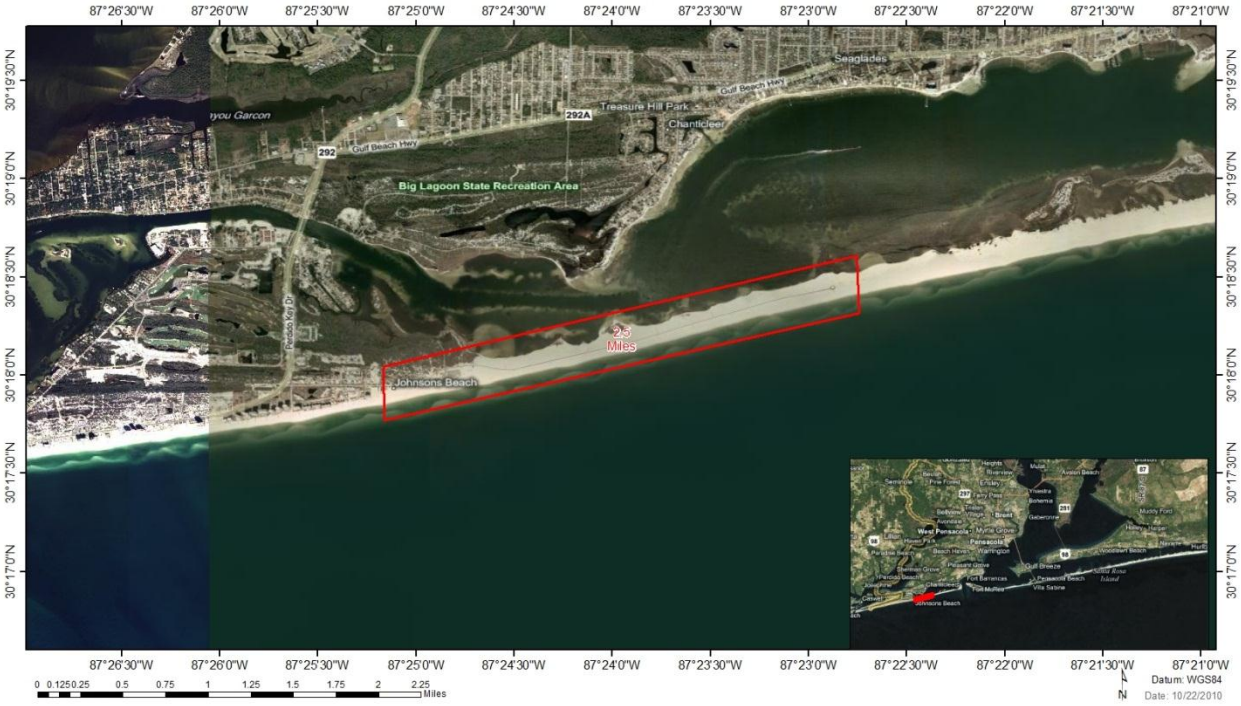
Fort Pickens Parking Lot 21 (FPPL 21) Recreational Beach
Stage III Shoreline Treatment Area

Fort Pickens Parking Lot 22 (FPPL 22) Recreational Beach

Stage III Shoreline Treatment Area

Perdido Key (PK) Recreational Beach

Stage III Shoreline Treatment Area

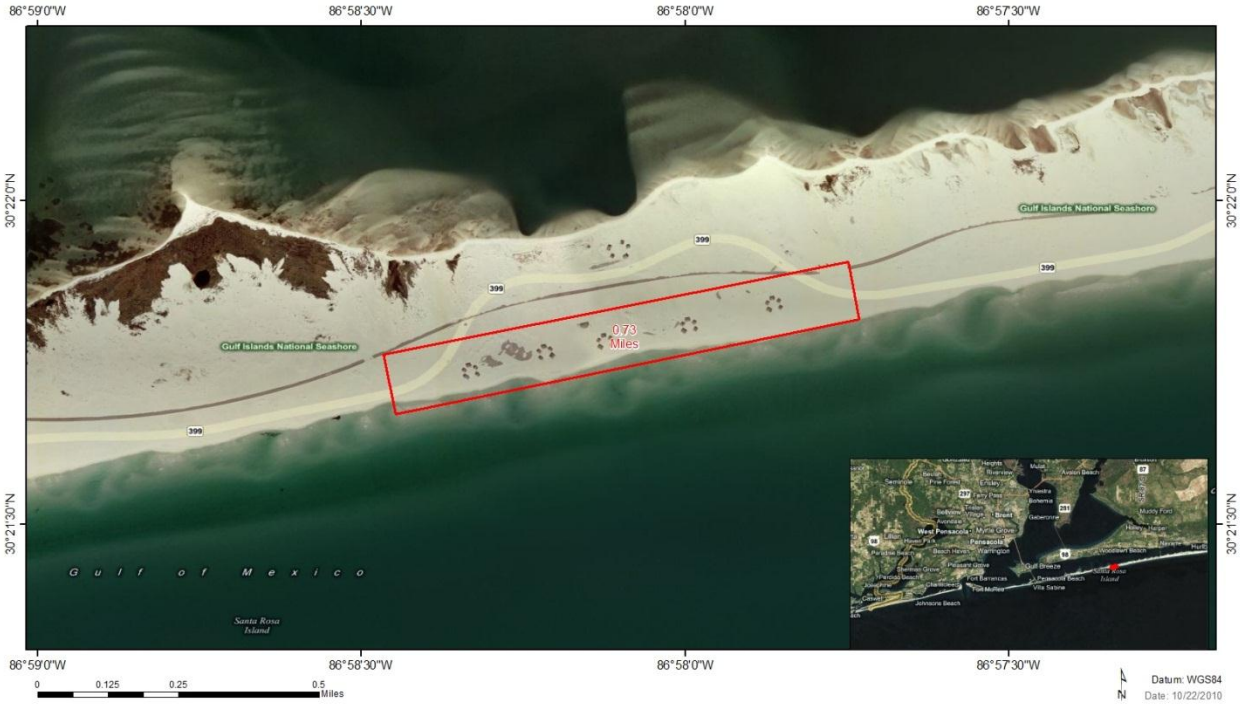


Santa Rosa Parking Lot 1 (SRPL 1) Recreational Beach

Stage III Shoreline Treatment Area

Santa Rosa Parking Lots 2-5 (SRPL 2-5) Recreational Beach

Stage III Shoreline Treatment Area



Santa Rosa Parking Lot 9 (SRPL 9) Recreational Beach

Stage III Shoreline Treatment Area

Santa Rosa Parking Lot 10 (SRPL 10) Recreational Beach

Stage III Shoreline Treatment Area


West Ship Island (WSI) Recreational Beach
Stage III Shoreline Treatment Area
88°59'0"W
88°58'30"W
88°58'0"W
30°13'0"N
30°12'30"N
0.25
Miles
Mississippi Sound
0
0.125
0.25
0.5
Miles
N
Datum: WGS84
Date: 10/22/2010

United States Department of the Interior

BUREAU OF OCEAN ENERGY
MANAGEMENT, REGULATION AND ENFORCEMENT

Washington, DC 20240

APR 19 2011

The Honorable Jeff Miller
House of Representatives
Washington, D.C. 20515

Dear Representative Miller:

Thank you for your letter dated March 1, 2011, to President Obama regarding the permitting of both shallow water and deepwater drilling operations and requesting that the Department of the Interior and the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) bring immediate and concrete clarity for offshore permitting and to hasten the approval of such permits. I have been asked to respond on the President's behalf. A similar response will be sent to each signer of your letter.

In the wake of the Deepwater Horizon, BOEMRE has moved forward with the fundamental reforms and new regulatory measures necessary to improve the safety of offshore drilling, as well as enhance protection of the ocean and coastal environments. At the same time, we are working every day to allow safe drilling and production operations on the federal Outer Continental Shelf (OCS) to continue in order to keep production flowing and people working in an industry that is crucial to our nation's economy and energy independence. The major challenge facing us and the industry is to dramatically improve the safety of drilling in the Gulf of Mexico, particularly in deepwater, while continuing with operations, keeping production flowing and keeping people working. I believe we are meeting that challenge.

You requested clarity in the permitting process: Recently, BOEMRE issued additional guidance to provide clarifying information to assist the oil and gas industry in complying with existing deepwater drilling safety regulations and guidance. This new guidance document also highlights BOEMRE's process for reviewing subsea containment plans for deepwater operations. The information document is available at: http://www.boemre.gov/ooc/press/2011/press0328.htm. BOEMRE also issued guidance on December 13, 2010, regarding the steps required of operators to resume deepwater activity. That guidance is available at: http://www.boemre.gov/ooc/press/2010/press1213.htm. BOEMRE is committed to ensuring that companies know what is expected of them and will continue working with industry to provide additional guidance on these and other issues.

You requested a removal of barriers to exploration and production: On October 12, 2010, the deepwater drilling suspensions were lifted. Since then, the industry has submitted and BOEMRE has approved permits consistent with the heightened safety standards required by our new regulations.

As of April 19, 2011, we have received 37 deepwater applications for permit to drill for types of activities that were allowed under the moratorium, subject to applicable safety rules, such as water injection wells and drilling from a fixed rig with a surface blowout preventer. We have approved 34 of these permits, with two applications pending.

As of April 19, 2011 we have also received 58 deepwater drilling permit applications that are subject to BOEMRE's new safety and environmental requirements, including demonstration of subsea containment capability. These include applications to drill new wells, bypasses, and sidetracks. Twenty of these permits have been returned to the operator with requests for additional information, particularly concerning subsea containment. We have approved 19 of these permits (for 11 unique wells), with 17 applications pending.

As of April 19, 2011 we have approved 49 shallow water permits for new wells and have four pending. Information on the status of well permits and plans are available on our website, which we refer to often and update daily.

The webpage can be found at:
http://www.gomr.boemre/gov/homepg/offshore/safety/well_permits.html.

Together with Secretary Salazar, we have undertaken the most aggressive and comprehensive reform of offshore oil and gas regulation and oversight in U.S. history. This includes the reorganization of the former MMS to establish mission clarity and to strengthen oversight; and it also includes the development and implementation of heightened standards for drilling practices, safety equipment, and environmental safeguards.

These new rules set forth prescriptive standards that industry must meet. But they also establish, for the first time in the U.S. offshore regulatory system, performance-based standards focused on the identification and mitigation of specific risks associated with offshore operations. These changes are substantial, and more work is being done to ensure that these changes are both lasting and effective. The ultimate goal is to establish an industry-wide culture of safety, and to have well-equipped and professional regulators. Both elements are necessary to keep pace with the challenges and risks of offshore drilling, particularly as those operations push into new frontiers and face increased technical challenges.

We no longer accept the view that the appropriate response to a rapidly evolving, developing and changing industry, which employs increasingly sophisticated technologies, is for the regulatory framework and the applicable rules to remain frozen in time. Over time, the regulatory framework and the specific requirements must keep pace with advances in the industry – and with industry ambitions to drill in deeper water in geological formations that have greater pressures.

We will continue to analyze information that becomes available, and we will implement reforms necessary to make offshore oil and gas production safer, smarter and with stronger protections for workers and the environment. In developing these reforms, we will balance the need for regulatory certainty – whose importance we well recognize – against the need to act on new insights and adapt to changing technology. And importantly, the processing of drilling permit applications and proposed drilling plans will not be delayed while these additional reforms are developed.

I agree with you that a vital oil and gas industry is essential to our Nation's security and economy. However, I stand behind the increased safety measures that have been adopted. They will protect American lives and diminish the risk of oils spills and related environmental damage. And, I believe the men and women at BOEMRE can implement these measures without unduly or unnecessarily increasing the regulatory burden on industry.

Sincerely,

Michael R. Bromwich
Director

Congress of the United States
Washington, DC 20515

48961

July 26, 2010

The Honorable Ken Salazar
Secretary
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

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Dear Secretary Salazar,

We are writing concerning companion pieces of legislation S. 1241, sponsored by Senators Inhofe, Tester, Crapo, and Risch, and H.R. 2031, sponsored by Congressmen Boren, Miller, Ryan, Ross, Putnam, Chaffetz, Courtney, and Young. These bills attempt to lessen the burdens on small filming crews on public lands by amending Public Law 106-206 to simply allow small crews to pay a reasonable annual fee to be able to film on public lands. These bills are strongly supported by the Professional Outdoor Media Association and thirty-three sportsmen's and conservation organizations.

Last Congress, Congressmen Boren and Young led the work on this legislation introducing H.R. 5502 which received a hearing in the House Natural Resources Committee. On April 28, 2010, the Senate Subcommittee on Public Land and Forests of the Energy and Natural Resources Committee held a hearing on S. 1241.

At the April 28th hearing, the Department of the Interior testified that it could not support S. 1241 and identified issues such as the need for federal land management agencies to be able to manage commercial filming and know the locations and duration of filming projects, manage disruption to other visitors of federal lands, ensure areas are not overused, evaluate the appropriateness of filming in certain areas, and further testified that commercial filming crews may take advantage of the new special permit authorized in S. 1241 and H.R. 2031. Finally, the Department testified that it may have limited staff available to monitor all the filming which may occur and that $200 may not be sufficient reimbursement for the appropriate staff time involved and administrative costs. However, the Department testified that it wished to work to address these concerns.

We can all agree that our nation's public lands are a valuable natural resource, and the professional outdoor media industry is a valuable way to bring awareness to our nation's resources through documentaries, sporting programs, and other productions. Public Law 106-206 requires the Department of the Interior and the Department of Agriculture to establish a permit and reasonable fee to commercially film on federal lands, and it allows the Departments to recover costs associated with filming projects.

S. 1241 and H.R. 2031 do not change the purpose of Public Law 106-206. Instead, these bills attempt to address the inconsistent implementation of Public Law 106-206 on federal lands for small filming crews which has been recognized by many small filming producers from around the country.

The intent of S. 1241 and H.R. 2031 is not to remove the Department's supervision of filming on federal lands permits. We believe Public Law 106-206 was intended to primarily provide the Department a way to permit major filming operations and the footprint they would make on federal lands. We are simply interested in finding a way, statutorily or administratively, to allow small filming crews to access federal lands through a more standardized manner for a reasonable fee without being charged by the day and allow the Department to continue its responsibility of maintaining our federal lands.

With the Forest Service's new interim guidance concerning filming in wilderness areas and its work to issue permanent rules by the end of next year, this seems like an appropriate opportunity to also review the Forest Service's commercial filming rules on all lands subject to Public Law 106-206 to ensure consistency, access, and reasonable costs for small filming crews.

We appreciate your attention to this matter and appreciate your prompt response.

Sincerely,

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 27 2010

The Honorable Jon Tester
United States Senate
Washington, DC 20510

Dear Senator Tester:

Thank you for your letter dated July 26, 2010, regarding S. 1241 and H.R. 2031, bills that would amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal lands for film crews of five persons or fewer. I appreciate your interest in commercial filming on these lands.

On April 28, 2010, the Department of the Interior (Department) testified that, while sympathetic with the goals of S. 1241, we cannot support S. 1241. At that same hearing, the U.S. Forest Service testified that it also could not support S. 1241.

In our testimony, we noted that although the annual permit envisioned in S. 1241 may simplify the permitting process for commercial filming by small crews, it would limit the ability of Federal land management agencies to manage commercial filming activities to protect natural and cultural resources, to minimize disruption to visitors, to ensure public health and safety, and to provide commercial film crews use of an area without competition from other permitted activities where appropriate.

The Department shares your interest in ensuring consistency in the issuance of permits for commercial filming on public lands, including lands managed by the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, and the Bureau of Reclamation. We are sensitive to the needs of small businesses, and continue to work administratively to streamline the process for issuing permits, while protecting our important natural, historic, and cultural resources.

A similar letter is being sent to each cosigner of the letter.

Sincerely,

Thomas L. Strickland
Assistant Secretary for Fish and Wildlife and Parks

JEFF MILLER
1ST DISTRICT, FLORIDA

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS
SUBCOMMITTEE ON AIR AND LAND FORCES

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(202) 225-4136

DISTRICT OFFICES:
4300 BAYOU BOULEVARD
SUITE 13
PENSACOLA, FL 32503
(850) 479-1183

242 S.W. MIRACLE STRIP PARKWAY
SUITE 24
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October 21, 2008

The Honorable Dirk Kempthorne
Secretary
Department of the Interior
1849 C. Street, N.W.
Washington, DC 20240

Dear Secretary Kempthorne,

I am writing to you regarding an important matter that impacts my constituents around Eglin Air Force Base, Florida. Specifically, it involves proposed rule changes on the proposed Endangered Status for the Reticulated Flatwoods Salamander and the proposed designation of Critical Habitat for the Frosted Flatwoods Salamander and the Reticulated Flatwoods Salamander.

I request that the U.S. Fish and Wildlife Service hold a public hearing as soon as possible in Okaloosa County, Florida on this matter . The primary impact of these proposed changes are on and around Eglin Air Force Base, directly impacting the residents of Santa Rosa and Okaloosa Counties. A public hearing on this matter in the area of the residents impacted by these proposed changes seems both prudent and fair.

Thank you in advance for your assistance. Please contact my Military Legislative Assistant, Stephen Rubright at 202.225.4136 regarding this matter.

With warm personal regards, I am

Sincerely,

Jeff Miller
Member of Congress

EXECUTIVE SECRETARIAT
OFFICE OF THE

2008 OCT 23 PM 12:41

RECEIVED

342905

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/R4/AES/038823

NOV 2 1 2008

The Honorable Jeff Miller
House of Representatives
Washington, D.C. 20515

Dear Mr. Miller:

Thank you for your letter of October 21, 2008, to Secretary Dirk Kempthorne regarding a request for a public hearing in Okaloosa County, Florida, on the proposed rule for the flatwoods salamander. Secretary Kempthorne has asked the U.S. Fish and Wildlife Service (Service) to respond directly to you.

As you are aware, on August 13, 2008, the proposed rule was published in the *Federal Register* allowing 45 days for anyone to request a public hearing. The purpose of such a hearing is to receive comments on the proposed designation of critical habitat for the frosted and reticulated flatwoods salamanders and the proposed listing of the reticulated flatwoods salamander as endangered.

Typically, hearings are held in metropolitan areas with easy airport and interstate access to allow for any interested parties to attend. The range of this species spans across parts of Florida, Georgia, and South Carolina. Initially, Tallahassee was considered as a possible location central to this range.

Upon receiving a request from the Northwest Florida Transportation Corridor Authority (Authority) for a hearing in Okaloosa County, the Service chose Pensacola as the closest metropolitan area that would accommodate the Authority and be accessible to those attending from other areas. Pensacola is located in Escambia County, adjacent to Okaloosa County, and within a 45-minute drive of the Ft. Walton area.

On October 22, 2008, a public hearing was held in Pensacola at 7:30 p.m. in order to allow people working to attend the hearing. An informational meeting was held an hour prior to the hearing to allow the public an opportunity to view materials relative to the proposal and to ask Service staff questions. Additionally, the deadline for written public comments was extended until November 3, 2008.

No additional hearings are planned as we believe fair consideration was given to all interested parties within the species' range when Pensacola was selected as the location for the hearing.

Thank you for your interest in this matter. If you need additional information, please contact me or Mr. Sam Hamilton, the Service's Southeast Regional Director, at (404) 679-4000.

Sincerely,

Deputy
DIRECTOR

Congress of the United States
Washington, DC 20515

237657

June 6, 2008

The Honorable John Paul Woodley, Jr.
Assistant Secretary of the Army (Civil Works)
Department of Defense
108 Army Pentagon
Room 3E446
Washington, DC 20310-0108

RECEIVED
2008 JUN 11 PM 12: 24

Dear Assistant Secretary:

The implementation of the U.S. Army Corps of Engineers' Revised Interim Operations Plan (RIOP) allows for extremely low flows to the Apalachicola River over the next five years. In fact, the water levels under this plan will be the lowest in history for the lower basin, and the impacts are potentially devastating.

Not only do we have serious concerns about the effects that the RIOP will have on the Apalachicola River and Bay, we also have questions about the legality of this new water plan as it relates to the authorized uses of the Apalachicola-Chattahoochee-Flint (ACF) system, the 1958 Water Supply Act, and the recent ruling by the U.S. Court of Appeals for the District of Columbia Circuit (*Southeastern Federal Power Customers, Inc. v. Peter Geren, Secretary of the U.S. Department of the Army et al.*).

We ask that the Corps immediately halt the RIOP so that our concerns can be fully addressed. We stand together in protecting our state's resources from irreparable damage and for the thousands of Floridians who depend on the Apalachicola River and Bay for their livelihood.

The members of the Florida Delegation must ensure that the needs of all of the users along the ACF system are met. Thank you in advance for your reply and assistance in this most urgent matter.

Sincerely,

Bill Nelson
U.S. Senator Bill Nelson

Allen Boyd
U.S. Representative Allen Boyd

Ric Keller

Connie Mack

C.W. Bill Young

Dave Weldon

Tom Feeney

Robert Wexler

Corrine Brown

Lincoln Diaz-Balart

Mario Diaz-Balart

Jeff Miller

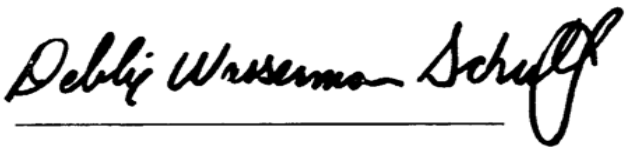
Ileana Ros-Lehtinen

Cliff Stearns

Ginny Brown-Waite

Debbie Wasserman Schultz

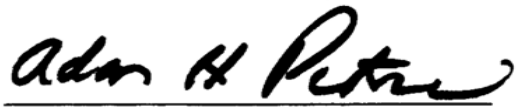
Ander Crenshaw



Debbie Wasserman Schultz

Gus Bilirakis

Adam Putnam

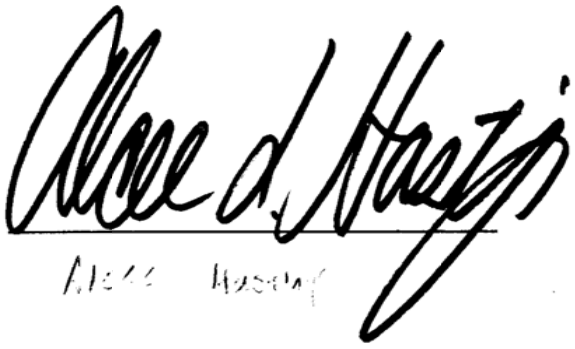


Adam H. Putnam

Ron Klein

Neil Martinez

Neil Martinez



Allen Boyd

---

cc: Hon. Dirk Kempthorne, Secretary, U.S. Department of Interior
Hon. Pete Geren, Secretary of the U.S. Army
Lt. Gen. Robert L. Van Antwerp, Commander, U.S. Army Corps of Engineers
Brig. General Joseph Schroedel, South Atlantic Division Commander, U.S. Army Corps of Engineers
Col. Byron Jorns, District Commander, U.S. Army Corps of Engineers
Mr. Dale Hall, Director, U.S. Fish and Wildlife Service
Mr. Sam Hamilton, Regional Director, U.S. Fish and Wildlife Service
Governor Charlie Crist, State of Florida
Secretary Michael Sole, Florida Dept. of Environmental Protection

370849

JEFF MILLER
1ST DISTRICT, FLORIDA

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WASHINGTON, DC 20515
(202) 225-4136

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SUITE 13
PENSACOLA, FL 32503
(850) 479-1183

348 S.W. MIRACLE STRIP PARKWAY
SUITE 24
FORT WALTON BEACH, FL 32548
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May 1, 2008

Secretary Dirk Kempthorne
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

FAX: (202) 208-5683

Dear Secretary Kempthorne:

I am writing to request for transference of the Pensacola Lighthouse and Keeper's Quarters to the Gulf Islands National Seashore. However, the Coast Guard needs to retain access to the light itself in order to maintain it as an Aid to Navigation.

The 1971 Gulf Islands National Seashore Act confers part of the land to the National Park Service. Public Law 91-660 states that "the Secretary of the Interior may establish and administer the Gulf Islands National Seashore…which shall comprise of… (6) a tract of land in the Pensacola Naval Air Station in Florida that includes the Coast Guard Station and Lighthouse, Fort San Carlos, Fort Barrancas, and Fort Redoubt and sufficient surrounding land for proper administration and protection of the historic resources."

The U.S. Coast Guard "owns" the Pensacola Light Tower and the Keeper's Quarters, but at present the Naval Air Station Pensacola has managerial possession and leases from the Coast Guard the Keeper Quarters and the land. As a part of the lease the Navy also maintains the property. However, the Navy has stated that it intends to cede "ownership" back to the Coast Guard when the current agreement expires in May 2009. Coast Guard Civil Engineering Unit Miami is currently negotiating with the Pensacola Lighthouse Association, a volunteer organization, to allow them to undertake liability, maintenance, and conduct tours of the light tower.

The intent of the 1971 law was to have the Lighthouse and Keeper's Quarters maintained and operated by the National Park Service. Now, thirty-seven years later, as the lease expires between the Coast Guard and the Navy, there is no better time for the National Park Service to take over the property. I request that the Department of the Interior look into the transferring the Pensacola Lighthouse and Keeper's Quarters to the NPS and also inform me of the transference process. Also, I would like to know the monetary figure of how much maintenance needs to be done on the lighthouse before it can be fully opened up to the public for tours.

I thank your for your help and if you have any further questions please feel free to contact Anne Mizzato of my staff at 225-4136.

With warm personal regards, I am

Sincerely,

Jeff Miller
Member of Congress

JM/amp

Cc: Jerry Eubanks, Superintendent of Gulf Islands National Seashore

United States Department of the Interior

NATIONAL PARK SERVICE
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., S.W.
Atlanta, Georgia 30303

IN REPLY REFER TO:
SER-D

369770
Ex-Sec

JUN 05 2008

The Honorable Jeff Miller
United States House of Representatives
Washington, DC 20515

Dear Mr. Miller:

Thank you for your letter of May 1, 2008, to Secretary of the Interior Dirk Kempthorne, requesting transfer of the Pensacola Lighthouse and Keepers Quarters to Gulf Islands National Seashore. I have been asked to respond on behalf of the Secretary.

As the National Park Service (NPS) prepares to enter into discussions with the U. S. Coast Guard about the potential transfer, we have recognized the need to complete a comprehensive condition assessment on all associated historical structures. The Seashore will conduct this assessment in conjunction with the NPS Southeast Regional Office. The assessment will include a detailed summary of the condition of the structures and estimated costs to stabilize, repair and/or rehabilitate them to ensure structural integrity and public safety. An on-site evaluation by NPS staff will occur within the next six weeks and we will provide cost estimates to you upon completion of the assessment. Regarding other expenses associated with the transfer, the Seashore is identifying initial start-up costs (non-recurring) and it estimates annual operating and maintenance costs to be approximately $368,000.

Seashore staff has been advised that the U. S. Coast Guard intends to allow the Pensacola Lighthouse Association to resume limited public tours of the site by June of this year. This is contingent upon their review and approval of the Association's liability insurance coverage. The National Park Service would, upon transfer, hope to continue and/or expand these tours. Representatives of the Friends of Gulf Islands and community leaders have expressed support for the transfer of these historical properties to the National Park Service and for reopening this historic site on board the Pensacola Naval Air Station to public tours.

We appreciate your support in this matter. If we can provide additional information, please contact Gulf Island National Seashore Superintendent Jerry A. Eubanks at (850) 934-2604.

Sincerely,

Art Frederick

Art Frederick
Acting Regional Director
Southeast Region

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SUBCOMMITTEE ON AIR AND LAND FORCES

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(202) 225-4136

DISTRICT OFFICES:
4300 BAYOU BOULEVARD
SUITE 12
PENSACOLA, FL 32503
(850) 479-1183

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FORT WALTON BEACH, FL 32548
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April 16, 2007

Dirk Kempthorne, Secretary
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Kempthorne,

I am writing today to express my support of rebuilding State Road 399 between Pensacola Beach and Navarre Beach, Florida, and to request an expeditious resolution to the obstacles impeding its reconstruction.

On April 12, 2007, I held a meeting in my district office with Escambia County, Santa Rosa County, Gulf Islands National Seashore, and Santa Rosa Island Authority officials in regards to rebuilding SR 399. Officials from the Fish and Wildlife Service were invited to attend; they initially accepted the invitation to participate, and a week before the meeting they declined. With an issue this important on the local level and falling within their jurisdiction, I find it unacceptable that they did not attend.

It is my latest understanding that the National Park Service is reversing their position regarding the hardening of SR 399 on Gulf Islands National Seashore. According to a National Park Service letter dated February 22, 2007, the "preliminary road design and analysis indicates the only protective element that will be recommended for stabilizing the roadway is articulated concrete block. Furthermore, NPS is committed to removing the structures should subsequent peer reviewed findings recommend such action based upon study results." Just this past week, I was informally told that the National Park Service no longer supports this strengthening technique. I would like to know why NPS has changed their position.

It is my hope that the Department of Interior can quickly foster a resolution and work with the respective counterparts in ensuring the reconstruction of State Road 399.

With warm regards, I am

Sincerely,

Jeff Miller
Member of Congress

CJM/amp

Cc: Gail Carmody, Fish and Wildlife Service
Jerry Eubanks, National Park Service

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2007 APR 17 PM 1:49
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United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

In Reply Refer To:
FWS/R4/ES/030376

APR 0 9 2007

The Honorable Jeff Miller
House of Representatives
Washington, D.C. 20515

Dear Mr. Miller:

Thank you for your letters dated March 13, 2007, and March 16, 2007, concerning our ongoing section 7 consultation with Gulf Islands National Seashore for the reconstruction of J. Earle Bowden Way pursuant to the Endangered Species Act of 1973, as amended (Act). After receiving your letter dated March 13, 2007, Ms. Gail Carmody, the Fish and Wildlife Service Ecological Services Field Supervisor at Panama City, Florida, spoke with Ann Pizzato of your staff to explain the consultation process and our coordination with the National Park Service (NPS). In that conversation she relayed the following information.

The NPS, Gulf Islands National Seashore, submitted an Environmental Assessment and subsequent supplemental information to the Fish and Wildlife Service, initiating formal consultation on December 21, 2006. Per NPS's request, we expedited the consultation process and provided a draft biological opinion to NPS on February 2, 2007. Our biological opinion, including the description of the effects of the action and the reasonable and prudent measures, was based on the use of the best scientific and commercial data available, as is required by the Act. This information included, but was not limited to, the NPS Value Analysis and Environmental Assessment, as well as a letter to Mary Bomar, Director of the NPS, from 17 scientists with relevant expertise and a cumulative 445 years of professional experience in coastal geosciences and coastal environmental management, and personal communication with scientific experts. These documents and communications all noted that the proposed subsurface hardening of park roadways was scientifically flawed, unsustainable, economically unjustifiable, and would impair park natural resources and values.

We subsequently met with NPS staff to discuss the proposal, the available scientific information and draft biological opinion at which time they proposed limiting the armoring to articulated concrete block, and included a commitment to monitoring and to removing the structures should subsequent peer reviewed findings recommend such action. We responded to the NPS at the meeting, and in a subsequent telephone conversation, that we believe the road can be replaced in a manner that meets the purpose and need identified in the Environmental Assessment, avoid the use of any subsurface armoring structures which is not scientifically supported, while at the same time minimizing impacts to threatened and endangered species. We further advised the NPS that we would like to see an additional commitment to restore any lost threatened and endangered species habitat should such actions occur. At the close of the meeting, we understood that the

NPS would be holding a subsequent internal conference call to determine its future course of action, including a discussion concerning the legality of the Federal Highways recommendation to protect the roadway using subsurface hardened structures to obtain funding under the Emergency Relief for Federally Owned Roads program.

The NPS outlined a new proposal in a letter dated February 22, 2007. However, they also advised the Service that once they had an opportunity to brief the planning team concerning how the agency would like to proceed, they would contact the Service. Superintendent Eubanks subsequently called Ms. Carmody and discussed the issues. In that conversation Ms. Carmody advised Mr. Eubanks that the Service needed additional information to finalize the biological opinion and complete the consultation. Ms. Carmody also requested they document the scientific evidence that their revised proposal would not significantly interrupt barrier island dynamics and therefore, not result in long term habitat loss for endangered species. We cannot complete consultation at this time, as we have yet to receive this information from the NPS.

The Act requires we use the best scientific and commercial data available, and currently that data indicates the use of hardened structures, including articulated concrete, will not guarantee the road will survive future storms, may not be cost effective, and is likely to impair the park natural resources and values, including endangered and threatened species.

We understand and appreciate the NPS's responsibility to provide access for the public to these unique but fragile resources. We will continue to expedite completion of the section 7 consultation when the requested additional information is received.

Again thank you for your interest in this important matter. Should you need additional information, please contact me at 404-679-4000 or Gail Carmody, Panama City Ecological Services Field Supervisor, at (850) 769-0552.

Sincerely yours,

for Sam D. Hamilton
Regional Director

1ST DISTRICT, FLORIDA

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL THREATS, AND CAPABILITIES
SUBCOMMITTEE ON READINESS

COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
CHAIRMAN

Congress of the United States
House of Representatives
Washington, DC 20515

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WASHINGTON, DC 20515
(202) 225-4136

DISTRICT OFFICES:
4300 BAYOU BOULEVARD
SUITE 12
PENSACOLA, FL 32503
(850) 479-1183

348 S.W. MIRACLE STRIP PARKWAY
UNIT 24
FORT WALTON BEACH, FL 32548
(850) 664-1266

http://jeffmiller.house.gov

July 11, 2006

Secretary Dirk Kempthorne
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Kempthorne:

I would like to draw your attention to a recent letter from the Superintendent of Gulf Islands National Seashore, Jerry Eubanks, responding to my request of waiving the regulations pertaining to four-wheel drive vehicles in National Parks.

Northwest Floridians take pride in their world-renowned beaches, and as you well know Northwest Florida's National Parks were deeply devastated during the 2004-2005 hurricane seasons. For the April 22, 2006 Great American Cleanup, I wrote to Superintendent Eubanks requesting a one-time waiver for beach volunteers to use their four-wheel drive vehicles in order to more efficiently clean up the Gulf Islands Seashore. As you and I both well know, allowing four-wheel drive vehicles once or twice a year to help clean up the beach is not going to have long-term negative effects on the landscape.

I have included the correspondence between my office and Mr. Eubank's for your review. I look forward to working with you to ensure a healthy and practical balance between local volunteers and the National Park Service

Thank your for your consideration. If you have further concerns, feel free to contact Anne Pizzato of my staff at 5-4136.

With warm personal regards, I am

Sincerely,

Jeff Miller (FL-01)
Member of Congress

JM/amp

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06 JUL 19 AM 8:04
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1ST DISTRICT, FLORIDA

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SUBCOMMITTEE ON READINESS

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CHAIRMAN

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UNIT 24
FORT WALTON BEACH, FL 32548
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April 17, 2006

Jerry Eubanks, Superintendent
Gulf Islands National Seashore
Park Headquarters
1801 Gulf Breeze Parkway
Gulf Breeze, FL 32563-5000

Dear Superintendent Eubanks,

On April 16, 2006, the Northwest Florida Daily News ran an article written by Wendy Victoria titled, "National Seashore's Vehicle Ban Stops Cleanup Volunteers in Their Tracks."

I was very disappointed to read that you have forbidden community resident volunteers to use their four-wheel-drive vehicles to clean-up our beautiful, but storm worn beaches. Northwest Floridians take pride in their world-renowned beaches. On April 22, 2006, in conjunction with the Great American Cleanup, area residents will head to the beaches to make them pristine once again. Unfortunately, they will not be able to use designated four-wheel-drive vehicles to help them in their labor. I'm sure you are aware that it is very inefficient to haul away garbage by foot off the beach.

In the end, we both share the same goal of preserving the environment of Gulf Islands National Seashore. Allowing four-wheel drive vehicles once or twice a year to help clean up the beach is not going to have long-term negative effects on the landscape. Reasonable regulations for our National Parks are necessary; however, your decision banning four-wheel drive vehicles on the beach for cleanup purposes is unreasonable and should be reconsidered.

Sincerely,

Jeff Miller
Member of Congress

CJM/amp

United States Department of the Interior

National Park Service
Gulf Islands National Seashore
1801 Gulf Breeze Parkway
Gulf Breeze, Florida 32563

IN REPLY REFER TO:

A3815(GUIS-S)

May 9, 2006

Honorable Jeff Miller
U. S. House of Representatives
4300 Bayou Boulevard, Suite 12
Pensacola, FL 32603

Dear Congressman Miller:

Thank you for your letter concerning the request by Navarre area volunteers to clean up at the Santa Rosa Area of Gulf Islands National Seashore using four-wheel drive vehicles as part of the Great American Cleanup on April 22, 2006. We appreciate the group's desire to assist the park in this endeavor and regret having to deny their request. However, by regulation, operating a motor vehicle in National Park areas is prohibited except on park roads, in parking areas and on routes and areas designated for off-road motor vehicle use (CFR 36 §4.10). We did suggest alternatives such as walking into the area or boating into the site which is how volunteers cleaned up at the Fort Pickens and Perdido Key Areas during our "Reach for the Beach Cleanup" this past weekend.

As you are aware, we are working diligently to clean up, repair and/or reconstruct in an effort to reopen and provide visitor services in all areas of the Seashore after the series of storms in 2004 and 2005. Volunteers are vital to park operations and our clean up efforts and every year spend thousands of hours assisting park staff and providing valuable services which we would otherwise not be able to offer. Rest assured that every effort is made to accommodate special volunteer activities.

We appreciate your continued support of Gulf Islands National Seashore. Please contact me if you have questions or if I can provide additional information on this or other Seashore matters.

Sincerely,

Jerry A. Eubanks
Superintendent

TAKE PRIDE IN AMERICA

United States Department of the Interior

NATIONAL PARK SERVICE
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., S.W.
Atlanta, Georgia 30303

IN REPLY REFER TO:
A3815(GUIS-S)

AUG 2 2 2006

Honorable Jeff Miller
House of Representatives
Washington, DC 20515

Dear Mr. Miller:

Thank you for your letter of July 11, 2006, to Secretary Dirk Kempthorne regarding a request by Navarre area volunteers to clean up at the Santa Rosa Area of Gulf Islands National Seashore as part of the Great American Cleanup on April 22, 2006. Secretary Kempthorne has asked me to reply.

While the park's management appreciates the group's desire to assist, I regret that they could not accommodate the request to use four-wheel drive vehicles on the beach. In addition to the regulation that Park Superintendent Jerry Eubanks cited in his initial response to you, a number of other issues were taken into consideration in this determination. These included lack of park staff to coordinate the effort, potential disturbance of nesting turtles and shorebirds, and the need to protect the remaining sparse vegetation to encourage dune regrowth. I apologize that these additional considerations were not mentioned in the original correspondence.

Gulf Islands National Seashore has worked with many volunteer groups over the past 2 years in an attempt to clean up debris and complete restoration projects in the wake of three major hurricanes and two tropical storms. It is the park's goal to continue working with volunteer groups to see that these treasured barrier islands are protected and kept pristine.

A park representative will contact the Navarre Beach volunteer group to begin planning a future cleanup effort. We will discuss with them the possibility of, and do our best to accommodate, off-road vehicle use to help expedite the cleanup activities. One possibility would be to sign up participants as park volunteers. They would be required to comply with the park's policy on administrative use of off-road vehicles which applies to staff, volunteers, and cooperators. In addition, critical environmental factors, as noted above, must be considered in that decisionmaking process. We will do everything we can to work with this volunteer group, because we believe that they, as we, have the best interest of the park in mind.

TAKE PRIDE IN AMERICA

We appreciate your interest and support of Gulf Islands National Seashore and the citizens of northwest Florida.

Sincerely,

Patricia A. Hooks

Patricia A. Hooks
Regional Director
Southeast Region

JEFF MILLER
1ST DISTRICT, FLORIDA

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON TERRORISM, UNCONVENTIONAL THREATS, AND CAPABILITIES
SUBCOMMITTEE ON READINESS

COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
CHAIRMAN

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
324 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4136

DISTRICT OFFICES:
4300 BAYOU BOULEVARD
SUITE 12
PENSACOLA, FL 32503
(850) 479-1183

348 S.W. MIRACLE STRIP PARKWAY
UNIT 24
FORT WALTON BEACH, FL 32548
(850) 664-1266

http://jeffmiller.house.gov

March 6, 2006

The Honorable Gale Norton
Secretary
U.S. Department of Interior
1849 C Street,
Washington, DC 20240

RECEIVED
06 MAR 15 PM 3:07
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Secretary Norton:

I write you regarding the Minerals Management Service's development of the agency's next five-year Outer Continental Shelf leasing plan. I oppose offshore drilling off the coast of our state both for environmental and national security reasons. I believe MMS's latest proposal further jeopardizes both of these concerns.

MMS has overtly and intentionally altered the Eastern Gulf of Mexico Planning Area boundary in order to be able to say, "There are no lease sales proposed in the Eastern Planning Area." However, the proposal opens a large portion of Lease Sale 181 for leasing which was, until recently, been entirely within the Eastern Planning. MMS did this without input from the State of Florida or its residents.

To add insult to injury, I've just learned that MMS is not even planning to hold meetings to accept public comment in the State of Florida. As the Member of Congress whose district is most affected by this proposal, I am particularly disappointed that MMS will not let my constituents have input into their next 5-year plan, even though leasing is planned directly south of their homes, businesses, and beaches.

Most Floridians oppose offshore oil drilling because of the threat it presents to the state's greatest natural and economic resource: our coastal environment. Florida's beaches, fisheries, and wildlife draw millions of tourists each year from around the globe, supporting our state's largest industry Tourism is estimated to have a multi-billion impact on the economy of the five western counties of the Florida panhandle alone.

Additionally, the Eastern Planning Area in the Gulf of Mexico is one of the greatest military assets to our nation. The U.S. Air Force uses the vast water ranges to test and evaluate weapons systems for numerous aircraft platforms. Further, the Navy uses this part of the Gulf to conduct training missions and to certify warships prior to deployment.

On June 12, 1998, President Clinton adopted by directive a moratorium on leasing in the Eastern Gulf and the South Atlantic areas of Florida waters. The Florida delegation has been successful in previous years in securing protection for these resources by

implementing moratoria on additional leasing in Florida waters.

Many of the Members of the Florida Congressional Delegation have been working in good faith to allow for drilling in portions of Lease Area 181 in exchange for permanent protections in other areas of the Eastern Planning Area. The MMS proposal would harm the balance of this delicate negotiation and potentially shut it down completely. Once these leases are sold, it is difficult and expensive to buy them back.

I request that the new five year plan respect the direction the State of Florida, and most of its Congressional Delegation, wish to take by returning to the previous maps of the Western, Central and Eastern planning areas, and excluding the Eastern Gulf of Mexico, the South Atlantic, and the Straits of Florida from the 2007-2012 five-year plan.

I know that you will experience pressure to reverse the status quo and include these environmentally-sensitive and mission-critical areas in the five-year plan. I am vigorously opposed to this action, and I trust that the Minerals Management Service will make the right decision to protect Florida's fragile coastal ecosystem that is so vital to our economic health. Thank you for your consideration, and I look forward to hearing from you very soon.

With warm personal regards, I am

Sincerely,

Jeff Miller
Member of Congress

United States Department of the Interior
MINERALS MANAGEMENT SERVICE
Washington, DC 20240

APR 19 2006

The Honorable Jeff Miller
House of Representatives
Washington, D.C. 20515

Dear Mr. Miller:

Thank you for your letter dated March 6, 2006, to Secretary Gale A. Norton commenting on the Draft Proposed 5-Year Oil and Gas Leasing Program for 2007–2012. I have been asked to respond.

These comments will be included in the administrative record for the draft proposed program and will be addressed in the proposed program scheduled for publication in late summer of 2006. At that time there will again be an opportunity for comment on the program and the draft environmental impact statement. The proposed final program is scheduled for publication in early 2007.

We thank you for your continued interest in the OCS program, and we look forward to continuing our joint efforts to make the best use of the Nation's OCS resources for the people of Florida and the Nation. If I can be of further assistance, please do not hesitate to call me at (202) 208-6734 or Ms. Lyn Herdt, Chief, MMS Office of Congressional Affairs, at (202) 208-3502.

Sincerely,

R. M. "Johnnie" Burton
Director

TAKE PRIDE IN AMERICA

Congress of the United States
Washington, DC 20515

January 23, 2006

The Honorable Gale Norton
Secretary
U.S. Department of Interior
1849 C Street, Northwest
Washington, DC 20240

Dear Secretary Norton:

On January 3, 2006, the Department of the Interior published an administrative act in the *Federal Register* that redraws the Federal Outer Continental Shelf (OCS) offshore administrative boundaries. We strongly believe that these boundary changes were of such great importance that this matter should have been addressed in an open manner.

Specifically, this administrative act would allow Alabama and Louisiana to have a greater say over energy-related activities in Lease Sale Area 181, an area in the Gulf of Mexico where drilling is currently prohibited. As you know, this area, which covers nearly 6 million acres has been at the center of the discussion regarding offshore drilling. Activities in this area have been of special interest to Floridians because of it proximity to the state. The northeastern part of the Lease Sale 181, an area commonly referred to as the "stovepipe," comes within 16 miles of Pensacola's beaches.

While the long term effects of this change remain unclear, we are concerned that this is yet another attempt to undermine Florida's ability to control activities off of its own coast, including offshore oil and gas drilling. Anytime such changes are being considered, decision makers should be made aware of the full impact of such a proposal, including how it will affect our environment, economy and national security. Unfortunately, this administrative boundary change was published with no notice and no opportunity for public comment.

Rest assured, we will continue working together, using what ever means necessary, to ensure that Florida maintains control of offshore activities near our coast. Furthermore, we hope that in the future, the Department of Interior will consult with us and give the people most affected by its decisions an opportunity to comment.

Thank you for your consideration in this manner.

Sincerely,

Bill Nelson
Senator Bill Nelson

Mel Martinez
Senator Mel Martinez

Jim Davis
Jim Davis, M.C.

Mark Foley, M.C.

Clay Shaw, M.C.

Alcee Hastings, M.C.

Connie Mack, M.C.

Ginny Brown-Waite, M.C.

Katherine Harris, M.C.

Robert Wexler, M.C.

Jeff Miller, M.C.

Debbie Wasserman Schultz, M.C.

Allen Boyd, M.C.

Michael Bilirakis, M.C.

Ileana Ros-Lehtinen, M.C.

Corrine Brown, M.C.

United States Department of the Interior

MINERALS MANAGEMENT SERVICE
Washington, DC 20240

FEB 7 2006

The Honorable Jeff Miller
House of Representatives
Washington, D.C. 20515

Dear Mr. Miller:

Thank you for your letter of January 23, 2006, cosigned by 15 others, to Secretary Gale Norton concerning Federal Outer Continental Shelf (OCS) administrative boundaries. Secretary Norton asked me to respond. A similar response to your letter is being sent to each signer of your letter.

I understand your interest in the OCS oil and gas leasing program. I want to reaffirm Secretary Norton's commitment (previously expressed in correspondence with Senator Mel Martinez) that our new 5-year plan will not open new areas for oil and gas leasing within 100 miles of Florida's coast.

Your letter specifically focused on the January 3, 2006, Federal Register notice published by the Minerals Management Service setting Federal OCS offshore administrative boundaries beyond state waters for the Department of the Interior planning, coordination, and administrative purposes. We undertook this task in light of the increasing number and type of traditional energy, non-traditional alternative energy, and other activities on the OCS.

The lines set out in the notice are purely administrative with no legal effect on civil or criminal jurisdiction. We published the lines because the OCS is more and more subject to multiple-use activities, and it became timely to delineate zones of interest of coastal states in Federal waters. Statutory references to "adjacent states" and "affected states" become difficult to observe in Federal waters extending 200 miles from shore. Certainly, we realize there will be activities that fall within the administrative boundaries off the coast of one state that will have an effect on other coastal states. In addition, we continue to welcome comments from all states. These boundaries however will help us determine which states are most affected.

We used the "equidistance method" to generate the administrative lines. The equidistance line is the line every point of which is equidistant from the nearest points on the baselines from which the breadth of two areas are measured. Put another way, our lines are drawn halfway between the closest states. An area is in a particular state's planning area, if it is closer to that state than to any other. Each spot in the Gulf is in the planning area for the state that is closest to it.

The use of the equidistance method is a long established and customary way of developing boundaries because it is viewed as a means of achieving equity between areas, absent a treaty or other agreement. The use of equidistance to develop boundaries shows up at least as far back as the mid-1700's. Cartographers used a technique called "waterlining" (drawing of lines parallel to the coastline) which was used to define an equidistant boundary between two areas (H.J. Christensen, 2002, A Fully Automated Sea Boundary Delineator). One of the earliest references in U.S. law to the use of equidistance is included in the Act of 11 February 1805 (2 stat. 313). This Act directed that subdivision of the public lands into quarter sections would be based on measurements that were as nearly as possible "equidistant from those two corners which stand on the same line." The method of equidistance makes repeated appearances in statutes defining state boundaries.

This method was not only used in the United States, but gained widespread acceptance internationally, being adopted by nations and conventions in resolving border disputes, and eventually being embodied in two international treaties, the "Geneva Convention on the Territorial Sea and the Contiguous Zone" in 1958 and the "Geneva Convention on the Continental Shelf," in 1958. These treaties were formally ratified by the United States on December 4, 1961, with the signing of both treaties.

After U.S. ratification of the 1958 treaties, the Supreme Court legitimized the equidistance method by using it to resolve disputes between states, and also in disputes between states and the United States over water boundaries. The Supreme Court has repeatedly recognized the equity derived from using the equidistant line as the basis for drawing state lateral boundaries.

In the Gulf of Mexico, the lateral boundary between Texas and Louisiana state waters was established, in litigation, through the adoption of a line that was drawn in accordance with the method of equidistance, Texas v. Louisiana, 426 U.S. 465, 470 (1976). See also Georgia v. South Carolina, 497 U.S. 376, 409 (1990).

More recently, in 2000 Congress recognized the method of equidistance when it ratified a maritime boundary between the U.S. and Mexico. This was the third treaty between the United States and Mexico with boundaries based on equidistance.

The U.S. Baseline Committee has firmly established that, absent special circumstances, equidistance is an equitable method for resolving domestic and international boundary questions. The U.S. Baseline Committee was formed in 1970 to resolve Federal "baseline" points from which to establish various jurisdictional issues such as Federal/state boundary points, extent of territorial sea, etc.

Given its widespread acceptance, the equidistance method is thus a sensible, impartial and fair approach to use for administrative purposes.

As we incorporate these administrative lines into our management decisions, of course the State of Florida and other States will have full opportunity to comment on specific proposed actions published in the Federal Register.

Thank you for your continued interest in the OCS program and we look forward to continuing our joint efforts to make the best use of the Nation's OCS resources for the people of Florida and the Nation.

Sincerely,

R. M. "Johnnie" Burton
Director

JEFF MILLER
1ST DISTRICT, FLORIDA

ARMED SERVICES COMMITTEE

VETERANS AFFAIRS COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
331 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4138

DISTRICT OFFICES:
4300 BAYOU BOULEVARD
SUITE 17C
PENSACOLA, FL 32503
(850) 479-1183

348 S.W. MIRACLE STRIP PARKWAY
UNIT 21
FORT WALTON BEACH, FL 32548
(850) 664-1266

April 2, 2004

Department of the Interior
ATTN: Congressional Affairs Unit
Mailstop 6242
1849 C. Street, NW
Washington, DC 20240-0001

To Whom It May Concern:

Enclosed please find correspondence I received from Non-responsive, a constituent of mine. Non-responsive needs assistance with his land issues. I would appreciate your looking into the matter and advising if there is any recourse available to him.

Please contact my office with any information or action that has been or will be taken. Please reply to my district office at 4300 Bayou Blvd., Suite 17C, Pensacola, FL 32503. You are also welcome to email any information to my district caseworker, Tiffany Bates. Her email address is Tiffany.Bates@mail.house.gov

Thank you for your assistance in this matter. I look forward to your reply. With warm personal regards, I am

Sincerely,

Jeff Miller

JEFF MILLER
Member of Congress

JM/tjb

Enclosures

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In Reply Refer To:
FWS/ANRS/016898

JUN 2 2 2004

330314

Honorable Jeff Miller
Member, U.S. House of Representatives
300 Bayou Blvd. Suite 17C
Pensacola, Florida 32503

Dear Mr. Miller:

Thank you for your letter of April 2, 2004, on behalf of Non responsive concerning his desire to amend the Federal conservation easement administered by the U.S. Department of the Interior through the Fish and Wildlife Service (Service). The Service has been asked to respond to your letter, and I apologize for the delay.

Our records indicate that all right, title, and interest of the United States was assigned to the Secretary of the Interior for administration of this easement by the Service on November 21, 1989. The purpose of the easement was the preservation and maintenance of the wetland and floodplain areas existing as of the date of the conveyance, as well as protection and enhancement of plant and animal habitat and populations. Non responsive acquired the property subject to the conservation easement, and it is a perpetual servitude that runs with the land. The Service has no authority to relinquish this easement. However, under *Section III, Rights Reserved in the United States* of the existing easement, the Service can work with Non responsive to accommodate compatible uses on the easement. Any proposed activities must continue to protect the resource value for which the easement was initially acquired.

If Non responsive feels that there are some management actions he would like to undertake, he should contact the Assistant Refuge Manager, Monica Harris, at (850) 653-8808, with specific information relating to the proposed action. Ms. Harris will then evaluate whether those actions are compatible with the conservation easement and the refuge's purposes. Until such time as this modification process is completed, Non responsive still remains bound by the terms and conditions of the existing easement.

If you have further questions or concerns on this matter, please contact me or Ms. Monica Harris, Assistant Refuge Manager, St. Vincent National Wildlife Refuge, at the above-mentioned number.

Sincerely,

DIRECTOR

TAKE PRIDE IN AMERICA

JEFF MILLER
1ST DISTRICT, FLORIDA

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RANKING MEMBER

SELECT COMMITTEE ON INTELLIGENCE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
RANKING MEMBER

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Congress of the United States
House of Representatives
Washington, DC 20515

August 26, 2009

WASHINGTON OFFICE:
2439 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4136

DISTRICT OFFICES:
4300 BAYOU BOULEVARD
SUITE 13
PENSACOLA, FL 32503
(850) 479-1183

348 S.W. MIRACLE STRIP PARKWAY
SUITE 24
FORT WALTON BEACH, FL 32548
(850) 664-1266

http://jeffmiller.house.gov
Toll Free: 1-866-367-1614

The Honorable Ken Salazar
Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Salazar,

The Okaloosa County, Florida Economic Development Council is hosting an Alternative Energy Forum on October 15, 2009 to discuss the vital energy issues facing our country. Government officials will speak to regional business and community leaders discuss an array of alternative energy solutions. **Because of your strong leadership on renewable energy initiatives, the Okaloosa EDC would like to invite you to serve as the keynote speaker for their Alternative Energy Forum.**

The Energy Forum will take place at the Ramada Plaza Beach Resort on Okaloosa Island from 7:30 – 9:30 AM and will include the keynote address followed by a panel discussion among Florida officials. The goal is to provide an informative and educational understanding of the current alternative energy policies that will impact the region and the United States. Northwest Florida leaders are extremely interested in renewable energy solutions, especially in light of recent discussion regarding oil drilling off of the Florida coast. I have enclosed more information regarding the details of the event, as well as background information about the Okaloosa EDC.

I appreciate your time and consideration. If you would like to serve as the keynote speaker or have any questions regarding the event, please contact my Chief of Staff, Dan McFaul, at (202) 225-4136. Thank you.

Sincerely,

Jeff Miller
Member of Congress

JM/cs
Enclosure

Fall 2009 EDC Roundtable Information

Date: October 15, 2009

Time: 7:30 – 9:30 AM

Location: Ramada Plaza Beach Resort
Empire Room, Sixth Floor
1500 Miracle Strip Parkway
Fort Walton Beach, FL 32548

Contacts:

Ms. Debbie Bodenstine	debbieb@florida-edc.org
Ms. Caroline Fleetwood	info@florida-edc.org
Ms. Kay Rasmussen	kayr@florida-edc.org
Mr. Larry Sassano	larrys@florida-edc.org

Invited Panel Members:

- Michael Saucier, Regional Supervisor of Field Operations, MMS Gulf of Mexico Region
- Gary Goeke, Chief of the Environmental Assessment Section in the MMS Gulf of Mexico Region, Office of Leasing and Environment
- Secretary Michael Sole, Florida Department of Environmental Protection
- Jeremy Susac, Director, Florida Energy Office

Invited Moderator:

- Ms. Susan Story, Gulf Power Company

Background Information on the Economic Development Council Organization:
The Economic Development Council of Okaloosa County, Florida is a non-profit private-public partnership serving as Okaloosa County's primary economic development organization.

A not-for-profit organization exists to provide a public service to the community rather than to make a profit... the primary objective of the organization is something other than making money. Non-profit organizations typically rely on contributions to fund the services they provide.

The EDC is governed by a board of officials, *The Policy Board*, consisting of approximately 40 individuals to include the *Executive Committee* officers, which are elected into voluntary office. The Council operates by a set of bylaws and a code of ethics. The staff consists of four full-time employees and four independent contractors on a part-time basis. The EDC is assisted in accomplishing its objectives through the volunteers of standing committees and ad hoc task forces.

Our efforts are directed in 3 main areas—existing industry diversification, retention and expansion; development of a technically skilled and available workforce; and recruitment of targeted industries. Collectively, these efforts ensure that Okaloosa County remains the leader of Northwest Florida industry, and continues to be recognized as one of America's

Background on the EDC Roundtable Breakfast Forums:
The EDC hosts breakfast meetings for its members providing them an opportunity to network and enjoy listening to renowned business leaders discuss current economic development issues that impact their local, regional and state economies. This year one of the highlighted speakers was former Florida House Speaker and current Chairman of Enterprise Florida, Alan Bense, who gave a very insightful perspective of business and legislation in Florida. In the past, the EDC has had the honor of presenting Governors, Lt Governors, and other distinguished speakers from around Florida and the Nation. This unique format also brings together visitors from our surrounding counties to allow them to experience the benefits of being an EDC member.