

Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 185

BY REPRESENTATIVE GAROFALO

A CONCURRENT RESOLUTION

To urge and request the Department of Homeland Security to direct the United States Coast Guard (USCG) to implement all reasonable containment, countermeasures, cleanup and removal efforts allowable during active response while allowing substantive input from and in collaboration with the state of Louisiana and the affected coastal parishes to ensure an efficient, coordinated, and effective cleanup of coastal Louisiana prior to bringing an active response to an end.

WHEREAS, coastal Louisiana is considered an economic engine and national treasure that is of critical importance to the entire nation as a wildlife sanctuary, nursery ground, and source of energy and recreation; and

WHEREAS, coastal Louisiana provides habitat for millions of migratory birds traversing the Gulf of Mexico, is the nation's top producer of shrimp, crawfish, and blue crabs, has the highest rate of crude oil production and the second highest rate of natural gas production in the nation, and generated approximately two billion in annual revenues from the recreational fishing industry and approximately \$9.3 billion in 2010 in annual revenues from the tourism industry, rendering coastal Louisiana's unique culture, plentiful natural resources, and natural beauty vital to the survival of our region and nation; and

WHEREAS, coastal Louisiana was greatly impacted on April 20, 2010, when the Deepwater Horizon mobile drilling unit, which was being used to drill an exploratory well for BP Exploration and Production, Inc. (BP), violently exploded, killed eleven Americans, caught fire and eventually sank resulting in the unauthorized discharge of an estimated five million barrels (210 million gallons) of MC252 oil into the Gulf of Mexico and ultimately the majority of which came into and upon the waters and coastline of Louisiana, marking this to be an environmental disaster of unprecedented proportions; and

WHEREAS, over the course of the Deepwater Horizon oil spill, approximately 660 miles of coastal Louisiana received some degree of oiling and seventy-five percent (270.2 miles) of the total miles of heavy to moderately oiled shoreline (360.3 miles) were located in coastal Louisiana, making Louisiana the most impacted state in the gulf; and

WHEREAS, approximately two years after the incident, coastal Louisiana continues to be impacted by the incident as established by April 21, 2012, response data, which indicates that over 214 miles of Louisiana's shorelines continue to show some degree of oiling; and

WHEREAS, the state of Louisiana has reached out to the USCG, the lead federal agency charged with effectively removing the oil caused by the Deepwater Horizon oil spill, requesting that the USCG implement all reasonable containment, countermeasures, cleanup, and removal efforts allowable during active response under the National Oil and Hazardous Substances Pollution Contingency Plan (40 C.F.R. §300) (NCP), yet the USCG remains focused on prematurely ending Deepwater Horizon response; and

WHEREAS, the USCG has failed to give the state of Louisiana an opportunity for meaningful collaboration on multiple occasions in plan development and decisionmaking, which is of vital importance in ensuring that decisions being made are truly reflective of current oiling conditions, and protective of the long-term needs of coastal Louisiana; and

WHEREAS, despite the fact that Louisiana's affected coastal parishes possess local knowledge that is critical to successfully responding to response efforts within their borders, the USCG has continued to exclude the affected coastal parishes from actively participating in response efforts after clearly guaranteeing that the coastal parishes would be given a participatory role and decisionmaking authority in the demobilization of cleanup efforts and the end of Deepwater Horizon response; and

WHEREAS, the USCG has failed to enforce BP's cleanup of over one thousand boom anchors throughout coastal Louisiana, which continue to pose a significant risk to navigation, commercial operations, and recreational users of coastal Louisiana, and have caused property damage to a number of boaters; and

WHEREAS, the USCG has refused to direct BP to remove the orphaned boom anchors despite the state of Louisiana's repeated efforts to: (1) point out the hazard posed by the presence of the orphaned boom anchors; (2) ask that the USCG properly investigate

the danger and risk of the orphaned boom anchors; and (3) request that the USCG undertake removal efforts to remove the risk created by the orphaned boom anchors; and

WHEREAS, the state of Louisiana and coastal parishes remain very concerned about MC252 submerged oil in and along our coast and the potential for oil to continue washing ashore and have repeatedly requested that the USCG implement removal of submerged oil as a response action to mitigate damage to the public health and welfare of the United States including but not limited to fish, shellfish, wildlife, public and private property, shorelines and beaches, and to the environment of Louisiana; and

WHEREAS, reverting to a legacy response system is inadequate to protect and ensure full cleanup of coastal Louisiana due to the unprecedented magnitude of the Deepwater Horizon oil spill, the disproportionate impacts to Louisiana, and the unique nature of our shoreline; the state of Louisiana has continuously asked that the USCG implement a plan for maintenance and long-term monitoring of coastal Louisiana to identify the presence and location of unaccounted for MC252 oil in and along coastal Louisiana and removal of such oil; and

WHEREAS, the state of Louisiana and affected coastal parishes are greatly concerned that the USCG will prematurely withdraw response capacity prior to executing the necessary and robust response efforts to which it has previously committed, and Louisiana and the coastal parishes insist that Deepwater Horizon response activities continue until it can be demonstrated that MC252 oil no longer affects Louisiana shorelines and the uncertainty surrounding unaccounted for oil is resolved.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the USCG to do all of the following:

(1) Continue the necessary and robust response efforts to which it has previously committed and refrain from pursuing a premature exit strategy from the Deepwater Horizon response.

(2) Coordinate with the state of Louisiana and affected coastal parishes to ensure that decisions being made are truly reflective of current oiling conditions and are protective of the long-term needs of coastal Louisiana.

(3) Reconsider the removal of orphaned boom anchors that continue to pose a significant risk to navigation, commercial operations, and recreational users of coastal Louisiana.

(4) Develop a plan to investigate a method for locating, identifying, and removing MC252 submerged oil in Louisiana waters.

(5) Develop a maintenance and long-term monitoring plan to address continued oiling on Louisiana shorelines.

BE IT FURTHER RESOLVED that for the duration of the Deepwater Horizon response, the USCG shall engage, collaborate with, and incorporate information and perspective from the affected coastal parishes, including but not limited to the following:

- (1) Cameron Parish.
- (2) Iberia Parish.
- (3) Jefferson Parish.
- (4) Lafourche Parish.
- (5) Orleans Parish.
- (6) Plaquemines Parish.
- (7) St. Bernard Parish.
- (8) St. Mary Parish.
- (9) St. Tammany Parish.
- (10) Terrebonne Parish.
- (11) Vermilion Parish.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Department of Homeland Security, the Louisiana congressional delegation, with a request that the Louisiana congressional delegation undertake all efforts within their means to ensure the objectives of this Resolution are achieved.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE