The SandBar

Volume 10:3, July 2011

Legal Reporter for the National Sea Grant College Program

SPECIAL EDITION:
One Year Anniversary of the Gulf Oil Spill

Also,

BP and Natural Resource Trustees Enter Billion Dollar Agreement to Restore Gulf

Gulf Oil Spill Spawns Sea of Books

From the Editor

April 20th, 2011 marked the one year anniversary of the explosion aboard the Deepwater Horizon oil rig. The explosion resulted in the largest ever oil spill in the United States, with more than 200 million gallons of oil discharged into Gulf waters. The spill had far-reaching effects on the Gulf, affecting fisheries, wildlife, shipping, and tourism.

Since the spill, claims and lawsuits have been filed, with few being settled. Books and reports have been written to answer the how and why of the incident, as well as to distill lessons learned. State and federal laws have been proposed to try to prevent or reduce the damage of future oil spills. This edition of THE SANDBAR is intended to capture some of the events that have occurred in the wake of the disaster and provide a brief overview of some of the books and reports on the event.

In other Law Center news, we now have available a short presentation "What is Coastal and Marine Spatial Planning?" explaining the theories behind CMSP and its benefits. The film is available through our website http://nsglc.olemiss.edu/ .

As always, thanks for reading *The SandBar*!

Terra

Now, follow us on Facebook at:
http://www.Facebook.com/pages/Oxford-MS/National-Sea-Grant-Law-Center/129712160375306?v

Our Staff

Editor:
Terra Bowling, J.D.

Production & Design:
Waurene Roberson

Research Associates:
Ellen Burgen
April Killcreas
Christopher Motta-Wurst
Barton Norfleet

ISSN 1947-3966 NSGLC-11-02-03 *July 2011*
ISSN 1947-3974

THE SANDBAR is a quarterly publication reporting on legal issues affecting the U.S. oceans and coasts. Its goal is to increase awareness and understanding of coastal problems and issues. To subscribe to *THE SANDBAR,* contact:

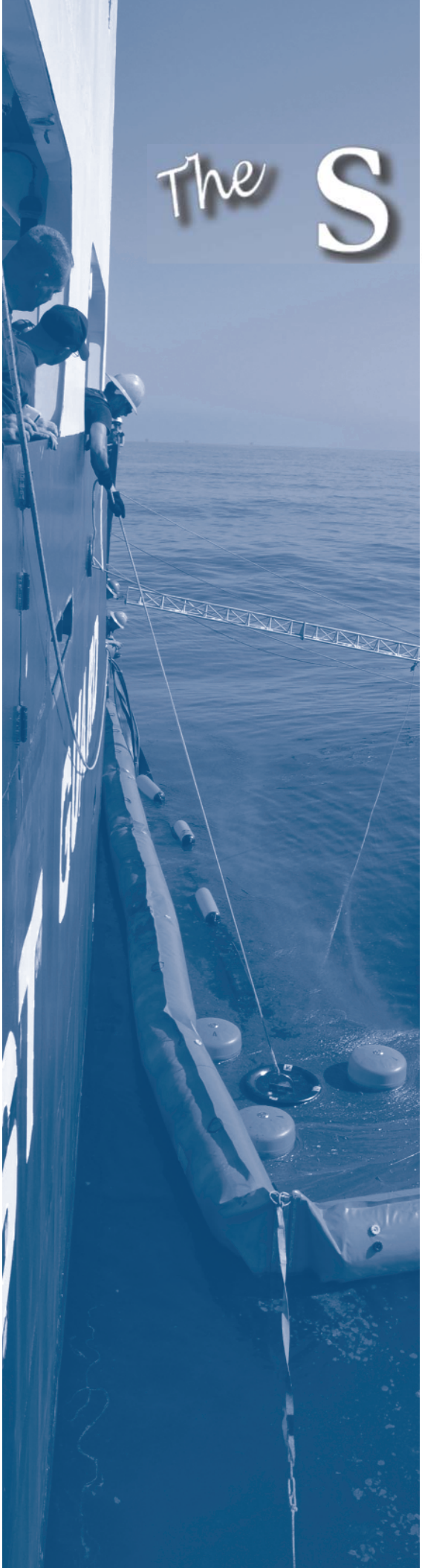
Sea Grant Law Center, Kinard Hall, Wing E, Room 258, P.O. Box 1848, University, MS, 38677-1848, phone: (662) 915-7775, or contact us via e-mail at: sealaw@olemiss.edu . We welcome suggestions for topics you would like to see covered in *THE SANDBAR*.

THE SANDBAR is a result of research sponsored in part by the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, under award NA090AR4170200, the Sea Grant Law Center, Mississippi Law Research Institute, and University of Mississippi Law Center. The U.S. Government and the Sea Grant College Program are authorized to produce and distribute reprints notwithstanding any copyright notation that may appear hereon.

The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the Sea Grant Law Center or the U.S. Department of Commerce.

Recommended citation: Author's Name, *Title of Article*, 10:3 SANDBAR [Page Number] (2011).

Cover and contents page photographs courtesy of U.S. Coast Guard.



The SandBar

Contents

BP and Natural Resource Trustees Enter BILLION DOLLAR AGREEMENT TO RESTORE GULF

April Killcreas, 2012 J.D. Candidate, Univ. of Mississippi School of Law

On April 21, the Natural Resource Trustees for the Deepwater Horizon oil spill announced that BP would provide one billion dollars to fund early efforts to restore the Gulf of Mexico in the wake of injuries resulting from last year's oil spill. This early restoration agreement is, at present, the largest of its kind that has ever been reached and will allow the affected Gulf States to accelerate the implementation of restoration projects throughout the Gulf.[1] The goal of the early restoration agreement is to provide a significant means by which BP and the Trustees, including the states of Alabama, Florida, Louisiana, Mississippi, and Texas, as well as the National Oceanic Atmospheric Administration (NOAA) and the Department of Interior (DOI), may cooperate to select restoration projects to begin as early as the end of 2011.[2]

The Early Restoration Agreement

The $1 billion dollars offered by BP is to be divided among the Trustees to jump-start restoration efforts throughout the Gulf of Mexico. For instance, Alabama, Florida, Louisiana, Mississippi, and Texas will each be allowed to use $100 million of the early restoration fund to implement projects within their borders, and NOAA and DOI also may each use $100 million to pursue selected restoration efforts. NOAA and DOI will allocate the fund's remaining $300 million to proposed projects submitted by the affected state trustees.[3]

This voluntary agreement between BP and the Trustees does not limit the liability of any party responsible for natural resource damages due to the Deepwater Horizon oil spill. To the contrary, the Trustees will continue to evaluate the extent of the damage resulting from the oil spill as part of a complete natural resource damage assessment. Once the assessment process is complete, the Trustees will deduct any benefits that the early restoration projects have had in the Gulf, and BP and other responsible parties will provide funding to cover the remaining damages and ultimately restore the Gulf to its pre-spill condition.[4]

Before a project may be funded under BP's early restoration agreement, the Trustees must agree on the Natural Resource Damage Offsets, which are the benefits that will result from the project. These offsets will be measured and calculated by the natural resources and services restored and replaced by the project, and the offsets provided by early restoration projects will reduce the amount that BP will have to later fund to cover the total injury resulting from the oil spill.[5] Though the initial funding provided by BP under this agreement will reduce the amount that BP later owes to fund additional restoration projects to fully restore the Gulf, this early agreement was entirely voluntary on BP's part and simply serves as a means by which the Trustees may more quickly implement and complete the restoration of the Gulf.

The agreement establishes criteria that each restoration project must meet prior to being

financed by the early restoration fund. Trustees may select projects for early restoration provided that the project: 1) restores, rehabilitates, replaces, or acquires equivalent natural resources or services injured by the oil spill or response efforts; 2) addresses specific injuries to natural resources or services associated with the spill; 3) restores natural resources or habitats of the same type, quality, and value of those lost due to the spill; 4) is consistent with long-term restoration needs and the final restoration plan; and, 5) is feasible and cost-effective.[6] Both BP and the Trustees may propose potential restoration projects under this agreement, with the Trustees having the responsibility of generating official proposals to receive funding for specific projects.

Conclusion

Each of the Trustee States has recognized the benefit that BP's early restoration agreement will have in accelerating the restoration of the damaged coastline and replenishing lost wetlands and wildlife in the wake of the oil spill. As noted by Alabama Governor Robert Bentley, repairing ecosystems damaged by the spill will be significant "to the economic vitality of the Alabama Gulf Coast."[7] Securing funds to restore the Gulf's natural resources will play a vital role in both economic growth and ecosystem revitalization. As a result of the early funding of these projects by BP, Gulf States will be able to initiate plans for the area's restoration much sooner than originally anticipated.

Endnotes

1. Press Release, NRDA Trustees Announce $1 Billion Agreement to Fund Early Gulf Coast Restoration Projects, Apr. 21, 2011, *available at* http://www.restorethegulf.gov/release/2011/04/21/nrda-trustees-announce-1-billion-agreement-fund-early-gulf-coast-restoration-proj.
2. Framework for Early Restoration Addressing Injuries Resulting from the Deepwater Horizon Oil Spill, Apr. 20, 2011, *available at* http://www.restorethegulf.gov/sites/default/files/documents/pdf/framework-for-early-restoration-04212011.pdf.
3. Press Release, *supra* note 1.
4. *Id.*
5. Framework for Early Restoration, *supra* note 2.
6. *Id.*
7. Press Release, *supra* note 1.

Satellite photograph of the Deepwater Horizon oil spill courtesy of NASA.

Photograph of whooping crane courtesy of USFWS, Laura Erickson.

Increased Coordination for Increased Conservation: BOEMRE and NOAA Sign MOU on OCS Energy Resources

Christopher Motta-Wurst, 2012 J.D. Candidate, Univ. of Mississippi School of Law

On May 19, 2011, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) and the National Oceanic and Atmospheric Administration (NOAA) signed a Memorandum of Understanding to improve coordination and collaboration between BOEMRE and NOAA in the development of the outer continental shelf (OCS) energy resources.[1] The goal of the memorandum is to combine the expertise of the two agencies to help further environmental conservation of marine resources and ecosystems.

Background

The DOI is responsible for energy related activities on the OCS. That responsibility includes ensuring that the development is timely and efficient and done in a safe and environmentally friendly manner. NOAA is charged with understanding and predicting the Earth's environment. The agency is also responsible for the conservation and management of marine resources in a way that best meets the United States' economic, social, and environmental needs.

The National Ocean Policy (NOP), established by Executive Order 13547 on Stewardship of the Ocean, Our Coasts, and the Great Lakes, calls for "close and regular coordination and collaboration between Federal agencies regarding oversight of Federal waters."[2] The goals of the NOP are to use the best available science in order to make informed decisions that result in as little negative environmental impact as possible. The new memorandum mirrors these goals in its priority objectives.

Responsibilities and Procedures

The memorandum, which will be in effect for at least 5 years after May 19, 2011, requires BOEMRE and NOAA to work together when considering the potential effects of oil and gas and renewable energy-related activities under their respective authorities. They must also work together in determining the best available science, making consistent procedures for monitoring and mitigation measures, and keeping each other informed of one another's regulatory processes.

In activities where either BOEMRE or NOAA has controlling jurisdiction, the other agency will be invited to participate. For example, under the Outer Continental Shelf Lands Act leasing process (OCSLA), BOEMRE is the lead agency, but during the 5-Year Oil and Gas Leasing Program and Lease Sale stages NOAA will assist with various aspects of analysis, permitting and development. When dealing with renewable energy or alternate use activities, BOEMRE, as the lead agency, will invite NOAA to participate in consultation and coordination efforts.

NEPA analysis will be controlled by whichever agency is the lead agency. The other agency is invited to participate, but whichever agency has jurisdiction retains decision making power, as well as direction and oversight over the EIS or EA. Also, if the agency invited to participate in the process does not respond with its comments in the agreed upon timeframe, the lead agency may record that the participating agency has identified no significant issues or has provided "no comment."

BOEMRE and NOAA have a history of scientific collaboration in the offshore energy program. The memorandum extends this relationship in order to support and promote scientific research and studies projects between the agencies. Along with providing information such as research and scientific data, BOEMRE will invite NOAA to be an ex officio member of its OCS Scientific Committee, and NOAA will invite BOEMRE, as appropriate, to be a member of any NOAA Scientific Advisory Board Working Group related to OCS activities or marine minerals.

BOEMRE and NOAA have separate responsibilities when it comes to offshore safety and oil spill response, but the memorandum adds more mandatory participation between agencies. NOAA has a scientific support team trained to deal with response and restoration for oil spills in coastal and marine environments. BOEMRE requires OCS operators to have an approved Oil Spill Response Plan (OSRP) for each of its offshore facilities. Under the memorandum, BOEMRE will now notify NOAA of any OSRPs and allow the agency a chance to review them to make sure they adequately address marine resource issues. NOAA will also participate in BOEMRE unannounced oil spill drills in order to better evaluate OCS operators.

Conclusion

The memorandum between BOEMRE and NOAA adds a level of cohesion to agency relations. Though the two agencies already coordinated efforts, the memorandum strives for further cooperation in some situations, while still maintaining agency jurisdiction and direction.

Endnotes

1. U.S. Dep't of the Interior and U.S. Dep't of Commerce, *Memorandum of Understanding on Coordination and Collaboration Regarding Outer Continental Shelf Energy Development and Environmental Stewardship*, May 19, 2011, *available at* http://www.noaanewsnoaa.gov/stories2011/pdfs/05232011_NOAA-BOEMRE-MOU.pdf .
2. *Id.*

Photograph of heavily oiled Kemp's Ridley turtle recovered near the Deepwater Horizon accident site courtesy of NOAA.

Gulf Oil Spill Reports Released

Ellen Burgin
2013 J.D. Candidate, Univ. of Mississippi School of Law

National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling Report to the President, *Deep Water: The Gulf Oil Disaster and the Future of Offshore Drilling* (Jan. 2011).

On January 11, 2011, the National Commission on the BP Deepwater Horizon Oil and Offshore Drilling released a 380-page report extensively outlining the cause of the Deepwater Horizon catastrophe and what can be done to avoid a similar occurrence in the future. The first chapter provides a vivid account of April 20, 2010 through the words of workers who experienced the disaster. The report then recapitulates the history of offshore drilling, from technological advances to the rise of BP in the industry. The report also documents the increase of the oil industry's power and influence. After detailing the mechanics of deepwater offshore drilling, the report summarizes the precise drilling activities of the Macondo well, including complications such as the incomplete cement job at the base of the well. The Commission questions certain BP safety protocols and the actions of workers who overlooked test results that provided warning signs. Citing a legacy of inefficient federal regulation as a major contributing factor, the Commission scrutinizes the Minerals Management Service's (MMS) failure to demand adequate safety compliance. Ultimately, the report attributes fault to both the industry and government mismanagement.

The report also evaluates the emergency response and containment efforts to minimize the oil spill through the implementation of the National Contingency Plan and BP's own attempts. The report concludes that insufficient remedial technology and lack of expertise from MMS complicated and delayed stopping the oil flow. The report details both the overall environmental impacts and economic consequences of the spill. Report findings describe the reactions of Gulf coast government leaders and the concerns of their communities, such as loss of income and health risks to people and animals.

The Commission's report proposes significant changes to re-vamp safety precautions in an attempt to restore confidence in the industry and ensure its continued survival. The history of BP's "safety culture" and past BP accidents are used to emphasize that there were recurring safety problems; a company policy change was long overdue. To emphasize the large scope of change needed throughout the entire industry, the Commission highlights the necessary and widespread interaction between many companies needed to run a rig. Although the American Petroleum Institute (API) creates safety protocol for the industry, the report criticizes its double role as the industry's main lobbyist. Despite major incidents in the past, such as Exxon Valdez, there has been no significant improvement in industry response to oil spills.

The Commission provides a thorough list of potential improvements to safety areas and then specific recommendations that the industry can implement. These include improving offshore operation safety through stricter safety standards and a new regulatory agency ensuring protection of the environment strengthening planning methodology for emergency responses, and developing more in-depth technology to contain well flow. As a result of the Deepwater Horizon oil spill, the Commission calls for more research on the impact of spills in deepwater, meeting human health needs, restoring consumer confidence, and obtaining funding for long-term restoration efforts in the Gulf. Here, the Commission suggests that 80% of funds collected from the Clean Water Act violations should go toward this purpose. The report also stresses increasing measures of financial responsibility for incidents and encouraging more Congressional oversight involvement.

The final section of the report analyzes how important oil is to the United States and the implications of national energy policy changes. There remain other areas for oil exploration, such as the Arctic, in which lessons learned from Deepwater Horizon and improvements in the general industry will most certainly prove beneficial.

http://www.oilspillcommission.gov/final-report

Ray Mabus, U.S. Navy Secretary, *America's Gulf Coast: A Long Term Recovery Plan after the Deepwater Horizon Oil Spill* (Sept. 2010).

On September 28, 2010, Navy Secretary Ray Mabus submitted a restoration plan for the Gulf oil spill to the President. Throughout his report, the Secretary of the Navy emphasizes the significance of continuing to remember the impact of the Deepwater Horizon spill because the Gulf will be recovering for quite some time. The accident was an environmental catastrophe on a scale that the Gulf has never experienced, so the need for a "seamless transition from response to recovery" is of utmost importance. The report briefly focuses on the statistics of the crisis that put an estimated 4.9 million barrels of oil into Gulf waters before summarizing the federal government response.

The majority of the report concentrates on future measures for recovery, divided into five topics: Congressional authorization of Clean Water Act penalties; long-term ecosystem restoration; health and human services recovery; economic recovery; and nonprofit sector recovery. The report further explains in detail the recovery strategy for last four categories, as proposed by different recovery groups. Each section begins with a list of preexisting problems in the Gulf region and proceeds to describe Deepwater Horizon's added impact. Next, the report lists the principles and specific directives that will help achieve the ultimate goal of returning to baseline conditions in the Gulf. Much of this work will be carried out by two new entities: the Gulf Coast Recovery Council and the Ecosystem Restoration Task Force.

http://media.al.com/pr/other/gulf-reconstruction-plan-2010.pdf

BP Internal Investigation Team, *Deepwater Horizon Accident Investigation Report* (Sept. 8, 2010).

Following the Macondo well blowout, BP undertook an internal investigation of the accident. The internal investigation lasted four months and was led by Mark Bly, the Head of Safety and Operations. Comprising the bulk of the team were more than fifty specialists, coming from both inside and outside BP. The report summarized the chain of events of April 20, 2010 that led to the accident and stressed that the Deepwater Horizon accident cannot be traced to one identifiable mistake. BP concluded that due to a defect in the cement at the bottom of the well, hydrocarbons escaped and rose within the piping. Workers on the rig misread test results and the pressure continued to increase, while the gas continued rising. Once the gas reached the surface, the mud-gas separator did not displace the hydrocarbons overboard and when the gas entered the engine room, there was ignition and resultant explosions and fires. Once the two explosions occurred, the blow-out preventer at the bottom of the well failed to function properly and the well continued to pump.

The BP report suggested faulty safety devices, overlooked test results, and inadequate cement work were complications that led to the explosion. BP also formulated twenty-five initiatives to strengthen future safety precautions. The interaction between BP, Transocean, and Haliburton has been described as an on-going "blame game" since each company denies the full extent of its contribution to the disaster. Transocean and Haliburton both found issue with the report, claiming that BP was minimizing its impact on the event. Several other organizations and officials simultaneously conducted similar investigations.

http://www.bp.com/liveassets/bp_internet/globalbp/globalbp_uk_english/gom_response/STAGING/local_assets/downloads_pdfs/Deepwater_Horizon_Accident_Investigation_Report.pdf

Det Norske Veritas, Final Report for the U.S. Department of the Interior: Bureau of Ocean Energy Management, Regulation, and Enforcement, No. EP030842, *Forensic Examination of Deepwater Horizon Blowout Preventer* (Mar. 20, 2011)

In March, Det Norske Veritas, an independent company, submitted a report on the Deepwater Horizon blowout to the U.S. Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE). The report contained "a forensic examination, investigation, testing and scientific evaluation of the blowout preventer, its components and associated equipment used by the Deepwater Horizon drilling operation." Its primary objectives were to evaluate the blowout preventer's (BOP) performance, construct a timeline of the failures, and calculate the impact of BP and Transocean modifications performed earlier on the BOP stack. To conduct this report, the BOP was raised from the sea floor on September 4, 2010.

The report designated the primary cause of the BOP's failure was the failure of the blind shear rams (BSRs) to close. Two components of the blowout preventer, the upper variable bore rams (VBRs) and the Upper Annular, had initially closed, which caused the pressure to build up. A drill pipe tool joint driven into the Upper Annular by the force of the flow caused the pipe to buckle under the force. Because part of the drill pipe was trapped, the BSRs did not close. The BSR blade therefore did not align with the pipe and complete sealing of the well did not occur. The company recommends numerous studies to make improvements in the industry, such as a study on elastic buckling, shear bald surfaces of shear rams, well control procedures, back-up control systems, emergency function, and the effectiveness of Remotely Operated Vehicles (ROVs) intervention.

http://www.deepwaterinvestigation.com/external/content/document/3043/1047291/1/DNV%20Report%20EP030842%20for%20BOEMRE%20Volume%20I.pdf

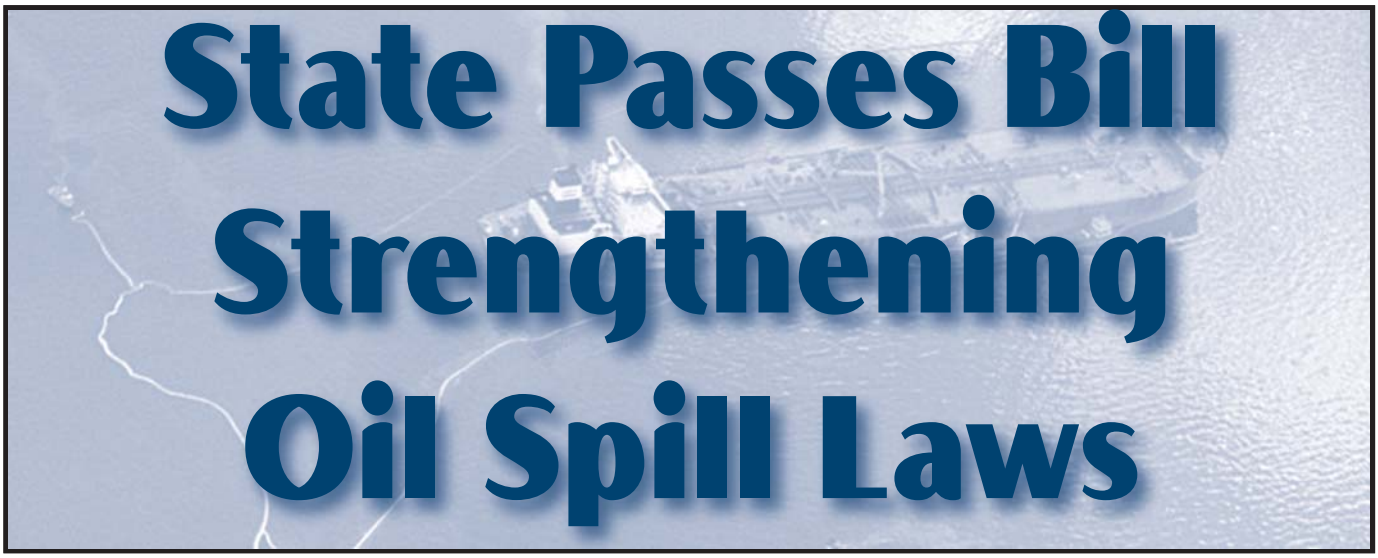
Operational Science Advisory Team (OSAT-2) & Gulf Coast Incident Management Team, *Summary Report for Fate and Effects of Remnant Oil in the Beach Environment* (Feb. 10, 2011.

In February 2011, the Gulf Coast Incident Management Team, a group consisting of representatives from Gulf states, federal agencies, and BP, released a report to serve as a guidance for adjustments in beach cleanup procedures. Other investigations concern the overall impact of the oil spill on the environment as a whole. This report documents the impact of three different types of oil left from the spill in water (tar mats) and on the shore (tar bars and buried oil) along the Gulf coast in various locations. These locations include: Grand Isle, Louisiana; Petit Bois Island, Mississippi; Bon Secour, Alabama; and Fort Pickens, Florida. In each of these locations, a net environmental benefit analysis evaluated the negative effects of beach cleanup on the resource itself and wildlife. The report also compared the impact on human health against Environmental Protection Agency data benchmarks. Generally, the results of the report indicate that cleanups were often more damaging than the remnant oil's effect on the environment. Additional findings show that oil is unlikely to infiltrate groundwater. Although cleanups may have a negative impact, failure to adequately clean beaches results in its own threats, including: adult shorebirds consuming tarballs, and buried oil affecting sea turtle eggs and young survival.

http://www.restorethegulf.gov/sites/default/files/u316/OSAT-2%20Report%20no%20ltr.pdf

Photograph of beach clean-up courtesy of U.S. Coast Guard.

State Passes Bill Strengthening Oil Spill Laws



Photograph of Exxon Valdez courtesy of NOAA.

Barton S. Norfleet, 2012 J.D. Candidate, Univ. of Mississippi School of Law

On April 20th, 2011, exactly one year after the devastating Deepwater Horizon spill, Washington State Governor Christine Gegoire signed House Bill 1186, which contains several amendments to the state's Oil Spill Prevention and Response Act (Act).[1] The predominant effect of the amendments is the tripling of damages related to certain types of oil spills occurring in the waters of Washington State.[2]

Background

After the catastrophic *Exxon Valdez* grounding in 1989, the Washington state legislature required the Department of Ecology (Department) to create a schedule for assessing oil spill damages ranging between $1 and $50 per gallon spilled.[3] Washington also required the Department, in determining penalties, to assess factors such as "the characteristics of the oil spilled, the environmental sensitivity of the area affected, and actions taken by the responsible party."[4] Washington later revised the penalty portion of the Act even further, raising the maximum limit from $50 to $100 per gallon spilt.[5]

After the Deepwater Horizon spill in the Gulf, the Washington state legislature decided to strengthen the Act. The modifications arose from a joint report issued by the Department and the Puget Sound Partnership's Oil Spill Work Group and fall into three main categories: response activities, spill reporting requirements, and applicable penalties/damage assessment.

Response Activities

The modifications to response activities include the use of the "best achievable protection," to ensure the safety of responders charged with containing the spill. The Department must conduct technology updates every five years to ensure that the safest and most efficient technology is available to responders.

Another major modification calls for the creation of rules to help facilitate the use of "vessels of opportunity," which are defined as "vessels such as fishing boats which are not solely dedicated to spill response, but which may be used in the event of a spill for oil recovery."[6] These new rules are aimed at reducing stress on fishermen who forgo their usual fishing season to aid in restoring the affected areas. The amendments also call for the creation of a system to coordinate vessels involved in cleanup activities to be based on the vessel's response capabilities. Another amendment to the Act requires the Department to run "equipment employment drills" to make sure that responders are provided opportunities to learn how to operate the latest technology applicable to oil spill cleanup.

Reporting Requirements

Along with the above modifications, the amendments also call for more thorough spill reporting requirements. In addition to notifications required by the Coast Guard, the Act will now require owners and operators of vessels to notify the state of vessel emergencies when there is a possible "substantial threat" of oil discharge or an actual discharge, and this notification must occur within approximately one hour of the sighting. The requirement is intended to increase the rate of the state's response for cleanup.

Penalties

The most controversial portion of aspect of H.B. 1186 was its tripling of penalties for certain oil spills. The new penalties apply to spills that exceed 1,000 gallons of oil and increases the previous maximum of $100 per gallon penalty to a maximum of $300 per gallon. The previous rule still applies to spills which do not exceed the 1,000 gallon mark. H.B. 1186 also creates a cause of action for the "use and deployment" of dispersants or for the burning of oil in cleanup operations. The amendments do offer some new incentives for the owners and operators of the vessels responsible for the offense by allowing them to subtract the amount of oil recovered in the first forty-eight hours from the total amount of oil that will be used to calculate the overall penalty.

Conclusion

The Washington Oil Spill Prevention and Response Act mirrors the federal Oil Pollution Act by "explicitly providing for spill related damages for the loss of income, net revenue, means of producing income or revenue, or economic benefit resulting from the loss of real or personal property or natural resources."[7] Overall, H.B. 1186 strengthens Washington's oil spill laws. The Department must now ensure that the "best achievable protection" is provided to responders, create a more efficient system for "vessels of opportunity," and implement higher penalties to help encourage businesses involved in the oil industry to create safer methods of oil production and transportation. In the end, H.B. 1186 is another stepping stone towards a more efficient oil response and prevention system.

Endnotes

1. WASH. REV. CODE §§ 88.46.010, 88.46.060, 88.46.100, 88.46.090, and 90.48.366.
2. H.B. 1186, 2011 Leg., 62nd Sess. (Wa. 2011).
3. WASH. REV. CODE § 90.48.366 (1989) (amended 2007).
4. *Id.*
5. WASH. REV. CODE § 90.48.366 (2007)(amended 2011).
6. Russell Prugh, *Washington State Revises Oil Spill Laws on One Year Anniversary of Deepwater Horizon Disaster*, Martin Law (May 4, 2011), http://www.martenlaw.com/newsletter/20110504-wash-revises-oil-spill-laws.
7. *Id.*

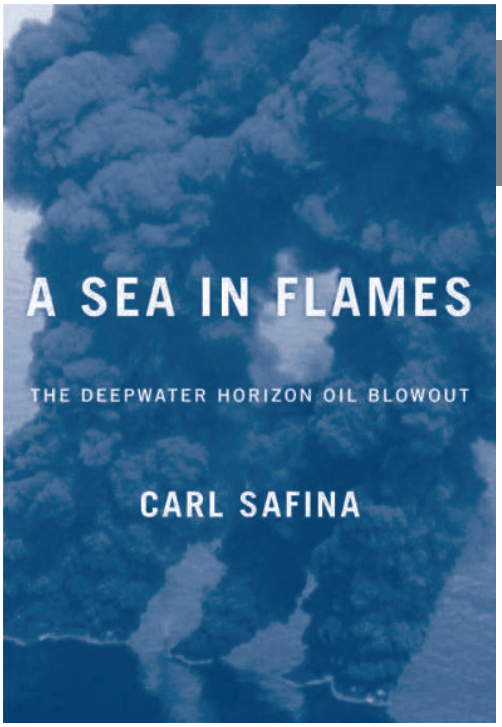
Photograph of vessels of opportunity courtesy of the U.S. Navy.

GULF OIL SPILL SPAWNS SEA OF BOOKS

Christopher Motta-Wurst, 2012 J.D. Candidate,
Univ. of Mississippi School of Law

Fire on the Horizon: the Untold Story of the Gulf Oil Disaster

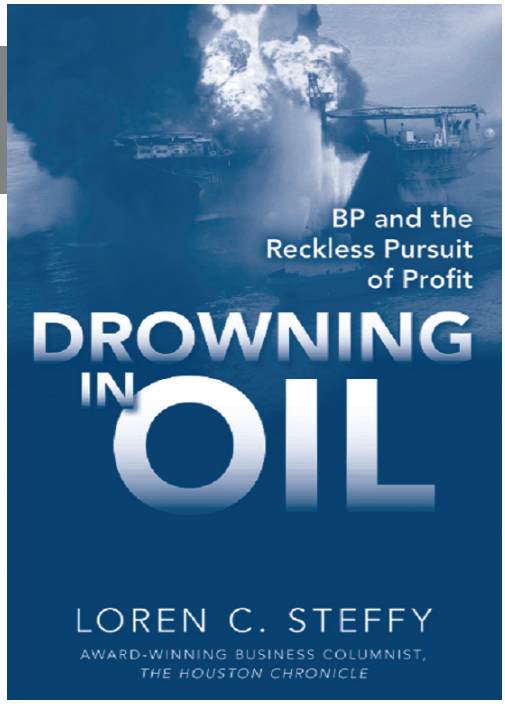
John Konrad & Tom Shroder, (HarperCollins, 2011).
Fire on the Horizon: the Untold Story of the Gulf Oil Disaster details the history and mechanics of oil rig life and offshore drilling. The authors, John Konrad, a veteran oil rig captain, and Tom Shroder, Washington Post contributor, attempt to shed light on the "little-understood culture of offshore drilling" by profiling the workers and the everyday dynamics of life on the rig. The authors note that while oil rig blowouts are unavoidable, the likelihood for such incidents are only exacerbated when management postpones essential maintenance due to the high cost of delays. The final chapters include firsthand accounts of workers on Deepwater Horizon and their experiences during the explosion. The Miami Herald found the book to be "a fascinating look at the little-understood industry and fast-paced and emotional story of the efforts to save the Deepwater Horizon."



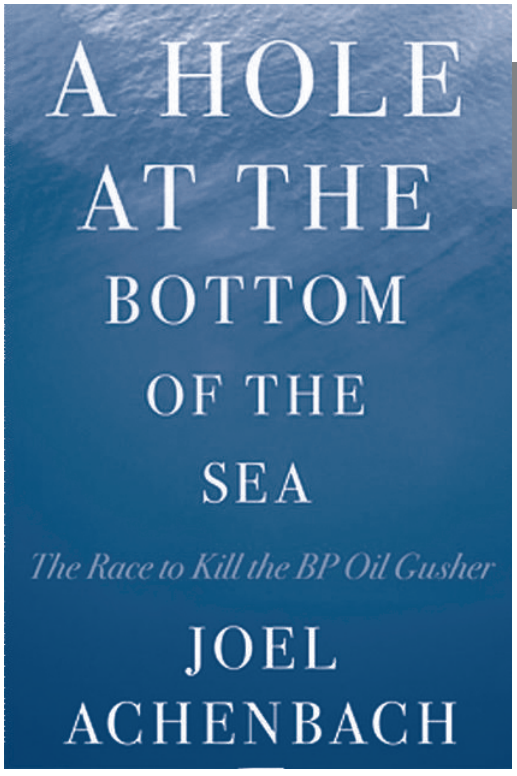
A Sea in Flames: The Deepwater Horizon Oil Blowout

Carl Safina, (Crown, 2011).
Carl Safina, MacArthur "Genius" Award-winning oceanographer and conservationist, gives a riveting portrayal of the environmental damage and the lives that were changed by the Deepwater Horizon Oil Spill. Safina claims the disaster was inevitable, citing the combination of deregulation and drilling incentives, and the overall lack of preparedness on the part of BP. Safina is critical of BP for its mistakes and denials, as well as the media for overlooking the real problem, which according to Safina, is America's addiction to oil. He argues that there will be another disaster if we do not learn the big lesson, which means dealing with this addiction. The Boston Globe called this "one of the most delightful natural history studies in decades."

Drowning in Oil: BP & the Reckless Pursuit of Profit



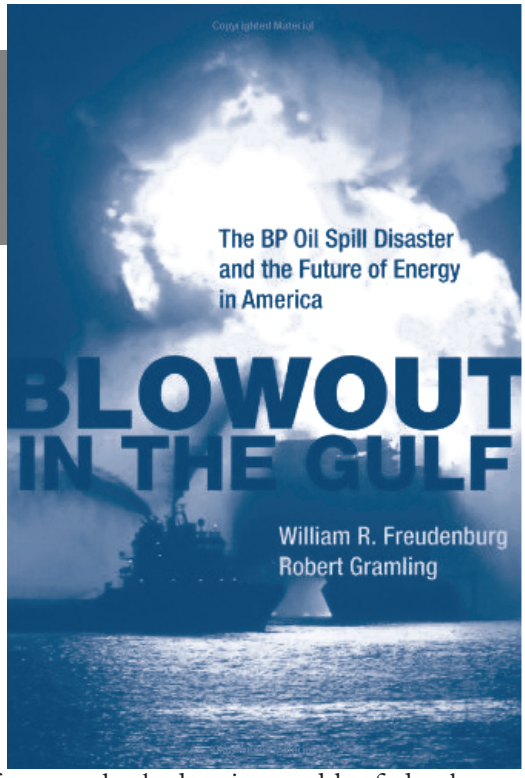
Loren C. Steffy, (McGraw-Hill, 2010).
Drowning in Oil: BP & the Reckless Pursuit of Profit looks at the Deepwater Horizon disaster and the role of corporate responsibility in the energy industry. Loren Steffy, award-winning Houston Chronicle business reporter, cites the lack of corporate responsibility and government oversight as a contributing factor to the largest offshore oil spill in U.S. history. Steffy comes to his conclusion by examining 100 years of BP corporate history, and in doing so, reveals how the relationship between oil producers and consumers has led producers to search for supplies faster, farther, and deeper. He suggests that the culture of faster, farther, deeper has led to cost cutting and placing an importance on profits over workers lives and the environment, particularly under BP's two most recent ex-CEO's, John Browne and Anthony Hayward. The San Antonio Express-News acknowledged the importance of this book by saying that "the deaths and the gigantic oil spill following the sinking of Deepwater Horizon will surely become a landmark of corporate ineptness and greed for the remainder of human history, thanks in part to Steffy's remarkable account."



A Hole at the Bottom of the Sea: The Race to Kill the BP Oil Gusher

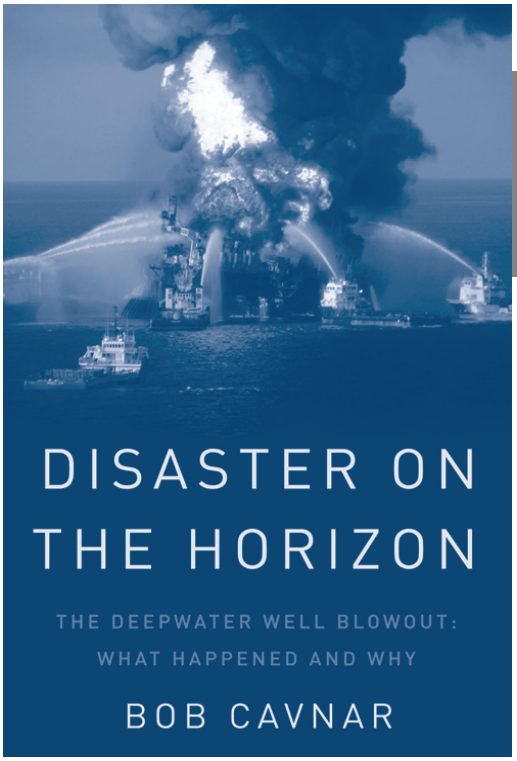
Joel Achenbach, (Simon & Schuster, 2011).
A Hole at the Bottom of the Sea: The Race to Kill the BP Oil Gusher is an unbiased account of the Deepwater Horizon disaster and the daunting task of plugging the Mocando well. Without pointing fingers, Achenbach tells the gripping story of the Deepwater Horizon disaster. He observes that the government had neither the means nor the tools to stop the oil from spewing out of the Macondo well, and while the private sector had the tools, they were attempting to do something that had never been done before. Achenbach goes behind the scenes to provide gripping details about the search for a solution. According to the publisher, this book serves as both a technological suspense thriller and as a cautionary tale for a highly engineered society, which is often left looking for solutions to problems after the damage has already been done. Greg McCormack, former Director of the Petroleum Extension Service at the University of Texas called this "a brilliant expose of what occurred behind the scene . . . Anyone who is an energy user must read this book. That means everyone since it is hard to live without consuming energy."

Blowout in the Gulf: The BP Oil Spill Disaster and the Future of Energy in America



William Freundenburg and Robert Gramling, (MIT Press, 2010).

Blowout in the Gulf: The BP Oil Spill Disaster and the Future of Energy in America tells the larger story of Deepwater Horizon by explaining both the disaster and the decisions that preceeded it. The late William R. Freudenburg, former Dehlsen Professor of Environmental Studies at University of California, Santa Barbara, and Robert Gramling, Professor of Sociology at the University of Louisiana at Lafayette, give an in-depth look at the technology, geology, management decisions, and regulatory actions involved in offshore oil exploration in a way that is both informative and readable. The authors argue that the oil industry's increased willingness to cut corners in order to access oil is often overlooked or ignored by federal regulators. Along with cutting corners, they point out statements BP made, such as claims that it could handle the equivalent of an Exxon Valdez spill every day, even though, as Freudenburg and Gramling contend, "cleaning up" an oil spill is essentially impossible. The authors argue that if we are to avoid devastating disasters such as Deepwater Horizon in the future, we must base our emphasis on true prevention, as well as making better energy choices. Booklist said that "science, commerce, and the politics of oil are all newly illuminated here, accompanied by invaluable explanations of the risks of offshore drilling and a pragmatic look at the energy conundrums we now face."



Disaster on the Horizon: High Risks, and the Story Behind the Deepwater Well Blowout

Bob Cavnar, (Chesea Green, 2010).

Disaster on the Horizon: High Stakes, High Risks, and the Story Behind the Deepwater Well Blowout tells the story of the Deepwater Horizon disaster as only someone with experience can. Bob Cavnar has 30 years of experience in operations, start-ups, turn-arounds, and management of both public and private companies in the oil and gas industry. With his wealth of experience, Cavnar is able to give a candid look into the industry.

The University of Mississippi
THE SANDBAR
Sea Grant Law Center
Kinard Hall, Wing E, Room 258
P.O. Box 1848
University, MS 38677-1848

Littoral Events

Hawai'i Conservation Conference

Honolulu, Hawaii
August 2-4, 2011

The Hawai'i Conservation Conference is designed to further interaction between natural resource managers and the scientific community. The 2011 theme, "Island Ecosystems: The Year of the Forest," focuses on raising awareness for sustainable management, development, and conservation of all types of forests. It will also address traditional ecological knowledge, climate change, reef ecosystems, mating science and management, and conservation topics pertinent to Hawaiian and Pacific ecosystems. Visit http://hawaiiconservation.org/activities/hawaii_conservation_conference for more information.

Global Summit on Coastal Seas

Baltimore, Maryland
August 28-31, 2011

The purpose of the conference is to improve management of coastal seas from ecological, economic, and culture standpoints. The conference will bring experts together from different disciplines and backgrounds in order to gain a wider array of information, insights, and lessons. The last time EMECS conference was held in Maryland it drew more than 600 participants from 40 different countries and 2011 should bring about the same amount of attention. Visit http://www.conference.ifas.ufl.edu/EMECS9/ for more details.

American Fisheries Society Annual Meeting

Seattle, Washington
September 4-8, 2011

The 2011 meeting will focus on "New: Frontiers in Fisheries Management and Ecology: Leading the Way in a Changing World," and will include a wide range of technical, social, and legal topics. Topics will range from national and international in scope, including the long-term sustainability of fisheries and recovery from anthropogenic and weather-related catastrophes, to regional, such as the cleanup of Puget Sound and salmon recovery. For more information please visit http://afs2011.org/.