

U.S. Department of
Homeland Security

United States
Coast Guard



Federal On-Scene Coordinator
United States Coast Guard

Incident Management Team
1250 Poydras Street
New Orleans, LA 70113

16451
30 Jun 2011

MEMORANDUM

From: *Ted Lampton*
T. D. Lampton, LCDR
GCIMT Legal Officer

Reply to: T. D. Lampton
Attn of: Ted.Lampton@uscg.mil

To: J.A. Hein, CAPT
FOSC

Subj: AUTHORITY OF FOSC TO DISAPPROVE FURTHER ANALYSIS OR REMOVAL
OF LOUISIANA ORPHAN ANCHORS

Ref: (a) National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
(40 CFR § 300.135)
(b) CGD8 memo 16451 dated 05 May 2011
(c) Orphan Anchor Phase II Program Report to the Federal On-Scene Commander
(d) Net Environmental Benefit Analysis for LA Orphan Anchors

1. **ISSUE:** This memo imparts the Federal On-Scene Coordinator's (FOSC) authority to disapprove further analysis or removal measures related to the potential navigation and/or environmental hazard purportedly posed by the presence of orphaned boom anchors. This decision is guided by the results of a scientific analysis entitled "Orphan Anchor Phase II Program Report to the Federal On-Scene Commander" ("Phase II Report") dated June 20, 2011, included herewith as reference (c); and the associated Phase II Pre Recovery Net Environmental Benefit Analysis for LA Orphan Anchors ("NEBA") delivered to the FOSC on June 9, 2011, included herewith as reference (d).

2. **BACKGROUND:** Once free oil from the DWH spill was no longer on the water surface, a program to collect the boom and anchors was implemented. Vessels of Opportunity ("VoOs") were dispatched to collect the boom and anchors. Although most boom anchors were collected at that time, some of the VoO operators, likely due to the size and capability of their vessels, were unable to recover all of them. Because of natural forces on the mooring system while the boom was deployed as well as the inability to recover all the anchors upon retrieval, it is a reasonable assumption that a small percentage remain in their deployed position and have been subsequently "orphaned".

3. **DISCUSSION:** Reference (a) requires the FOSC to direct response efforts and coordinate with federal, state, local and private response agencies. Under reference (a), the basic framework for the response management structure is a system that brings together the functions of the federal government, the state government, and the responsible party to achieve an effective and efficient response, where the FOSC maintains authority. Reference (b) designates you as the Federal On-Scene Coordinator for this response. I note the following:

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- a. The boom anchors at issue are Danforth style anchors, also known as "Danforth anchors". The Danforth style anchor uses a stock at the crown attached to two large flat triangular flukes. The flukes are designed to bury themselves deeper as more pulling pressure is applied to its stock. This type of anchor achieves strength through depth of burial, and the end result of normal use is that the anchor is buried beneath the seabed. (See Phase II Report, page 11.)
- b. The FOSC has coordinated with appropriate stakeholders as contemplated under reference (a). A meeting of stakeholders was held on May 6, 2011, at GCIMT on the subject of Orphan Anchor Phase II. During this meeting, stakeholders were briefed on the status of the Phase II investigation of the potential risks or hazards that the anchors may present to recreational boaters and the environment. The stakeholders who participated in the meeting, including representatives of interested agencies of the state of Louisiana and Parish representatives, indicated their agreement that the results and conclusions of the scientific Phase II study would be relied upon in making decisions related to this issue.
- c. An industry leader was utilized to successfully and safely carry out an Acoustic and Magnetic Search for Orphaned Anchor Detection using the best available technology in key pre-determined high volume traffic locations (with input from area experts) within the Inland Bays, Passes and Waterways of Saint Bernard and Jefferson Parish, Louisiana as part of the Orphan Anchor Phase II Project. In summary, the Phase II investigation showed that there were fewer than expected anchors left behind, that those found were buried in sediment and not a hazard to boats or fishing, and that polypropylene rope was not a floating hazard. (See Phase II Report, pages 16-17.)
- d. The Net Environmental Benefit Analysis for LA Orphan Anchors concluded that the response option that would derive the greatest net environmental benefit is that of allowing the anchors to remain in place to degrade via natural processes. (See Phase II Report, page 16; and Phase II Report Appendix B at page 42.) The NEBA based this conclusion on the following Analysis Results (among others):

There are no expected human health concerns due to the chemical composition or degradation of the zinc galvanized mild steel Danforth anchors. (See Phase II Report, Appendix B at page 41.)

If left in place the zinc galvanized mild steel Danforth anchors are expected to remain buried in the soft muddy sediments and slowly oxidize. (See Phase II Report, Appendix B at page 42.)

Due to the negative buoyancy of the anchors compared to the density of Louisiana's high concentration of muddy sediments, the anchors are expected to settle within the sediment and present very minimal physical risk to commercial or recreational fishing activities; and a very minimal risk that they would be a hazard to navigation. Anchors may have minimal penetration into sand sediments, or be moved or exposed during weather events,

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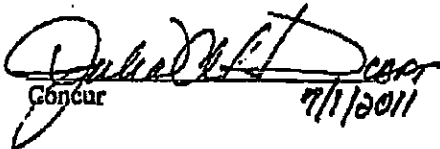
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but would still be expected to present minimal risk to commercial and recreational vessels due to its location on or within the substrate. (See Phase II Report, Appendix B at page 42.)

- e. GCIMT is aware of no documented cases of damage caused to a vessel by the presence of orphan anchors. The FOSC requested such documentation on occasions when anecdotal hearsay of anchor related damage was relayed to the FOSC. However, in spite of requests for documentation of such damage, none has been received.

4. **CONCLUSION:** Reference (a) requires, to the extent practicable, the FOSC to collect pertinent facts, including the potential impact on human health, welfare, safety, and the environment, and the potential impact on natural resources and property which may be affected. References (c) and (d) provide the facts relevant to a decision regarding the Louisiana orphan anchors. FOSC authority includes disapproval of further analysis or removal of Louisiana orphan anchors.

5. **RECOMMENDATION:** Based on the Discussion and Conclusion above, it is recommended that the FOSC disapprove future analysis or removal measures related to potential navigation and/or environmental hazards purportedly posed by the presence of orphaned boom anchors as no further analysis or action is warranted.


Concur 7/1/2011

Do not concur

6. ~~SOSC'S ACKNOWLEDGMENT OF THE FOSC'S DECISION~~ SWB 7-5-11
SOSC ACKNOWLEDGES RECEIPT OF THE FOSC'S DECISION MEMO



Print Name: Samuel W. Braussard

State On-Scene Coordinator for the state of Louisiana

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7. BPIC'S ACKNOWLEDGMENT OF THE FOSC'S DECISION

Tom Zimmer
Print Name: Tom Zimmer

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