

Deposition Testimony of:
James Watson

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Page 10:08 to 10:10

00010:08 JAMES ANGUS WATSON, IV,
09 having been first duly sworn, testified as
10 follows:

Page 10:20 to 11:09

00010:20 Would you please state your full
21 name for the record.
22 A. James A. -- James Angus Watson,
23 IV.
24 Q. And for whom are you currently
25 employed, Admiral Watson?
00011:01 A. I currently work for the
02 Department of Interior at the Bureau of
03 Safety Environmental Enforcement.
04 Q. And what is your current -- and
05 that is typically abbreviated BSEE?
06 A. Yes.
07 Q. And what is your current
08 position at BSEE?
09 A. I'm the director.

Page 14:14 to 18:24

00014:14 Q. I wanted to briefly turn to your
15 educational background. You were graduated
16 from the United States Coast Guard Academy in
17 1978?
18 A. Yes.
19 Q. And you received a -- a Bachelor
20 of Science degree in marine engineering from
21 the U.S. Navy -- U.S. Coast Guard Academy?
22 A. Yes.
23 Q. You were also graduated from the
24 University of Michigan in 1985?
25 A. Yes.
00015:01 Q. And you received two degrees
02 from the University of Michigan in 1985?
03 A. Yes.
04 Q. The first degree you received
05 from the University of Michigan in 1985 was a
06 master of -- a science degree in mechanical
07 engineering?
08 A. Yes.
09 Q. And the second degree you
10 received from the University of Michigan in
11 1985 was a master of science degree in naval
12 architecture?
13 A. Yes.
14 Q. You also have an additional
15 graduate degree from the Industrial College
16 of the Armed Forces?
17 A. Yes.

18 Q. And you received that degree in
19 2001?
20 A. Yes.
21 Q. And that is a degree in
22 strategic studies?
23 A. Yes.
24 Q. And the -- the Industrial
25 College of the Armed Forces is now known as
00016:01 the Dwight D. Eisenhower School For National
02 Security and Resource Strategy?
03 A. I believe so.
04 Q. After you graduated from the
05 U.S. Coast Guard Academy in 1978 were you
06 commissioned in the Coast Guard?
07 A. I was.
08 Q. And what was your rank at which
09 you were commissioned?
10 A. Ensign.
11 Q. Admiral Watson, are you
12 currently retired from the U.S. Coast Guard?
13 A. I am.
14 Q. When did you retire from the
15 U.S. Coast Guard?
16 A. I officially retired on
17 June 1st, 2012.
18 Q. Did you continuously serve in
19 the United States Coast Guard from 1978 until
20 June 1st, 2012?
21 A. Yes.
22 Q. At what rank did you retire?
23 A. Rear Admiral.
24 Q. When were you promoted to a flag
25 officer in the United States Coast Guard?
00017:01 A. December 2007.
02 Q. And what was the rank to which
03 you were promoted?
04 A. Rear Admiral Lower Half.
05 Q. And when you retired as of
06 June 1st, 2012 was your rank Rear Admiral
07 Upper Half?
08 A. Yes.
09 Q. What position did you hold when
10 you were first promoted to Rear Admiral Lower
11 Half?
12 A. I was the Chief of Staff in the
13 Seventh Coast Guard District.
14 Q. And where is the Seventh Coast
15 Guard District located? Where are the
16 headquarters located?
17 A. The headquarters is in Miami,
18 Florida.
19 Q. And what geographical area does
20 that generally cover?
21 A. Southeast United States,
22 excluding the panhandle of Florida, and
23 then -- and then most of the Caribbean areas,

24 such as Puerto Rico and -- and the waters
25 around the Caribbean.

00018:01 Q. At some point you -- you became
02 director -- the Coast Guard Director of
03 Prevention Policy For Marine Safety,
04 Security, and Stewardship?
05 A. Yes.
06 Q. When -- when were you the
07 Director of Prevention Policy For Marine
08 Safety?
09 A. That was my first flag
10 assignment. It was shortly after I was
11 promoted in December 2007.
12 Q. And how long were you Director
13 of Prevention Policy?
14 A. About a year and a half.
15 Q. And in general what were your
16 responsibilities as direct -- Director of
17 Prevention Policy For Marine Safety,
18 Security, and Stewardship?
19 A. I was responsible for the Coast
20 Guard's policy making and management of
21 different programs related to safety,
22 security, and environmental protection.
23 There were several divisions within Coast
24 Guard headquarters that reported to me.

Page 19:01 to 20:15

00019:01 After serving as Director of
02 Prevention Policy what was your next position
03 with the United States Coast Guard?
04 A. I became the Director of
05 Operations of the Atlantic area.
06 Q. And where is the headquarters
07 for the Coast Guard's Atlantic area?
08 A. Portsmouth, Virginia.
09 Q. And how long did you serve as
10 the Director of Operations for the Coast
11 Guard's Atlantic area?
12 A. Two years.
13 Q. So for what period of time would
14 that approximately be?
15 A. Let's see, it would have been
16 from 2000 -- the summer of 2009 until the
17 summer of 2011.
18 Q. I've also seen reference to you
19 being Deputy Commander of the Coast Guard's
20 Atlantic area command. Is that the same as
21 Director of Operations?
22 A. Well, actually, no. There was a
23 retirement that occurred while I was there.
24 The Deputy Commander retired, and I moved
25 into that position.

00020:01 Q. Okay. When did you become

02 Director of -- Deputy Commander of the Coast
03 Guard's Atlantic area command?

04 A. Jeez. I'm guessing it must have
05 been the spring of 2010.

06 Q. So was there a time period when
07 you were serving as both Director of
08 Operations for the Atlantic area and the
09 Deputy Commander?

10 A. Yes.

11 Q. Okay. And when did you cease of
12 being Deputy Commander of the Coast Guard's
13 Atlantic area command?

14 A. It would have been about in the
15 June or July time frame of 2011.

Page 22:04 to 25:15

00022:04 Q. When the Deepwater Horizon
05 explosion and fire occurred on April 20th,
06 2010, what was your position with the Coast
07 Guard's Atlantic area command?

08 A. I was the Director of Operations
09 and the Deputy Command.

10 Q. And the Deepwater Horizon
11 incident occurred in the Eighth Coast Guard
12 District's area responsibility?

13 A. Yes.

14 Q. And what is the reporting
15 relationship, if any, between the Eighth
16 Coast Guard District and the Atlantic area
17 command?

18 A. The Eighth Coast Guard District
19 commander reports to the Atlantic area
20 commander.

21 Q. And at the time of the Deepwater
22 Horizon explosion and fire on April 20th,
23 2010 who was the commander of the Atlantic
24 area command?

25 A. Oh, boy. Admiral Papp.

00023:01 Q. On April 20th, 2010 the
02 commander of the Eighth Coast Guard District
03 was Admiral Mary Landry?

04 A. Yes.

05 Q. So Admiral Landry reported to
06 Admiral Papp?

07 A. Yes.

08 Q. Did Admiral Landry have any
09 reporting relationship to you as Director of
10 Operations and Deputy Commander of the
11 Atlantic area command?

12 A. Only as a alternate area
13 commander.

14 Q. And what do you mean by that?

15 A. When an area commander takes
16 leave or is out of the country, then I would

17 be the acting area commander.
18 Q. But if Admiral Papp was in
19 country and available, then he -- then
20 Admiral Landry would have reported directly
21 to him?
22 A. Yes.
23 Q. You indicated that you
24 continuously served in the Coast Guard from
25 1978 until 2012. During that entire period
00024:01 were you on active duty with the Coast Guard?
02 A. Yes.
03 Q. Once you retired are you on any
04 sort of reserve duty, or are you completely
05 retired from the Coast Guard?
06 A. I'm completely retired.
07 Q. Okay.
08 MR. FLYNN: From the Coast Guard.
09 THE WITNESS: Oh, yes. I wish I was
10 completely retired.
11 Q. (BY MR. FIELDS) When did you
12 become director of BSEE?
13 A. In late December of 2011.
14 Q. BSEE is a agency within the
15 Department of the Interior?
16 A. Yes.
17 Q. And as director of BSEE to whom
18 do you report in the Department of the
19 Interior?
20 A. I report to the assistant
21 secretary for lands and minerals.
22 Q. And what is the name of that
23 individual?
24 A. That would be Marcilynn Burke.
25 Q. The BSEE is one of two agencies
00025:01 to succeed what was known as the Bureau of
02 Energy -- Ocean Energy Management Regulation
03 and Enforcement?
04 A. Yes.
05 Q. Do you recall when BSEE was
06 established in the Department of the
07 Interior?
08 A. October 1st, 2011.
09 Q. Your predecessor as director of
10 BSEE was Michael Bromwich?
11 A. Yes.
12 Q. And Michael Bromwich was also
13 the director of the Bureau of Ocean Energy
14 Management Regulation and Enforcement?
15 A. Yes.

Page 25:20 to 27:08

00025:20 Q. In general what is the mission
21 or role of the BSEE?
22 A. The -- the bureau is responsible

23 for enforcing the regulations that were
24 promulgated under the OCSLA or Outer
25 Continental Shelf Lands Act. So we do policy
00026:01 making for that purpose, permitting, and
02 inspections and investigations.

03 Q. When you say "permitting" what
04 do you mean?

05 A. Lessees for the Outer
06 Continental Shelf lands are required to have
07 a permit in order to do their activities on
08 the Outer Continental Shelf, which they would
09 get from the Bureau of Safety and
10 Environmental Enforcement. Most -- most of
11 the permits come from us for oil and gas.

12 Q. You also indicated that one of
13 the responsibilities for the BSEE was
14 inspections. What do you mean by that?

15 A. There is a requirement for us to
16 do periodic inspections for all of the
17 lessees' activities in the Outer Continental
18 Shelf. So the inspectors fly out there and
19 do their inspections on a daily basis.

20 Q. And, lastly, you indicated that
21 one of the things that the BSEE is
22 responsible for doing is investigations.
23 What do you mean by that?

24 A. If an incident occurs, and the
25 regulations identify which incidents are
00027:01 reportable incidents, then the Bureau can
02 decide to do an investigation. In that case
03 there is a range of -- levels of
04 investigations, and in the end there is -- a
05 conclusion is reached as to what happened and
06 what course of action should be taken with
07 regard to any penalties or any changes to
08 policy.

Page 32:08 to 32:16

00032:08 Q. If you turn to Tab 5 in your
09 binder, same binder, Binder 1, we have a
10 document that has been previously marked as
11 Exhibit 9105, which starts with Bates
12 No. HCP008-002191. It is entitled "On Scene
13 Coordinator Report Deepwater Horizon Oil
14 Spill, Submitted to the National Response
15 Team September 2011." Do you see that?

16 A. Yes.

Page 32:19 to 33:14

00032:19 Just for simplicity, I'm just
20 going to refer to this as the On Scene
21 Coordinator Report.

22 A. All right.

23 Q. The OSC report. Have you
24 previously seen or reviewed the OSC report
25 prior to today?
00033:01 A. Yes.
02 Q. Did you have any role in
03 drafting the OSC report that is marked as
04 Exhibit 9105?
05 A. Yes.
06 Q. What role did you have in
07 drafting the OSC report that is Exhibit 9105?
08 A. Well, I was one of the Federal
09 On Scene Coordinators, so I was part of the
10 initial concept of writing this report. I
11 had numerous phone conversations with people
12 who were drafting the report, and I -- I
13 reviewed it in its draft forms and in the
14 final draft.

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00033:20 Q. Okay. Did you draft any of the
21 sections, or were you primarily responsible
22 for reviewing and providing comments on the
23 report?
24 A. Reviewing and prep, providing
25 comments. And making suggestions as to what
00034:01 was going to be in it in the first place.
02 Q. Do you recall which individuals
03 were responsible for actually drafting the
04 OSC report?
05 A. I wasn't actually aware of all
06 of the people that drafted the various
07 sections. The coordinator of those people
08 was Rear Admiral Roy Nash.
09 Q. It indicates on the face of
10 Exhibit 9105 that the OSC report was
11 submitted to the National Response Team; do
12 you see that?
13 A. Yes.
14 Q. What is the National Response
15 Team?
16 A. The National Response Team is a
17 organization that's defined in the national
18 response plan under OPA 90 that has a -- a
19 structure under it that includes the Federal
20 On Scene Coordinators in the event of an oil
21 spill.
22 Q. And do you know why this report
23 was commissioned?
24 A. There is a requirement for a
25 Federal On Scene Coordinator's report
00035:01 following a major oil spill.
02 Q. And at the time this report was
03 issued to the National Response Team, you
04 were still a member of the United States

05 Coast Guard?
06 A. Yes.

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00035:14 Q. Now, if you turn -- well, first
15 of all, throughout the report there is a
16 reference to something called the NCP. Do
17 you recall that?
18 A. Yes.
19 Q. And the NCP is shorthand for the
20 National Oil and Hazardous substance --
21 Substances Pollution Contingency Plan?
22 A. Yes.
23 Q. And the NCP is the federal
24 government's plan for responding to oil
25 spills as well as releases of hazardous
00036:01 substances?
02 A. Yes.
03 Q. One of the aspects of the
04 response system outlined in the NCP is the
05 concept of the Unified Area Command?
06 A. I believe so.
07 Q. Prior to the Deepwater Horizon
08 incident, had you ever been involved in a
09 response that -- in which a Unified Area
10 Command was set up?
11 A. No.
12 Q. With respect to the Deepwater
13 Horizon incident, a Unified Area Command was
14 set up within a few days after the explosion
15 and fire?
16 A. Yes.
17 Q. With respect to the Unified
18 Command that was set up for the Deepwater
19 Horizon incident, the Unified Area Command
20 included the FOSC?
21 A. Yes.
22 Q. And the FOSC is shorthand for
23 the -- for what?
24 A. Federal On Scene Coordinator.
25 Q. The Federal On Scene
00037:01 Coordinator. And, in general, what is the
02 role or responsibility of the Federal On
03 Scene Coordinator?
04 A. The Federal On Scene
05 Coordinator's responsibility is to ensure
06 coordination between the agencies that are
07 responding to the oil spill, the responsible
08 party, and the involved states and -- and
09 conducting a response in accordance with the
10 National Contingency Plan, the NCP, and also
11 any regional or local contingency plans that
12 apply to the particular incident.

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00037:18 Q. With respect to the Unified Area
19 Command that was created as a result of the
20 Deepwater Horizon incident, that Unified Area
21 Command also included BP?
22 A. Yes, yes.
23 Q. And there were various -- the
24 Unified Area Command that was created as a
25 result of the Deepwater Horizon incident also
00038:01 included various state and federal agencies?
02 A. Yes.
03 Q. If you take a look at -- I want
04 to go to Chapter 2 in the OSC report, and
05 Chapter 2 in the OSC report is entitled
06 "Command and Control"; do you see that?
07 A. Yes, yes, I see. Page 3.

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00038:17 If you look on Page 5, which has
18 Bates No. HCP008-02215, I'm going to ask you
19 some questions about the section that talks
20 about the role of responsible party, and I'm
21 going to focus mainly on the -- the column on
22 the right-hand side, starting with the
23 paragraph "To accomplish," the end of the
24 paragraph "To accomplish." Do you see that?
25 A. Yes.
00039:01 Q. At the end of this particular
02 paragraph, it says, "And while required to
03 work within a unified command, the NCP gives
04 the FOSC the final say in response to an oil
05 spill."
06 Do you see that?
07 A. Yes.
08 Q. Do you agree that the NCP gives
09 the FOSC the final say in response to an oil
10 spill?
11 A. Yes.
12 Q. Over the course of the response
13 to the Deepwater Horizon incident, there were
14 different FOSCs over different periods of
15 time?
16 A. Yes.
17 Q. Do you recall who was the first
18 FOSC?
19 A. Rear Admiral Mary Landry.
20 Q. Okay.
21 A. Well, excuse me. The -- the
22 incident started without an area command. It
23 started with just an incident command. So
24 the first FOSC managed the incident command
25 out of Houma in Louisiana, and that was, I
00040:01 believe, Captain Scott Paradis.

Page 40:05 to 41:16

00040:05 Q. Do you recall when
06 Admiral Landry became the FOSC?
07 A. Not specifically, but she would
08 have succeeded him as the FOSC, I believe.
09 Q. Is it -- okay. Is it your
10 recollection that she would have been the
11 FOSC in late -- beginning in late April 2010?
12 A. Yes.
13 Q. With respect to the statement in
14 the OSC report that we just looked at
15 regarding the NCP giving the FOSC the final
16 say in response to an oil spill, would that
17 include surface operations as well as subsea
18 operations?
19 A. Yes, there -- there would be a
20 responsibility on the FOSC unless something
21 changed to -- to modify whatever was the
22 initial setup in terms of authorities.
23 Q. With respect to the Deepwater
24 Horizon incident, was there ever a setup -- a
25 modification to the initial setup in terms of
00041:01 authorities?
02 A. Yes, the -- there was a National
03 Incident Commander designated.
04 Q. And the National Incident
05 Commander that was designated was Admiral
06 Thad Allen?
07 A. Yes.
08 Q. Do you recall when Admiral Allen
09 became the National Incident Commander?
10 A. I believe it was early May 2010.
11 Q. With respect to the Deepwater
12 Horizon incident, did the FOSCs serve as
13 Unified Area Commander or commanders in
14 accordance with the established incident
15 command doctrine?
16 A. Yes, I believe they did.

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00041:19 Once the Unified Area Command is
20 set up, in your view, is the FOSC the leader
21 of the Unified Area Command?
22 A. Yes.
23 Q. If you turn to Page 4 in
24 Exhibit -- Exhibit 9105, and I want to focus
25 on a statement that appears in the top of the
00042:01 second column. That statement says, the
02 Coast Guard was also sensitive to the NCP
03 requirement that there be only one FOSC for
04 the spill at any one time.
05 Do you see that?

06 A. Yes.

07 Q. Do you agree that the Coast
08 Guard was sensitive to the NCP requirement
09 that there be only one FOSC for the spill at
10 any time?

11 A. Yes.

12 Q. Why, if you know, was the Coast
13 Guard sensitive to the NCP requirement?

14 A. Because our overall doctrine in
15 the Coast Guard is that there should be a
16 single commander to avoid conflict and
17 misdirection during an operation.

18 Q. Would you agree, then, that it
19 was better to have one final authority
20 directing source control and spill response
21 operations?

22 A. Yes.

23 Q. With respect to the Deepwater
24 Horizon incident, who was the final authority
25 directing source control and spill response
00043:01 operations?

Page 43:03 to 44:18

00043:03 A. There was clear direction at the
04 FOSC level until there was a modification, in
05 which that shifted to the NIC.

06 Q. (BY MR. FIELDS) Okay. And what
07 was the reporting relationship, if any,
08 between the FOSC and the NIC?

09 A. The -- there -- the NIC received
10 some authorities, not all, that were assigned
11 by the Secretary of Homeland Security. There
12 was a communication and a very, very close
13 relationship and in a way a type of
14 subordinate relationship between the NIC --
15 or between the FOSC and the NIC, but the FOSC
16 was constantly and clearly reporting to the
17 Commandant of the Coast Guard throughout the
18 event.

19 Q. And during the course of the
20 event, there was a change in Commandants at
21 the Coast Guard?

22 A. Yes.

23 Q. At -- at the beginning of the
24 Deepwater Horizon incident, the Commandant of
25 the Coast Guard was Admiral Thad Allen?

00044:01 A. Yes.

02 Q. And eventually Admiral Allen
03 ceased being the Commandant of the Coast
04 Guard?

05 A. Uh-huh.

06 Q. Who became Commandant of the
07 Coast Guard?

08 A. Admiral Bob Papp.

09 Q. So Admiral Papp -- do you recall
10 when Admiral Papp became Commandant of the
11 Coast Guard?
12 A. It was late May, I believe.
13 Q. 2010?
14 A. Yes.
15 Q. So in 2010 Admiral Papp moved
16 from being commander of the Atlantic area
17 command to Commandant?
18 A. Yes.

Page 44:24 to 46:14

00044:24 Q. You indicated that the NIC
25 receives some authorities assigned by the
00045:01 Secretary of Homeland Securities -- Homeland
02 Security. Do you recall what authorities
03 were assigned by the Secretary of Homeland
04 Security?
05 A. I don't recall specifically, but
06 there -- there -- the concept of the NIC was
07 to provide a different spokesman for the
08 response in a person to coordinate across
09 agencies at the Washington level to relieve
10 the Federal On Scene Coordinator from -- from
11 that burden so that the Federal On Scene
12 Coordinator could focus on the activities on
13 the ground in the -- in the theater of
14 operations. But there were probably other
15 authorities.
16 Q. If you continue in that same
17 paragraph in the OSC report, it says the --
18 "This requirement was reflected in the
19 organizational construct depicted in
20 Figure 2.2 below. The construct placed the
21 FOSC in charge of directing response
22 operations within the UAC and designated
23 Incident Commands (ICs) at the ICPs located
24 in Galveston, Texas; Houma, Louisiana;
25 Houston, Texas; Miami, Florida; and Mobile,
00046:01 Alabama."
02 Do you see that?
03 A. Yes.
04 Q. Do you agree with the statement
05 that the organi- -- organizational construct
06 placed the FOSC in charge of directing the
07 response operations within the Unified Area
08 Command?
09 A. Yes.
10 Q. Do you agree that the construct
11 also placed the FOC in charge of directing
12 the response operations that were occurring
13 at the various incident command posts?
14 A. Yes.

Page 46:18 to 48:06

00046:18 With respect to the various
19 incident command posts, did -- did each of
20 those have an incident commander?
21 A. Yes.
22 Q. And did the incident commanders
23 report to the FOOSC?
24 A. Yes.
25 Q. I've seen references to
00047:01 something called the FOOSC representatives.
02 Do you recall that term?
03 A. Yes.
04 Q. What is an FOOSC representative?
05 A. That was the same as the
06 incident commander at each of these locations
07 where we were conducting operations.
08 Q. So in addition to being an
09 incident commander at a -- at a post, that
10 incident commander also was deemed to be a
11 FOOSC representative?
12 A. Yeah, they were designated in
13 writing.
14 Q. With respect to the -- the
15 incident commanders, were they the final
16 decision makers with regard to activities
17 that occurred -- or that were occurring out
18 of the various incident command posts?
19 A. Yes, they were responsible for
20 their operations, but there were certain
21 reporting requirements and approvals that
22 they were required to get from the Federal On
23 Scene Coordinator at the -- at the area
24 command.
25 Q. Were the incident commanders who
00048:01 were also FOOSC representatives all employees
02 of the federal government?
03 A. Yes. Now, if I could expound.
04 Q. Sure.
05 A. They were all Coast Guard
06 officers.

Page 48:09 to 48:16

00048:09 Who was responsible, if you
10 know, for deciding who the various incident
11 commanders would be at the posts?
12 A. The -- the Commandant had the
13 actual authority, but there was certainly a
14 lot of consultation that went on with the
15 area command as well as their -- their normal
16 chain of command.

Page 50:16 to 52:04

00050:16 Q. (BY MR. FIELDS) And the Unified
17 Area Commander was the FOSC?
18 A. Yes.
19 Q. If you go, again, to the OS --
20 the on scene coordinator's report, Page 5,
21 again, on the right-hand column, top of the
22 right-hand column, it says, "In a spill that
23 'results in a substantial threat to the
24 public health or welfare of the United
25 States...the [FOSC] must direct all response
00051:01 efforts.'"
02 Do you see that?
03 A. Yes.
04 Q. Do you agree that in a spill
05 that results in a substantial threat to the
06 public health or welfare of the United
07 States, the FOSC must direct all response
08 efforts?
09 A. Yes.
10 Q. With respect to the Deepwater
11 Horizon spill and incident, did that spill
12 and incident, in your view, result in a
13 substantial threat to the public health or
14 welfare of the United States?
15 A. Yes.
16 Q. And as a result of the spill and
17 incident being a substantial threat to the
18 public health or welfare of the United
19 States, was the FOSC or the NIC responsible
20 for directing all response efforts?
21 A. Yes.
22 Q. You mentioned earlier that there
23 were various Coast Guard officers who served
24 as FOSC at different times during the
25 response; do you recall that?
00052:01 A. Yes.
02 Q. And did each of these FOSCs
03 direct all response and source control
04 efforts?

Page 52:06 to 52:17

00052:06 A. Well, I can only speak for
07 myself.
08 Q. (BY MR. FIELDS) Okay. And when
09 you were -- you became the FOSC on June 1st,
10 2010?
11 A. Yes.
12 Q. And you remained FOSC until
13 approximately July 12th, 2010?
14 A. Yes.
15 Q. During the time that you were
16 FOSC, did you direct all response and source
17 control efforts?

Page 52:20 to 52:21

00052:20 A. I -- I would have tried to do my
21 duty.

Page 53:06 to 53:09

00053:06 Q. And my question is, did you deem
07 your duty as FOOSC from June 1st, 2010, to
08 July 12th, 2010, be to direct all response
09 and source control efforts?

Page 53:12 to 54:01

00053:12 A. My -- my role was to review and
13 approve procedures that had been developed in
14 the -- in Houston or elsewhere that needed to
15 be approved by the FOOSC, and I did that.

16 Q. (BY MR. FIELDS) And there
17 were -- and I think you indicated earlier
18 there were some procedures or activities that
19 did not necessarily require your approval as
20 the FOOSC?

21 A. Correct.

22 Q. Would those particular
23 procedures or activities require the approval
24 of an incident commander?

25 A. I really can't say that all of
00054:01 them would have.

Page 54:23 to 55:03

00054:23 Q. (BY MR. FIELDS) As you sit here
24 today, are you aware of any source control or
25 response related activities that you deem to
00055:01 be important that were not reviewed and
02 approved by either you as the FOOSC or one of
03 your SO -- FOOSCRs?

Page 55:05 to 55:06

00055:05 A. I can't recall any that would
06 fit that category, but it's quite possible.

Page 55:15 to 56:11

00055:15 Q. (BY MR. FIELDS) Admiral Watson,
16 if you would turn -- I still have a few more
17 questions on this document. On Page 5 of
18 this exhibit, which is Exhibit 9105, bottom
19 right-hand side is the paragraph that begins,
20 for the Deepwater Horizon spill, BP accepted
21 its responsibility as an RP under OPA90 and

22 the NCP to respond to the spill. Do you see
23 that?
24 A. Yes.
25 Q. What -- what is a RP?
00056:01 A. Responsible party.
02 Q. It also says, "Even though the
03 RP participated in the UAC structure at every
04 level of the response, the FOSC and the
05 FOSC's representatives directed RP actions."
06 Do you see that?
07 A. Yes.
08 Q. Do you agree that even though BP
09 participated in the UAC structure at every
10 level of the response, that the FOSC or the
11 FOSCRs directed BP's actions?

Page 56:14 to 59:15

00056:14 A. That's a little broad. There --
15 there was just so many actions that were
16 going on in this entire response that, you
17 know, even the FOSCRs would have been very,
18 very hard pressed to say they were directing
19 every action, and I would say that they --
20 they weren't. Certainly, the major actions
21 and the actions that were brought forward for
22 decisions were acted on, you know, by the --
23 the FOSCRs and the FOSC when that was
24 appropriate.
25 Q. (BY MR. FIELDS) What would be
00057:01 examples of what you deemed to be major
02 actions?
03 A. Well, an example would be
04 whether or not that BP would be activating
05 their -- their dispersants capability, for
06 example, or whether there was going to be a
07 relief well initiated, those kinds of major
08 actions.
09 Q. When you say activating
10 dispersants capability, what do you mean by
11 that?
12 A. Well, there would have been a
13 contingency plan that would have included
14 pre-planned capability to use dispersants,
15 but those capabilities wouldn't be left to
16 the total discretion of -- of any RP, not
17 including BP. So the -- the FOSC would have
18 to direct that operation.
19 Q. Okay. Now, you were the
20 Deputy FOSC from late April 2010 until
21 approximately May 31, 2010?
22 A. Yes.
23 Q. And while you were deputy -- and
24 what were your roles or responsibilities as
25 Deputy FOSC from late April 2010 until

00058:01 approximately May 31st, 2010?
02 A. I had three primary roles. I
03 was the alternate FOSC. So when
04 Admiral Landry was occupied on something else
05 and some -- something needed to be done that
06 required the authority of the FOSC, I -- I
07 could use that kind of authority. I was
08 directed by the -- the Vice Commandant to be
09 the force generator for the response for the
10 government, so that was a new term, but it --
11 it basically meant seek to bring as many
12 forces as the situation required as quickly
13 as possible to mitigate the spill.

14 And then, thirdly, I was the --
15 my special -- specialty area, I guess, within
16 the Unified Command, was planning. So we had
17 a planning section, and I was paying
18 particular attention to the plan, planning
19 that was going on then.

20 Q. What was the -- when you say the
21 planning section, what was the role or
22 responsibility of the planning section at
23 Unified Area Command?

24 A. Well, there were needs for
25 various plans that were going to be required
00059:01 in accordance with what was happening in
02 the -- in the field. So there was a need for
03 logistics plans, included staging and
04 communications and transportation and
05 housing, those kinds of things. There was a
06 hurricane contingency plan that needed to be
07 written. And there were alignments that
08 needed to be done, because we were starting
09 the response using the plans that had been
10 written by the local area committees, but
11 there was different priorities and different
12 resources that had been identified in -- in
13 those area contingency plans, and this spill
14 crossed boundaries between these area
15 contingency plans.

Page 59:23 to 61:22

00059:23 What -- what did it mean that
24 your -- one of your responsibilities was to
25 act as a force generator for the Unified Area
00060:01 Command?

02 A. Well, it -- it became clearer
03 after the initial response, which I wasn't
04 there for the initial response, but that
05 there -- this was going to be a very large
06 response. It was going to likely exceed
07 the -- the capacity of even the local Gulf of
08 Mexico resources. So, you know, when I --
09 when I talk about resources I'm talking about

10 the commercial resources, oil spill response
11 organizations, the Coast Guard's resources,
12 and the other federal agencies and state
13 agencies that are normally on standby for oil
14 spill response.

15 Q. And when did it become one of
16 your primary responsibilities to serve as
17 force generator?

18 A. When I became the Deputy FOSC.

19 Q. So immediately be- -- upon
20 becoming Deputy FOSC one of your
21 responsibilities was to serve as a force
22 generator?

23 A. Yes.

24 Q. If you turn to Page 9 of the
25 report, and if you look at the first sentence
00061:01 in the third paragraph, excuse me, under
02 Unified Area Command; do you see that?

03 A. Yes.

04 Q. And in the third paragraph it
05 says, "The FOSC established a daily battle
06 rhythm for interaction with the response
07 organization and stakeholders early on and
08 these practices continued throughout the
09 response." Do you see that?

10 A. Yes.

11 Q. If you know, what -- what is a
12 daily battle rhythm?

13 A. It's a schedule of -- of
14 meetings and activities.

15 Q. And while you were FOSC from
16 June 1st, 2010 to July 12th, 2010 did you
17 establish a daily battle rhythm?

18 A. A daily battle rhythm was
19 established by the time I was the FOSC.

20 Q. And you continued to use that
21 daily battle rhythm?

22 A. Yes.

Page 62:01 to 63:04

00062:01 Q. While you were the FOSC from
02 June 1st, 2010 to July 12th, 2010 do you
03 recall who was the FOSCR in Houma?

04 A. Well, Roger Laferriere.

05 Q. And what was Mr. Laferriere's --
06 I may be pronouncing that wrong, but what was
07 his position?

08 A. He was the incident commander in
09 the FOSCR.

10 Q. And he was a Coast Guard
11 officer?

12 A. Yes. Now, he succeeded Captain
13 Ed Stanton, but I don't know when the
14 transition occurred.

15 Q. And what was Mr. Laferriere's
16 rank, if you re- --

17 A. Captain.

18 Q. Captain. Were all the incident
19 commanders captains?

20 A. Yes.

21 Q. And in Houston while you were
22 the FOSC who was the FOSCR -- FOSCR or the
23 incident commander?

24 A. Now, actually, I don't recall
25 that we ever designated an FOSCR or a
00063:01 incident commander in -- in Houston. As I
02 mentioned, they reported to Houma initially,
03 and then there was an evolution that occurred
04 after Admiral Cook got there.

Page 63:08 to 64:08

00063:08 Do you recall when Admiral Cook
09 arrived in Houston?

10 A. Not specifically.

11 Q. Okay. Did he arrive in Houston
12 while you were the FOSC?

13 A. Yes.

14 Q. And what was the evolution that
15 occurred after Admiral Cook arrived in
16 Houston?

17 A. Well, I can't describe it in
18 detail, but having an Admiral in -- in
19 Houston was a significant move on the part of
20 the Coast Guard and the National Incident
21 Commander.

22 Q. And why is that?

23 A. Well, because a high ranking
24 officer comes with a lot of competence and
25 experience and, certainly, I had a lot of
00064:01 trust in his capabilities there. So with
02 everything else that was going on, it was a
03 bit of a relief to know that he was there.

04 Q. And with respect to
05 Admiral Cook, he didn't report to you as
06 FOSCR?

07 A. No. We had communication, but
08 he didn't have a direct report.

Page 64:10 to 64:12

00064:10 excuse me. Admiral Cook reported to
11 Admiral Allen?

12 A. Yes, and to Admiral Papp.

Page 64:16 to 66:23

00064:16 You ceased being the FOSC on

17 July 12th, 2010. What did you then begin
18 doing?

19 A. I returned to my job at Atlantic
20 area.

21 Q. And what was the reason that you
22 ceased being FOSC on or about July 12th,
23 2010?

24 A. Admiral Papp told me to return
25 to the Atlantic area, and by that time
00065:01 Admiral Zamkoff was in the Unified Area
02 Command. So he moved up to the job.

03 Q. Did you have a Deputy FOSC while
04 you were the FOSC from June 1st, 2010 to
05 July 12, 2010?

06 A. Yes.

07 Q. Who was that?

08 A. That was Admiral Roy Nash.

09 Q. And for what period of time did
10 Admiral Nash serve as your deputy --
11 Deputy FOSC?

12 A. Almost the entire time. He
13 arrived Memorial Day weekend. So it could
14 have been the entire time. Whatever the date
15 was.

16 Q. So he arrived in approximately
17 late May 2010?

18 A. Yes.

19 Q. And what were Admiral Nash's
20 responsibilities as your Deputy FOSC?

21 A. His was similar to my duties as
22 deputy. He -- he was the alternate FOSC. He
23 was focused on planning, and he continued to
24 help generate forces.

25 Q. Have you been involved in
00066:01 writing any reports or articles about the
02 Deepwater Horizon incident other than the --
03 the OSC report that we've been looking at,
04 which is Exhibit 9105?

05 A. None that I can recall right
06 now.

07 Q. Have you been involved in
08 writing any reports or articles regarding oil
09 spill preparedness?

10 A. I have in my career.

11 Q. Okay.

12 A. But I don't recall any since the
13 Deepwater Horizon.

14 Q. With respect to the articles
15 that -- or reports that you've written
16 regarding oil spill preparedness, were these
17 reports that were published articles, or were
18 these internal Coast Guard reports?

19 A. Internal Coast Guard reports.

20 Q. Have you ever written any
21 articles in the public literature regarding
22 oil spill preparedness?

23 A. Not that I can recall.

Page 67:08 to 69:14

00067:08 Q. After your time as the FOSC for
09 the Deepwater Horizon incident have you
10 lectured or spoken publicly in seminars,
11 et cetera, about the Deep- -- Deepwater
12 Horizon response?

13 A. Yes.

14 Q. Okay. In what types of venues
15 have you spoken about the Deepwater Horizon
16 response after your time as the FOSC?

17 A. I've mentioned it in large
18 events, such as the -- the OTC conference in
19 Houston in connection with my new job. While
20 I was still in the Coast Guard I think I had
21 been asked to give a -- an overview at -- for
22 certain small groups at dinners, that sort of
23 thing.

24 Q. You referenced the OTC
25 conference. What is an OTC conference?

00068:01 A. The Offshore Technology
02 Conference in Houston.

03 Q. And this was an event that you
04 attended in your role as director of the
05 BSEE?

06 A. Yes.

07 Q. Have you lectured or spoken
08 publicly about oil spill preparedness?

09 A. Yes.

10 Q. Okay. And was that also at the
11 OTC conference?

12 A. No. I would have touched on
13 that very lightly, if at all, at the OTC.
14 But I recently spoke at the -- the Gulf Oil
15 spill conference. That's probably not the
16 exact title of it, but that was held here in
17 New Orleans a few -- several weeks ago.

18 Q. And was there any written
19 literature that you prepared to be handed out
20 to the audience?

21 A. No.

22 Q. And in general what specific or
23 in general what aspects of oil spill
24 preparedness did you discuss at this Gulf Oil
25 spill conference that occurred in

00069:01 New Orleans?

02 A. Well, readiness on the part of
03 professionals in the oil spill response
04 community, and I spoke about technologies.
05 Mostly surface recovery, burning and
06 dispersants, that sort of thing, and
07 certainly mechanical booms. I didn't talk
08 about those things in detail, but I wanted to

09 make sure that when they heard me talk about
10 response, that that included all the
11 different types of -- of response and the
12 support activities that go with that, such as
13 use of aircraft and even satellites to track
14 oil.

Page 69:20 to 70:03

00069:20 Q. Have any of your speeches or
21 lectures concerned oil spill preparedness as
22 it related to the Deepwater Horizon incident?
23 A. I think you're asking me to
24 comment on the plans that were in effect
25 before the Deepwater Horizon for Outer
00070:01 Continental Shelf oil and gas exploration and
02 production, and I have not really had any
03 comments on that.

Page 70:18 to 71:04

00070:18 Q. You're looking at what has been
19 marked Exhibit 10549.
20 A. Okay. This was a telephone
21 interview I did with Mike Smith.
22 Q. And who is Mike Smith?
23 A. He's a former Coast Guard
24 officer that was, I believe, doing research
25 as a student.
00071:01 Q. And when did you give this
02 telephone interview to Mike Smith?
03 A. This was while I was at Atlantic
04 area following the time I was FOSC.

Page 71:20 to 72:07

00071:20 Q. Yeah, if you look on the first
21 page of Exhibit 10549, you'll see there is an
22 e-mail from dmsmith to James Watson; do you
23 see that?
24 A. Yes, yes.
25 Q. And it says, "Attached is a
00072:01 transcript of our interview. If you have any
02 changes, please feel free to make them." Do
03 you see that?
04 A. I do, yes.
05 Q. And then there is -- that is
06 on -- that e-mail is dated August 7th, 2010?
07 A. Yes.

Page 72:15 to 72:18

00072:15 Q. Do you recall the interview

16 being in late July 2010?
17 A. That could have been the date,
18 yes.

Page 73:11 to 73:17

00073:11 Q. (BY MR. FIELDS) Okay. So you
12 see an e-mail dated August 18th, 2010 to
13 Alicia Brown; do you see that?
14 A. Yes.
15 Q. Who was Alicia Brown?
16 A. She was the secretary of
17 Atlantic area.

Page 73:23 to 74:04

00073:23 Q. If you look at the August 18,
24 2010 e-mail from Ms. Brown to you, do you see
25 that?
00074:01 A. Yes.
02 Q. And it says, "Corrections
03 made..." Do you see that?
04 A. Yes.

Page 74:12 to 74:23

00074:12 Q. At the time that you gave this
13 interview to -- to Mr. --
14 A. Smith.
15 Q. -- to Mr. Smith, you were the
16 Deputy Commander of the Coast Guard Atlantic
17 area?
18 A. Yes.
19 Q. If you turn to Page 6 of 16,
20 that's what it's labeled, and it's the
21 document -- it's the page that bears Bates
22 No. HCG367-2189; do you see that?
23 A. 2189, right.

Page 75:08 to 76:11

00075:08 Q. Do you recall saying to
09 Mr. Smith, quote, Probably one of the things
10 that comes to mind is that we learned a
11 lesson in Exxon Valdez -- Valdez that I keep
12 thinking of the message that I got when I was
13 in Seattle shortly after OPA 90 was written,
14 and it was "shoot first, answer questions
15 later," message.
16 Do you see that?
17 A. I see that, yes.
18 Q. Do you recall saying that to
19 Mr. Smith?

20 A. I can't recall specifically
21 saying that.
22 Q. Okay. If you look farther down,
23 it says, attributed to you, quote, And
24 it's -- and it's kind has always popped up
25 that you don't really ever bring enough to
00076:01 bear early on.
02 Do you see that?
03 A. Yes.
04 Q. Do you recall saying that to
05 Mr. Smith?
06 A. Again, not specifically, but
07 I -- I'm reading it here in the transcript.
08 Q. With respect to the Deepwater
09 Horizon incident, do you believe that there
10 were enough resources brought to bear early
11 on?

Page 76:13 to 76:15

00076:13 A. I think there is probably no
14 measure that you could make of what's enough
15 and what's not enough in an early stage.

Page 76:24 to 77:02

00076:24 Q. (BY MR. FIELDS) By the time
25 that you became FOSC on June 1st, 2010, did
00077:01 you believe there were sufficient resources
02 available to respond to the spill?

Page 77:06 to 77:08

00077:06 A. I -- I can't really say as to
07 what the correct amount was, but we were
08 still generating resources.

Page 77:15 to 78:11

00077:15 Q. When you were the Deputy FOSC
16 in -- prior to June 1st, 2010, one of your
17 responsibilities was to evaluate the forces
18 that were available and to determine if
19 additional resources were necessary?
20 A. Yes.
21 Q. And that's one of the jobs that
22 you did do?
23 A. Yes.
24 Q. And by the time that your role
25 of -- as Deputy FOSC ended, were you still
00078:01 requesting additional forces in order to
02 respond to the spill?
03 A. Yes.

04 Q. While you were FOSC from
05 June 1st, 2010, until July 12, 2010, were you
06 requesting additional resources to respond to
07 the spill?

08 A. While I was FOSC? I can't
09 recall specifically what resources, but I
10 would expect that I probably was. I don't
11 remember ever saying, okay, we've got enough.

Page 78:14 to 78:20

00078:14 While you -- one of your
15 responsibilities was as a force generator as
16 Deputy FOSC, were there times that you
17 requested forces and those resources were not
18 made available to you?

19 A. I -- I can't recall specific
20 formal requests that were denied.

Page 79:13 to 79:20

00079:13 Q. Was the Commandant the person
14 responsible for appointing you as Deputy
15 FOSC?

16 A. Yes, it was a designation letter
17 from the Commandant.

18 Q. Do you know why you were
19 appointed as Deputy FOSC?

20 A. To assist Admiral Mary Landry.

Page 84:24 to 86:02

00084:24 Q. And so were you -- did you
25 arrive in New Orleans or in Louisiana on or
00085:01 about April 29, 2010, to serve as Deputy FOSC
02 to Mary Landry?

03 A. Yes.

04 Q. And do you recall why you were
05 selected to become the Deputy FOSC as opposed
06 to others at Coast -- at the Coast Guard?

07 A. There is probably a couple of
08 reasons that come to mind. The fact that I
09 was at Atlantic area was a factor, since
10 Admiral Landry reported to Atlantic area and
11 they wanted to try to make this an Atlantic
12 area response. I had similar background and
13 experience with oil spill response to -- to
14 Mary Landry. And I had recently participated
15 in an exercise that early spring as the
16 National Incident Commander in the National
17 Incident Commander role during the exercise.

18 Q. Where did this -- was this an
19 exercise concerning what's called a spill of
20 a nat- -- of national significance?

21 A. Yes.
22 Q. And was this -- this was an
23 exercise that occurred in early 2010?
24 A. Yes.
25 Q. Where did this exercise occur?
00086:01 A. In Portland, Oregon -- or,
02 excuse me, Portland, Maine.

Page 86:09 to 87:22

00086:09 Q. And how did it -- and why were
10 you the -- appointed as the National Incident
11 Commander for the exercise that occurred in
12 early 2010?
13 A. I was just directed to do it.
14 Q. And who directed you to do it?
15 A. Admiral Papp.
16 Q. And how did the -- how long did
17 the exercise last?
18 A. It lasted several days.
19 Q. And what was the purpose of the
20 exercise in early 2010?
21 A. It was to exercise a spill of
22 national significance. So it was actually an
23 exercise that included the concept for an
24 area command and the designation of a NIC.
25 Q. You indicated that you also had
00087:01 similar background and experience regarding
02 oil spills as Admiral Landry. What was your
03 experience with respect to oil spills?
04 A. Well, I began as a planner in
05 Seattle in 1990, and then over the course of
06 my career after that I was involved in
07 numerous oil spill responses.
08 Q. When you say you were a planner
09 in Seattle in approximately -- beginning
10 approximately 1990, what type of planner were
11 you?
12 A. I was called an OPA 90 planner.
13 Q. And what were your roles and
14 responsibilities as an OPA 90 planner in
15 Seattle?
16 A. Well, following the Exxon Valdez
17 incident, the Coast Guard completely rewrote
18 contingency plans and added positions in all
19 of the locations where Coast Guard had major
20 commands that were responsible for oil spill
21 response, and so I was one of those -- I was
22 placed in one of those new positions in 1990.

Page 100:03 to 100:21

00100:03 If you'd just take a look at --
04 this is one of the documents. It's fine to
05 look at this. This will be marked as

06 Exhibit 10553. It is a document that bears
07 the title, "Testimony of Rear Admiral James
08 Watson Deputy, Unified Area Command On the
09 Deepwater Horizon Fire and MC252 Oil Spill
10 Before the House Energy and Commerce
11 Subcommittee on Energy and Environment." Do
12 you see that?
13 A. Yes.
14 Q. And that's dated -- this
15 particular document, at least, is dated
16 May 27, 2010?
17 A. Yes.
18 Q. Does that refresh your
19 recollection that in -- on about May 27, 2010
20 you were testifying before Congress?
21 A. Yes.

Page 109:08 to 110:02

00109:08 You indicated that your role as
09 FOSC ended on approximately July 12, 2010?
10 A. Yes.
11 Q. And at that point in time you
12 were asked by your superiors at the Coast
13 Guard to return to your position in the
14 Atlantic Area Command?
15 A. Yes.
16 Q. After July 12th, 2010 did you
17 have any role in evaluating or approving the
18 response activities relating to the Deepwater
19 Horizon incident?
20 A. Well, I would have had a role in
21 overseeing the Atlantic Area Command's
22 support to the Unified Area Command.
23 Q. Would you have any role in
24 evaluating or approving the specific
25 activities that would have been occurring in
00110:01 the response?
02 A. No.

Page 120:22 to 121:07

00120:22 Q. What did you mean when you said
23 tough questions were coming from
24 Representative DeFazio on continued use of
25 COREXIT dispersant?
00121:01 A. Well, I meant that the -- and I
02 don't recall specifically what the, you know,
03 back and forth was, but I'm sure I meant that
04 the questions were about the use of COREXIT,
05 and, you know, how long we plan to continue
06 to use it, and, you know, were there other
07 options, that kind of thing.

Page 121:13 to 121:25

00121:13 Q. How did you defend it -- first
14 of all, what did you mean that you defended
15 it through top kill?
16 A. Again, I don't recall the
17 details, but I would have insisted that it
18 was a critical means of -- of -- of response
19 to the point where, you know, top kill was a
20 point in time. At that time I must have
21 known when that was going to be attempted,
22 and whether this was dependent on its success
23 or not, I can't tell from -- from the context
24 here, and I can't recall whether there was,
25 you know, an important --

Page 122:02 to 122:02

00122:02 A. -- issue there.

Page 122:06 to 122:11

00122:06 Q. And why did you defend the use
07 of COREXIT at least through top kill?
08 A. It was a -- it was a means of
09 responding to the oil spill that we were
10 using at the time and it was effective and we
11 thought it was necessary.

Page 122:23 to 123:19

00122:23 Q. After top kill did the FOSC
24 continue to approve the use of COREXIT?
25 A. Yes.
00123:01 Q. And did you as Deputy FOSC or
02 the FOSC continue to defend its use?
03 A. Yes.
04 Q. And why was that?
05 A. Because it was effective. I was
06 mostly concerned with personnel safety, and
07 it was being used in the -- in the vicinity
08 of the operations on top of the well, both
09 subsea and on the surface at the time, and
10 because there was situations that occurred on
11 a periodic basis in which it was the only
12 method that we -- we had to deal with an oil
13 slick.
14 Q. And when you say you were
15 most -- mostly concerned with personnel
16 safety, what did you mean by that?
17 A. The COREXIT appeared to have a
18 dampening effect on the volatile organic
19 compounds that were emitting from the well.

Page 134:03 to 134:17

00134:03 Q. And who -- what position did
04 Captain Forgit hold as of May 29th, 2010?
05 A. He coordinated the parish
06 presidents liaison officers, PPOs.
07 Q. And what -- what is that or what
08 was that?
09 A. There was a concern expressed
10 by the parish presidents, and it was also
11 a -- an interest of, I think, the deputy
12 secretary that we establish better
13 communications with the parish presidents.
14 So we assembled a number of officers that we
15 felt were equipped by virtue of their
16 experience to be liaison officers for most of
17 the affected parishes in Louisiana.

Page 135:05 to 135:22

00135:05 Q. And what was your purpose in
06 writing this e-mail on May 29th, 2010 to
07 Captain Forgit and Commander McKinley?
08 A. Well, there -- there was an
09 interest in making sure that the parish
10 presidents were not surprised by media news,
11 and so by this time there had been
12 established that -- that liaison network
13 to -- it was -- evidently I was requesting
14 him to set up a telephone conference call, to
15 use that structure to communication that
16 information that night.
17 Q. So was one of the purposes is to
18 just try to set up a phone call with the
19 parish presidents in order to advise them on
20 the status of top kill before it was publicly
21 announced?
22 A. Apparently, yes.

Page 151:06 to 151:25

00151:06 Q. While you were the FOSC was one
07 of your focuses on making sure that increased
08 containment capacity came on line as quickly
09 as possible?
10 A. Yes.
11 Q. And why was that?
12 A. Well, when we shift to
13 containment we wanted to have containment,
14 and that meant as much as possible as quickly
15 as possible.
16 Q. And were there times when you
17 would tell BP that they needed to increase
18 containment capacity more quickly?

19 A. Yes.
20 Q. And what was your purpose of
21 doing that?
22 A. Well, we were trying to have a
23 lot less oil get to the surface and, hence,
24 you know, a lot less to recover by the other
25 means.

Page 163:15 to 163:21

00163:15 Q. If you'd turn to Tab 37 in
16 Binder 1, this is a document that has
17 previously been marked as Exhibit 9117. And
18 Exhibit 9117 is a copy of a June 8th letter
19 from you as FOOSC to Doug Suttles of BP
20 America?
21 A. Yes.

Page 164:06 to 165:23

00164:06 Q. And what was the purpose of you
07 writing this letter to Mr. Suttles on
08 June 8th, 2010?
09 A. Well, the whole part of the
10 operation that is about containment was going
11 to be about capacity and about quickness,
12 without sacrificing safety or endangering the
13 integrity of the well or those kinds of
14 things that would have sent us backwards. So
15 there was some amount of, I guess, analysis
16 that was being done up at the NIC level and
17 in Houston, and it became appropriate in my
18 mind to -- to send this letter and sort of
19 push the -- the engineers and the planners on
20 containment to -- to -- to get containment
21 going as -- as quickly as possible with as
22 much capacity as possible.
23 Q. In the second paragraph of this
24 letter that you wrote to Doug Suttles you --
25 you say, "Now that the so-called 'top hat'
00165:01 containment system has begun to capture and
02 recover some of the oil escaping from the
03 wellhead, it is imperative that you put
04 equipment, systems and processes in place to
05 ensure that the remaining oil and gas flowing
06 can be recovered, taking into account safety,
07 environmental, and meteorological factors."
08 Do you see that?
09 A. Yes.
10 Q. And what did you mean by that?
11 A. Well, there was some concern
12 that the -- that the system that was working
13 at that time to pull oil up via the top hat
14 would exceed the capacity of the equipment on
15 the surface to contain it, and, you know,

16 there was an interest that we wouldn't have
17 to stop that flow for lack of contain -- of
18 containment on the surface on ships or
19 through systems to -- to handle that.
20 We were, you know, also
21 concerned about what -- you know, having
22 single means of failure. So redundancy was
23 important.

Page 177:07 to 177:24

00177:07 Q. So, again, Exhibit 10566 is a
08 letter from you as FOSC to Doug Suttles of
09 BP?
10 A. Right.
11 Q. And what was your purpose in
12 writing this letter to Mr. Suttles on
13 June 11, 2010?
14 A. Well, sometime during this
15 period, I believe, the flow rate estimates
16 were revised. That would have been something
17 done by the flow rate team up in Washington.
18 So when we became aware of that
19 down in the Unified Area Command, we got
20 concerned that we -- that what was provided
21 previous was based on a lower flow estimate,
22 and so we decided to write and ask for a
23 little bit more capacity and a little bit
24 more redundancy, accordingly.

Page 190:20 to 191:05

00190:20 Q. Do you know -- do you recall
21 what changes you insisted upon before it was
22 sent to BP?
23 A. Well, I think I mentioned -- my
24 concern was the term "directive," and I think
25 some of these -- I don't know whether this
00191:01 was one of them, but I wanted to be --
02 Q. Well, in this -- in the draft
03 letter --
04 A. Yeah, this one says I'm
05 ordering.

Page 191:07 to 191:22

00191:07 A. So ordering, directing, I didn't
08 want to do that.
09 Q. And why not?
10 A. Because I wanted the -- the
11 process to keep working as it was working,
12 where these things are -- are developed in
13 a -- in a unified organization and then there
14 is this process of developing these

15 procedures, and to direct from my level any
16 one course of action I think would have
17 bypassed that -- you know, some of those good
18 engineering processes.

19 Q. Did you think the -- the
20 processes that were -- that were in place and
21 that were in operation at the time were
22 working well?

Page 191:24 to 191:25

00191:24 A. They appeared to be working
25 well, to me.

Page 193:10 to 193:20

00193:10 Q. And you did not want to have
11 language in the letter saying that you were
12 either ordering or directing BP to engage in
13 certain conduct or certain activities,
14 correct?

15 A. Well, as I -- as I described
16 before, I -- my concern was that we -- we
17 stick to a Unified Command type of a -- of a
18 process that involved de- -- deliberate
19 planning and sequence of -- that the
20 engineers were already involved in.

Page 193:22 to 194:02

00193:22 A. And I didn't want to disrupt
23 that.

24 Q. Sorry. Did that also involve
25 collaboration between the responsible party
00194:01 as well as the government officials?

02 A. Yes.

Page 202:18 to 203:19

00202:18 Q. And you say, "The big question
19 was, what if BP fails to provide any
20 additional containment." Do you see that?

21 A. Yes.

22 Q. And you say, "I didn't
23 speculate, but answered that containment
24 would likely be a safety tradeoff because of
25 the congestion on the surface at the well
00203:01 site and that we would have to weigh the
02 risk." What did you mean by that?

03 A. That there was -- when you ask
04 for more flow from more -- more outlets on
05 the BOP or the LMRP, you have to flow that to
06 different processing vessels and those

07 processing vessels then would ultimately have
08 to unload whatever they collected onto
09 tankers and then -- then you still have all
10 of the ROV operations and the dispersant
11 operations. That gets to be pretty congested
12 right on top of this site and that had always
13 been a concern of mine and I -- you know, I
14 would have been concerned that there could be
15 an accident in that -- in that tight knit
16 group of vessels.

17 Q. Because of the level of
18 congestion?

19 A. Yes.

Page 204:19 to 207:02

00204:19 Q. Okay. And you had a
20 conversation with Bob Fryer. But
21 subsequently did you have a conversation with
22 others at BP so that you could gain a better
23 understanding of what was being proposed by
24 BP?

25 A. Yes, and I recall -- I don't
00205:01 recall a specific conversation, but I do
02 recall that I went to bed that night on the
03 13th and was kind of discouraged and then we
04 addressed it the next morning and was pleased
05 to learn that the letter provided more
06 capacity and a better time frame.

07 Q. And who did you have a
08 conversation with the next morning to gain a
09 better understanding of what was being
10 proposed?

11 A. I don't recall.

12 Q. But regardless, you had a
13 conversation and you -- you -- you then came
14 to believe that the response that was being
15 proposed by BP did result in additional
16 containment earlier?

17 A. Yes.

18 Q. Now, if you go back to the
19 document that we were looking at,
20 Exhibit 9119, do you see that?

21 A. Yes.

22 Q. Okay. Exhibit 9119 is another
23 letter from you to Mr. Suttles at BP. What
24 was the purpose of you sending this letter to
25 BP on June 19th, 2010?

00206:01 A. I think it was, from my
02 perspective, to get a little bit more clarity
03 on the -- on the plans as far as the time
04 lines. And -- and I -- I guess I'd have to
05 refer back to the -- the previous letter that
06 was sent, I think the one that was referenced
07 here, the June 13th, to see more specifically

08 what it was I might have thought was needed
09 in addition to that, but that -- that's what
10 part of this was about.

11 The other part was about
12 instrumentation, which was an issue that had
13 come to me via the NIC staff. So we combined
14 that into one letter.

15 Q. And who at the NIC staff had
16 raised the issue regarding instrumentation?

17 A. I don't recall.

18 Q. And what specific issue did the
19 NIC staff raise about instrumentation in the
20 containment systems?

21 A. I'm trying to see if anything
22 here jars my memory on that.

23 I -- I think it was a safety
24 issue. I think that there was concern
25 that -- that these containment strategies

00207:01 possibly needed to have better
02 instrumentation for us to monitor them.

Page 212:05 to 213:06

00212:05 Q. You also say, "BP will also
06 produce all plans (where fabrication has not
07 been initiated) for potential top hat,
08 manifolds and other instrumentation additions
09 and replacements within 48 hours, and these
10 plans must be approved before the
11 replacements are manufactured."

12 Do you see that?

13 A. Yes.

14 Q. What are you getting at in that
15 particular sentence?

16 A. Well, we wanted to have more
17 information sooner in -- in the process. I
18 think there had been a -- a practice, I'll
19 say, prior to this where the procedures would
20 come in, more or less, at the back end after
21 things had already been manufactured and were
22 ready to deploy and you really didn't have a
23 chance to ask too many questions about the --
24 the fabrication or design. You could. I
25 mean, there was nothing that -- all the

00213:01 information was there, but it -- it puts, you
02 know, the final approval authority into an
03 awkward situation when you would, basically,
04 throw away a piece of equipment that might
05 have been in fabrication for -- for days or
06 weeks.

Page 220:15 to 221:06

00220:15 Q. Okay. And what was the reason
16 that you didn't reject the capping stack?

17 A. It -- it appeared that the
18 process of developing these technologies
19 was -- was working fairly well. It had the
20 potential to recover a lot of oil that we
21 were losing otherwise. And after some
22 questions and answered, I felt like the --
23 the risks were acceptable.

24 Q. What were the risks that you
25 were -- when you refer to "risks," what risks
00221:01 are you referring to?

02 A. Well, I was mostly concerned
03 about risks on the surface, hazards to people
04 and the -- and the potential for collisions
05 or fires or things that would be set-backs to
06 us.

Page 228:21 to 232:07

00228:21 Q. Now, if you would turn to -- I
22 want to focus on May 26th, 2010. At that
23 time period you had not -- you were still the
24 Deputy FOOSC, and Mary Landry, Admiral Mary
25 Landry was still the FOOSC?

00229:01 A. Yes.

02 Q. Turn to Binder 2 behind Tab 60,
03 and this is a document with the heading
04 "Dispersant Monitoring and Assessment
05 Directive-Addendum 3." It is a document that
06 will be marked as Exhibit 10576. And had you
07 seen a copy of Exhibit 10576 prior to today?

08 A. Yes.

09 Q. And what is Exhibit 10576?

10 A. Well, this is an addendum to the
11 directive that was issued at the beginning of
12 the spill for dispersant use.

13 Q. And as Deputy FO -- FOOSC did you
14 become aware of Addendum 3?

15 A. Yes.

16 Q. And as -- as FOOSC you were also
17 aware of Addendum 3?

18 A. Oh, yes. Yes.

19 Q. And what was the purpose of
20 Addendum 3, which is reflected in
21 Exhibit 10576?

22 A. Its -- its purpose was to seek
23 to reduce the quantity of dispersants by
24 75 percent.

25 Q. And did Addendum 3 remain in
00230:01 effect while you were FOOSC?

02 A. Yes.

03 Q. And with respect to Addendum 3,
04 it talks, first of all, about surface
05 application; do you see that?

06 A. Yes.

07 Q. And it says that BP would

08 eliminate surface application of dispersants
09 and could only use surface application if
10 certain conditions were met?
11 A. Yes.
12 Q. And -- and that would include
13 the approval of the FOSC?
14 A. Yes.
15 Q. And then there is a section here
16 that talks about the subsurface application
17 of dispersants; do you see that?
18 A. Yes.
19 Q. And it says that, "BP shall be
20 limited to a maximum subsurface application
21 of dispersant of not more than 15,000 gallons
22 in a single calendar day." Do you see that?
23 A. Yes.
24 Q. First of all, what is the
25 subsurface application of dispersant as
00231:01 distinct from the surface application?
02 A. They -- BP and its contractors
03 developed a system to send dispersants down
04 to the bottom and then inject it directly
05 into the -- the flow that was coming out of
06 the top of the BOP or other places along
07 the -- the riser where it was open. So that
08 was -- that was subsea -- subsurface
09 application of the -- of the dispersants.
10 Q. And with respect to this
11 Addendum 3, it made clear that
12 applications -- application of amounts of
13 dispersants greater than what's listed in
14 Addendum 3 had to be approved in writing by
15 the FOSC?
16 A. Right.
17 Q. And one of the things that was
18 required that if BP wanted to make a request
19 in writing to provide justification for
20 surface application, it had to provide
21 certain -- a certain number of details in
22 order to justify the use of the surface
23 application of dispersants?
24 A. Right.
25 Q. When you became the FOSC did you
00232:01 continue to approve the use of dispersants
02 applied subsea?
03 A. Yes.
04 Q. And when you were the FOSC did
05 you continue to approve of the use of
06 dispersants by surface vessels?
07 A. Yes.

Page 232:10 to 233:06

00232:10 And was BP permitted to apply
11 dispersants without the approval of the FOSC?

12 A. We -- we did develop a means by
13 which they could do that from the surface
14 vessels under very specific conditions.

15 Q. And when you say you developed a
16 means, what was that?

17 A. Well, I believe -- I believe it
18 was documented with strict limitations, and
19 it was closely connected to the readings that
20 were being taken on those vessels for
21 volatile organic compounds.

22 Q. And with respect to this written
23 documentation that imposed strict limitations
24 on when BP could use or its contractors could
25 use dispersants on the surface, was this a
00233:01 document that had been approved by the FOSC?

02 A. I believe so, yeah.

03 Q. If you'd turn to -- oh, what was
04 the reason why you as FOSC would give
05 permission to use dispersants as part of the
06 response?

Page 233:08 to 236:14

00233:08 A. Well, there was -- there was two
09 reasons. One, health and safety, and that
10 was typically right in the vicinity of the --
11 of the well itself because of all the workers
12 and -- and vessels that were being affected
13 by the -- by the VOCs, well, and -- and we
14 determined that the -- that the dispersants
15 was -- put a dampening effect on the VOCs.
16 And then there were occasions that we
17 approved in a coordinated process with EPA
18 the use of typically aerial applied
19 dispersants when -- when there was an
20 extraordinary situation where the oil was
21 just not going to be able to be recovered any
22 other way and it was imminent to have an
23 effect on -- on near-shore environmental
24 areas.

25 Q. (BY MR. FIELDS) As FOSC from
00234:01 June 1st to July 12th, 2010 did you have
02 final authority over whether BP could apply
03 dispersants subsea, on the surface, or
04 aerially?

05 A. Yeah, I -- I had -- I had the
06 final authority, but I didn't have -- I -- I
07 was bound to coordinate with EPA on the
08 aerial dispersant, any dispersants that were
09 being applied strictly for environmental
10 protection.

11 Q. Did you have to consult with EPA
12 regarding either the subsea application or
13 the surface application of dispersants?

14 A. Yes, I did regular consultation

15 there, and there -- there was the -- an
16 interest from EPA on both of those
17 applications, but I did have the authority to
18 act independently when it was a matter of --
19 of health and safety.

20 Q. Okay. And were there times
21 during the response where you acted
22 independently and gave approval to apply
23 dispersants either in subsea or on the
24 surface?

25 A. Yes.

00235:01 Q. And what were the circumstances
02 that led you to act independently?

03 A. It was -- it was typically
04 either imminent potential for shutdown of the
05 operations because of the VOCs, or we had
06 some very strong predictions that those
07 conditions were going to occur in the future.
08 There was a -- the lag time for getting the
09 effect of increased subsea dispersants
10 because of the mile depth.

11 Q. You indicated in one of your
12 earlier answers that the dispersants had a
13 dampening effect on VOCs. What did you mean
14 by that?

15 A. Well, I don't recall how this
16 was initially discovered, but the -- the
17 reports came back when I was, pretty sure,
18 still the Deputy FOSC that the days that
19 there was not enough dispersants put on in
20 the immediate vicinity of the -- of the
21 vessels out there right on top of the well
22 created some extremely hazardous conditions
23 for the workers out there, but that they had
24 discovered that when there was the same
25 conditions and more dispersants, they didn't
00236:01 have that. So it was kind of a cause and
02 effect discovery.

03 And then we tracked that over
04 time by comparing VOC levels and dispersant
05 levels, and it -- it showed a repeated
06 pattern of -- that the effect of dispersants
07 on VOCs.

08 Q. Okay. If you'd turn to Tab 61
09 in Binder No. 2, this is a May 31st, 2010
10 letter from Doug Suttles at BP to -- to you,
11 and that will be marked as Exhibit 15 --
12 sorry, 10577. Do you recall receiving a copy
13 of Exhibit 10577 on or about May 31st, 2010?

14 A. Yes.

Page 236:17 to 236:22

00236:17 The date of this letter is a day
18 or so before you became the FOSC?

19 A. Yes.
20 Q. At this point in time you were
21 still the Deputy FOSC?
22 A. Right.

Page 237:04 to 238:07

00237:04 Q. Okay. So in this letter dated
05 May 31st, 2010 from Mr. Suttles to you he
06 informs you regarding BP's plans for
07 dispersant use?
08 A. Yes.
09 Q. And was this the type of
10 communication that you regularly receive from
11 BP regarding the use of dispersants?
12 A. Well, this was probably a -- one
13 of -- I did -- we had a lot of correspondents
14 about dispersants.
15 Q. Okay. And there are a couple of
16 different things -- couple of different uses
17 that are being discussed. One type of --
18 there is also -- there is a discussion in
19 this letter regarding the use of dispersants
20 on the surface; do you see that in the second
21 paragraph?
22 A. Yes.
23 Q. And one of the things that
24 Mr. Suttles indicated or told you that -- is
25 that BP will request advanced authorization
00238:01 from the FOSC on a calendar daily basis as
02 required for -- by the directive with respect
03 to surface application?
04 A. Right.
05 Q. There is also a reference to the
06 subsea use of dispersants; do you see that?
07 A. Yes.

Page 238:13 to 241:17

00238:13 Q. And the directive that had been
14 put in place as part of Addendum 3 limited
15 the amount of subsea dispersants that could
16 be used on a calendar day basis?
17 A. Right.
18 Q. And to exceed the 15,000 gallon
19 per day limit, there would need to be
20 specific authorization from the FOSC?
21 A. Right.
22 Q. And in this particular letter
23 from Mr. Suttles, he was indicating to you
24 that they did desire to use surface dis- --
25 sorry, subsurface dispersants, but they did
00239:01 not plan to exceed the 15,000 gallon per day
02 limit?
03 A. Right.

04 Q. Do you recall times when -- when
05 you were the FOSC when BP sought -- sought
06 your permission to exceed the 15,000 gallon
07 per day limit for subsea dispersants?
08 A. Yes.
09 Q. And were those requests made in
10 writing?
11 A. I believe so, yes.
12 Q. And you would receive those
13 requests, and then you would make a
14 determination as FOSC as to whether or not to
15 grant the exemption?
16 A. Yes.
17 Q. Were there times when you would
18 grant the exemption?
19 A. Yes.
20 Q. And were there times when you
21 refused to grant the exemption?
22 A. There probably were. I don't
23 recall specific times, but I do remember
24 granting some exemptions.
00240:01 Q. With respect to the surface use
02 of dispersants were there times during the
03 response when BP would request permission to
04 use surface dispersants?
05 A. Yes.
06 Q. And was that -- were those
07 requests made to you in writing as the FOSC?
08 A. Yes.
09 Q. And would you then review the
10 request to make a determination as to whether
11 or not surface dispersants should be
12 permitted?
13 A. Yes.
14 Q. And were there times you granted
15 BP permission to use surface dispersants?
16 A. Yes.
17 Q. Were there times when after
18 evaluating the request from BP that you
19 decided not to grant BP's request to use
20 surface dispersants?
21 A. Yes.
22 Q. Turn to Tab 64, same Binder, I
23 believe. The document behind Tab 64 is a
24 series of e-mails that are between you,
25 Admiral Landry, and others. It is a document
00241:01 that bears Bates No. HCG253-16825 through
02 16827, and it will be marked as
03 Exhibit 10578. If you'll take a minute to
04 look at that, I have a few questions.
05 A. Okay.
06 Q. The first e-mail in this e-mail
07 string that is captured in Exhibit 0 -- 10578
08 is actually at the end of the document. It
09 is a June 14th, 2010 e-mail from Lieutenant
Commander Brannon to you, Admiral Allen, and

10 Jim Dupree at BP?
11 A. Yes.
12 Q. And in the e-mail that
13 Lieutenant Commander Brannon sent to you,
14 Admiral Allen, and Jim Dupree, he is
15 discussing the process used by area command
16 for the use of dispersants?
17 A. Yes.

Page 242:13 to 245:22

00242:13 Q. You start that to -- and you say
14 "Admiral." So were you directing this e-mail
15 to Admiral Allen?
16 A. Yes, yes. I just hit, you know,
17 reply to all.
18 Q. And in the second sentence of
19 this e-mail to Admiral Allen and others you
20 say, "I have been personally involved with
21 daily dispersant application quantities and
22 locations." Do you see that?
23 A. Yes.
24 Q. What did you mean by that?
25 A. Every day I was spending a lot
00243:01 of my time relative to everything else on
02 this dispersant issue. So I was -- I was
03 personally involved, and I had to be. That's
04 what the directive said.
05 Q. And it's -- you continue on in
06 your e-mail to Admiral Allen and you say,
07 "EPA observes and consults, but certainly is
08 not the final approving authority. That is
09 my responsibility." What did you mean by
10 that?
11 A. Well, I think you'd asked this
12 question before, did I have the final
13 approval authority; and that's what the
14 National Contingency Plan says that's what my
15 authority was.
16 Q. You say, "EPA has never
17 exercised final authority, but has cosigned
18 the various directives for general
19 application amounts and monitoring
20 processes." Why did -- why was the EPA
21 involved in cosigning the various directive
22 for general application amounts and
23 monitoring processes?
24 A. Well, that was a -- a process
25 that I think emanated from that addendum from
00244:01 May 26th.
02 Q. You indicate in the second
03 paragraph, My approval process for aerial
04 dispersants -- or dispersant is very mature
05 now because of the concerns everyone has
06 regarding the unknown long term impact of

07 adding over a million gallons into the GOM.
08 What did you mean when you said that your
09 approval process was very mature?

10 A. Well, we had kept refining it.
11 First of all, the addendum itself was a major
12 revision and refinement to what had been used
13 prior to that, and so then there needed to be
14 these daily plans submitted. Initially they
15 were done entirely by BP because that's what
16 the directive said, but that was not very
17 consistent with our Unified Command. So they
18 were modified to include the Unified Command.
19 These operations were actually managed
20 entirely out of Houma. So there was a -- a
21 multi-agency group with BP's contractors and
22 BP's representation, representatives there
23 that would develop those daily plans. Now,
24 that's for the aerial dispersant.

25 There -- there was a separate
00245:01 process for the subsea and the -- the vessel
02 applied dispersants that were related more to
03 the VOC issue.

04 Q. What was the process that was
05 used for subsea application while you were
06 the head of -- or while you were the FOOSC?

07 A. Well, that typically came
08 directly to me from within the UAC from --
09 from BP typically.

10 Q. And what was the process used
11 regarding the application or potential
12 application of dispersants by surface
13 vessels?

14 A. Well, that evolved, too, because
15 initially there was no specific provision for
16 that in the addendum. It was just mixed in
17 the with the air -- it was a surface
18 dispersant application. And -- and then we
19 realized this was a safety issue and so
20 developed a limit and -- and some allowance
21 for those surface applications of dispersants
22 to be used when the VOCs were high.

Page 246:20 to 248:11

00246:20 Q. At any point in time while you
21 were the FOOSC did BP apply a brand of
22 dispersant that you did not authorize?

23 A. No, not that I'm aware of.

24 Q. While you were the FOC did BP
25 ever apply dispersants in a location you did
00247:01 not authorize?

02 A. Not that I'm aware of, but I
03 think we may have gotten occasional reports
04 that that could have happened.

05 Q. And did you ever conduct any

06 investigation to determine whether or not it
07 had happened?

08 A. Yes. I -- I didn't do that
09 personally, but I asked the Houma incident
10 command to -- to investigate a couple of
11 cases.

12 Q. And what were the results of
13 those investigations?

14 A. Well, I don't know that they
15 ever reported that there was definitive
16 information of misapplication of dispersants,
17 but I think we did make some adjustments to
18 the procedures to ensure that whatever was
19 reported, even though it wasn't verified, you
20 know, was not going to happen again.

21 Q. While you were the FOSC was
22 there ever a time when BP applied an amount
23 of dispersants exceeding the amount that you
24 had authorized as FOSC?

25 A. I think there may have been an
00248:01 incident, but I -- I can't put my finger on
02 the time and location where that occurred.

03 Q. Can -- do you recall anything
04 about this potential incident, when it
05 occurred, where it occurred, the
06 circumstances?

07 A. No. I mean, it's just something
08 in the back of my head. I'm thinking it
09 might have been some -- some incident at some
10 point in time during the whole course of
11 the -- the response.

Page 248:17 to 249:01

00248:17 Do you recall commissioning any
18 type of investigation to determine whether or
19 not BP had actually used a greater amount of
20 dispersants than you had authorized as FOSC?

21 A. I don't recall a specific
22 investigation that I asked for strictly for
23 quantity exceedance. There -- there were
24 constant improvements to our processes, and
25 the quantity thing more had to do with --
00249:01 with process and communications than --

Page 249:03 to 249:24

00249:03 A. -- any kind of deliberate or
04 misapplication.

05 Q. What do you mean by that?

06 A. Well, the -- just the sequence
07 of communications between the Houma incident
08 command and the UAC where I resided and had
09 to make these approvals and then the
10 communications between them and their

11 aircraft and when things changed and there
12 was a breakdown in communications that I
13 think might have been the circumstances when,
14 you know, there was a over application beyond
15 the final approval.

16 Q. Did you ever reach the
17 conclusion that BP had deliberately applied
18 an amount of dispersants exceeding the amount
19 that you had authorized as the FOSC?

20 A. Deliberately.

21 Q. As opposed to a
22 miscommunication?

23 A. Yeah, I never was aware of a
24 deliberate act like that.

Page 251:14 to 252:12

00251:14 What process did the Coast Guard follow -- or
15 I should say did you follow in determining
16 whether to grant BP's request for an
17 exemption to the dispersant use?

18 A. Well, there was a procedure that
19 was on a daily basis. You -- what type of
20 dispersant application are you referring to?

21 Q. Well, we can go through all
22 three. We can go through them one by one, if
23 you'd like. So, for -- for an exemption to
24 the aerial application, what type of
25 procedure did the Coast Guard actually follow

00252:01 in deciding whether or not to grant the
02 exception -- the exemption?

03 A. Right. Well, the aircraft would
04 fly and try to understand where all the oil
05 was every given day that they could fly, and
06 there were other planned operations offshore.
07 Some were for skimming. Obviously, you had
08 all this activity for containment. And I'm
09 talking about the -- the core time when I was
10 the FOSC. So this operation was constantly
11 evolving. You have to pick a period of time.
12 Let's just say in June?

Page 252:14 to 253:06

00252:14 A. And then there was burning in --
15 in some areas, and then there was just
16 wide-open areas where there was no
17 possibility for other operations. And so
18 they would concentrate on whether there was
19 going to be oil in these areas that was
20 otherwise unattainable by other means and
21 further focus on the trajectory of that oil,
22 if it was discovered there, and make an
23 assessment if it was threatening to have
24 shore-fall or, you know, to have landfall.

25 And then they would, map that all out, make
00253:01 an estimate of the quantity and the area in
02 acres, some measure of -- of surface area
03 offshore, and then the Unified Command there
04 would make an assessment of whether they were
05 going to make a request for a dispersant
06 application for the following day.

Page 253:08 to 253:25

00253:08 A. And at that point they would --
09 they would do that. It would initially --
10 early on in this process that was immediately
11 following the addendum, that was a letter
12 just from BP. Later on it evolved to a
13 letter from the unified incident command
14 in -- in Houma. But they -- they would then
15 put that into writing, provide the request
16 and the conditions, and it would provide an
17 upper limit for an amount of dispersant that
18 they wanted me to approve for the next day.
19 And I would get that late in the day, then
20 circulate that around within the area,
21 Unified Area Command with all the agencies
22 and -- and hope to get responses from all of
23 the different agency participants there. And
24 then at -- when I got all that back I would
25 have to make a decision.

Page 254:02 to 256:07

00254:02 A. And I would make a decision
03 communication that back to Houma. And then
04 sometimes they still didn't apply any
05 dispersants because the conditions changed or
06 something else would come up, and sometimes
07 they would come very close to actually
08 applying the amount of dispersants that they
09 were approved to -- to use the next day.
10 Q. Okay. And that procedure was
11 for aerial dispersion, right?
12 A. Yes.
13 Q. When you said that they would go
14 out and map where the oil slicks would be, is
15 "they" BP?
16 A. No, the --
17 Q. Or one of its contractors, I
18 should say?
19 A. Yeah, they -- they had
20 contractors that flew the aircraft, they had
21 contractors that provided the dispersant,
22 they had -- they had both the application
23 aircraft and spotter aircraft, and typically
24 they had a -- a government person in the
25 spotter aircraft. There was a -- a process

00255:01 called the SMART process, and I'm sure you're
02 going to ask me what that stands for, but I
03 don't have the acronym memorized right now,
04 but this was something that had been
05 developed prior to the spill occurring. It
06 had been in -- in practice for years before
07 the -- the Deepwater Horizon that was
08 actually refined. We kept calling it
09 SMART 2, SMART 3, whatever, the evolutions of
10 SMART. But that -- that was the procedures
11 for the people who were monitoring and
12 observing both the -- the conditions that the
13 dispersants were going to be applied, make
14 sure that they were being abided by if there
15 was requirement for spotting whales or if
16 there was some boat in the way, that all had
17 to be monitored and ensured.

18 And then there was, you know,
19 the application itself, making notes as to
20 whether this was applied appropriately,
21 according to the approved application process
22 and then the effectiveness of it. You can
23 actually see the oil disappear when you spray
24 it properly.

25 And then the -- then they
00256:01 actually had -- SMART included the assessment
02 of any of potential negative impacts of
03 dispersants. So they were -- they were
04 recording the effectiveness as well as if
05 there was any indication that there was any
06 damage to wildlife or if there was any kind
07 of impact to something in a negative way.

Page 256:11 to 256:18

00256:11 A. Including, I think, they did
12 take water samples, because it was -- it was
13 only supposed to penetrate a certain distance
14 into the -- into the water.

15 Q. Who would take the water sample
16 if you're doing aerial spraying?

17 A. There were boats -- there were
18 boats out there.

Page 257:06 to 257:21

00257:06 Q. I have a bunch of questions to
07 ask you about that answer. I'm trying to go
08 through every item. So you mentioned that
09 there were sometimes -- frequently, I'm not
10 sure what word you used, government personnel
11 in an aircraft. Do you know how often
12 government personnel would be -- and let's
13 first talk about the spotter planes. How
14 often would a government personnel be in a

15 spotter plane during the course of the time
16 that you were the federal on scene
17 coordinator?
18 A. I believe more often than not,
19 and I think a fairly high percentage of the
20 time. There was a lot of Coast Guard strike
21 team people and other -- other agency people.

Page 259:06 to 259:18

00259:06 Q. But the request would come from
07 either BP or one of BP's contractors; is that
08 right?
09 A. Yes, as I mentioned, that early
10 on after the addendum, because of the
11 language in the addendum was directed at BP,
12 all the letters were from BP exactly the way
13 the addendum had been written. But after I
14 became FOSC I was much more interested in
15 seeing that there was -- the effect of the
16 Unified Command reflected in those letters.
17 There always had been. It was just not
18 indicated in the -- in the documentation.

Page 260:08 to 260:14

00260:08 Q. All right. So the letter would
09 still be from BP, but, like, an approval on
10 the bottom or an agreed to or a consent?
11 What kind of format would it take? I haven't
12 seen those, but I'll look tonight.
13 A. As I recall -- and it's been
14 awhile since I've seen them, too.

Page 260:16 to 260:23

00260:16 A. -- there was -- there was more
17 than one signature, and they were -- they
18 were like me up at the area command. They
19 would try to get as many of the Unified
20 Command agency reps that were involved with
21 dispersants to -- to sign off on that
22 proposed dispersant application as they
23 could.

Page 260:25 to 261:06

00260:25 A. But there was -- there was a
00261:01 pretty tight time line here for this whole
02 process.
03 Q. When it was a request from BP,
04 the earlier process, before it was the UIC,
05 did it always have to come from BP, or could

06 it come from one of BP's contractors?

Page 261:08 to 261:09

00261:08 A. I -- I don't think -- I don't
09 recall coming from a contractor.

Page 261:20 to 261:25

00261:20 Q. Are you aware, during the time
21 that you were the federal on scene
22 coordinator are you aware of any occasion in
23 which the United States Coast Guard ordered
24 BP to use dispersant when BP had not made
25 that request?

Page 262:02 to 262:11

00262:02 A. I'm not aware of that.
03 Q. (BY MS. GREENWALD) Okay. You
04 were asked some questions from Mr. Fields
05 about whether BP exceeded or BP's contractors
06 exceeded any of the permissions that the
07 Coast Guard gave it for purposes of, let's
08 say, aerial application of dispersants. Was
09 there any way for the Coast Guard to know
10 whether BP or any of its contractors exceeded
11 the authority that you gave it?

Page 262:13 to 262:20

00262:13 A. Yes.
14 Q. (BY MS. GREENWALD) How was
15 that? What was that process?
16 A. Just knowing how much
17 dispersants was in tanks.
18 Q. So someone checked the planes
19 before they left the air -- the air -- the
20 airport, before they were flown off?

Page 262:22 to 262:25

00262:22 A. Yeah. You know, airplanes are
23 very weight constricted. So you know how
24 much is on the plane when it left, you know
25 how much is on the plane when it comes back.

Page 265:01 to 265:09

00265:01 Q. (BY MS. GREENWALD) And do you
02 know whether there was a protocol that the
03 Coast Guard was required to check each plane

04 for the amount of dispersant that was on that
05 plane before it took off?
06 A. I had conversations with the
07 incident commander, and I was assured that
08 there was protocols in place on the quantity
09 of dispersants.

Page 266:01 to 266:07

00266:01 have -- I'm sorry, did BP. Did the Coast
02 Guard have any procedures in place for
03 verifying the quantity of dispersant that
04 either BP or one of BP's contractors was
05 applying in connection with surface
06 application of dispersants during the time
07 you were federal on scene coordinator?

Page 266:09 to 266:14

00266:09 A. When you're talking about
10 surface application in this context, you're
11 talking about from the ships?
12 Q. (BY MS. GREENWALD) Right, the
13 vessels.
14 A. Okay.

Page 266:17 to 266:22

00266:17 Q. I call it surface, but vessel --
18 vessel application?
19 A. Vessel application on the
20 surface. Again, there was known quantities
21 of dispersants on the ships, and that could
22 be verified by checking the quantity used.

Page 268:02 to 268:06

00268:02 Q. Okay. And what about subsea
03 application of dispersant, how did that
04 approval process take place?
05 A. Well, the original -- I'm
06 referring to everything after the addendum.

Page 268:08 to 268:19

00268:08 A. So the addendum provides for
09 15,000 gallons per day, and so there really
10 was no approval process other than that up to
11 15,000 gallons per day. So in a
12 extraordinary case I would get a request from
13 the BP people in the Unified Area Command,
14 usually in anticipation of a situation that
15 was going to result in high VOCs and there

16 wasn't too many of those, but when there was,
17 then there -- that would be documented and I
18 would approve whatever I thought was
19 appropriate.

Page 269:04 to 269:11

00269:04 Q. (BY MS. GREENWALD) What kind of
05 documentation would you have to get from BP
06 or one of its contractors to make that
07 determination?
08 A. Well, the reason why they
09 thought it would be a high level of VOCs if
10 we failed to apply more than the 15,000
11 gallons that day.

Page 270:10 to 271:07

00270:10 Q. And do you recall any of the
11 circumstances -- you don't have to give them
12 all -- of some of the circumstances that
13 warranted an increase in the 15,000 gallons
14 per day?
15 A. Sure. Some of the circumstances
16 involved the -- the quan- -- the extra
17 quantity of oil that they expected to have
18 emit from the well that day because of some
19 subsea operation that they were doing. Other
20 circumstances had to do with the -- the
21 temperature and the wind speed and then based
22 on their past experience. And then sometimes
23 they realized that they had used up their
24 limit earlier in the day for some other
25 operation and then were -- and then were --
00271:01 had shut down, but couldn't sustain that
02 without the VO -- they saw the VOCs going up.
03 Q. During the time that you were
04 the federal on scene coordinator did the
05 Coast Guard ever contract directly with any
06 of the cleanup companies that -- that worked
07 on the response activities?

Page 271:09 to 271:10

00271:09 A. We have the authority to do
10 that, but I don't recall doing it.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: OIL SPILL) MDL NO. 2179
 BY THE OIL RIG)
 "DEEPWATER HORIZON" IN) SECTION "J"
 THE GULF OF MEXICO, ON)
 APRIL 20, 2010) JUDGE BARBIER
) MAG. JUDGE SHUSHAN

VOLUME 2

Deposition of JAMES ANGUS
 WATSON, IV, taken at Pan-American Building,
 601 Poydras Street, 11th Floor, New Orleans,
 Louisiana, 70130, on the 20th day of
 December, 2012.

1 THE STATE OF LOUISIANA :
2 PARISH OF ORLEANS :

3 I, PHYLLIS WALTZ, a Certified Court Reporter,
4 Registered Professional Reporter, and
5 Certified Realtime Reporter in and for the
6 State of Louisiana, do hereby certify that
7 the facts as stated by me in the caption
8 hereto are true; that the above and foregoing
9 answers of the witness, JAMES ANGUS WATSON,
10 IV, to the interrogatories as indicated were
11 made before me by the said witness after
12 being first duly sworn to testify the truth,
13 and same were reduced to typewriting under my
14 direction; that the above and foregoing
15 deposition as set forth in typewriting is a
16 full, true, and correct transcript of the
17 proceedings had at the time of taking of said
18 deposition.

19 I further certify that I am not, in any
20 capacity, a regular employee of the party in
21 whose behalf this deposition is taken, nor in
22 the regular employ of his attorney; and I
23 certify that I am not interested in the
24 cause, nor of kin or counsel to either of the
25 parties.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on
this, the 20TH day of DECEMBER, 2012.

Phyllis Waltz

PHYLLIS WALTZ, RPR, ORR
TEXAS CSR, TCRR NO. 6813
Expiration Date: 12/31/13
LOUISIANA CCR NO. 2011010
Expiration Date: 12/31/12
NEW MEXICO CCR NO. 610
Expiration Date: 12/31/12



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I, JAMES ANGUS WATSON, IV, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

James Watson IV

JAMES ANGUS WATSON, IV, VOLUME 2

STATE OF LOUISIANA)
PARISH OF *Dist. of Columbia*

Before me, _____,
on this day personally appeared JAMES ANGUS WATSON, IV, known to me, or proved to me under oath or through *Govt ID* (description of identity card or other document)), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this, the *25* day of *January*, *2023*.

Cheryl V. Brown

NOTARY PUBLIC IN AND FOR THE STATE OF LOUISIANA

My Commission Expires:

CHERYL V. BROWN
NOTARY PUBLIC
DISTRICT OF COLUMBIA
MY COMMISSION EXPIRES: MARCH 14, 2013

Name of Deponent	Title	Date	Vol	Citation	Statement	Correction
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	13:19-20	He is currently attorney at the U.S. Coast Guard headquarters.	He is currently <u>an</u> attorney at the U.S. Coast Guard headquarters.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	21:16-17	No. I was -- I was two jobs for part of that time.	No. I was -- I was <u>holding</u> two jobs for part of that time.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	43:9-11	The -- there -- the NIC received some authorities, not all, that were assigned by the Secretary of Homeland Security.	The -- there -- the NIC received some <u>FOSC</u> authorities, not all, that were assigned by the Secretary of Homeland Security.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	46:11	also placed the <u>FOC</u> in charge of	also placed the <u>FOSC</u> in charge of
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	54:16-17	It's -- it's hard for me to say any.	It's -- it's hard for me to say any <u>important decisions</u> .
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	57:16-17	-- of any RP, not including BP	-- of a <u>RP, including BP</u>
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	59:11-12	there <u>was</u> different priorities and different resources	there <u>were</u> different priorities and different resources
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	62:8-9	incident commander <u>in</u> the FOSCR	incident commander <u>and</u> the FOSCR
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	65:21-22	His <u>was</u> similar to my duties as deputy.	His <u>duties were</u> similar to my duties as deputy.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	78:25-79:4	I can recall there <u>was</u> informal discussions, but I can't re- -- that ultimately didn't result in resources, but I don't recall specifically what they were right now.	I can recall there <u>were</u> informal discussions that ultimately <u>didn't</u> result in resources, but I don't recall specifically what they were right now.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	85:7-8	There <u>is</u> probably a couple of reasons that come to mind.	There <u>are</u> probably a couple of reasons that come to mind.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	85:14-17	And I had recently participated in an exercise that early spring <u>as the National Incident Commander in the National Incident Commander</u> role during the exercise.	And I had recently participated in an exercise that early spring <u>in the National Incident Commander role</u> during the exercise.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	94:12:00	There <u>was</u> a lot of people	There <u>were</u> a lot of people
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	123:10-13	because there <u>was</u> situations that occurred on a periodic basis in which it was the only method that we -- we had to deal with an oil slick.	because there <u>were</u> situations that occurred on a periodic basis in which it was the only method that we -- we had to deal with an oil slick.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	134:9-13	There was a <u>concerned</u> expressed by the parish presidents, and it was also a -- an interest of, I think, the deputy secretary that we establish better communications with the parish presidents.	There was a <u>concern</u> expressed by the parish presidents, and it was also a -- an interest of, I think, the deputy secretary that we establish better communications with the parish presidents.

Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	135:9-16	Well, there -- there was an interest in making sure that the parish presidents were not surprised by media news, and so by this time there had been established that -- that liaison network to -- it was -- evidently I was requesting him to set up a telephone conference call, to use that structure to <u>communication</u> that information that night.	Well, there -- there was an interest in making sure that the parish presidents were not surprised by media news, and so by this time there had been established that -- that liaison network to -- it was -- evidently I was requesting him to set up a telephone conference call, to use that structure to <u>communicate</u> that information that night.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	152:6-8	Well, we were always interested in having <u>a</u> end state where the well was sealed.	Well, we were always interested in having <u>an</u> end state where the well was sealed.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	165:20-22	We were, <u>you know, also concerned about what -- you know, having single</u> means of failure.	We were <u>also concerned about having a single</u> means of failure.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	176:6-11	well, primarily the government people overseeing that developed usually fairly thick pages of thick booklets, a lot of them came <u>in in</u> binders like this, which were very detailed procedures that would ultimately get up to the FOSC level	well, primarily the government people overseeing that developed usually fairly thick pages of thick booklets, a lot of them came <u>in</u> binders like this, which were very detailed procedures that would ultimately get up to the FOSC level
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	177:19-21	we got concerned that we -- that what was provided <u>previous</u> was based on a lower flow estimate	we got concerned that we -- that what was provided <u>previously</u> was based on a lower flow estimate
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	183:1-3	I don't know specifically, but the overall intent of all the federal actions <u>were</u> to stay coordinated.	I don't know specifically, but the overall intent of all the federal actions <u>was</u> to stay coordinated.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	193:15-20	Well, as I -- as I described before, I -- my concern was that we -- we stick to a Unified Command type of a -- of a process that <u>involved de- -- deliberate</u> planning and sequence of -- that the engineers were already involved in.	Well, as I -- as I described before, I -- my concern was that we -- we stick to a Unified Command type of a -- of a process that <u>involved the deliberate</u> planning and sequence of -- that the engineers were already involved in.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	200:12-20	and you say in this email, <u>my initial read... to come up with anything.</u> Did you see that?	and you say in this email, " <u>my initial read... to come up with anything.</u> " Did you see that? (quotes added)
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	201:20-21	paragraph, I <u>had hoped... kill line.</u>	paragraph, " <u>I had hoped... kill line.</u> " (quotes added)
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	207:11:00	<u>were</u> 'n thinking	<u>were</u> thinking
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	215:7-8	At some point in time, yes, I <u>do.</u>	At some point in time, yes, I <u>did.</u> (The question was in past tense)
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	220:21-23	And after some questions and <u>answered</u> , I felt like the -- the risks were acceptable.	And after some questions and <u>answers</u> , I felt like the -- the risks were acceptable.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	221:22-25	Well, I think that that goes into a <u>whole nother</u> level of analysis as to whether you actually were going to use the capping stack to shut in the well.	Well, I think that that goes into a <u>whole other</u> level of analysis as to whether you actually were going to use the capping stack to shut in the well.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	224:21:00	<u>that, had</u> been proposed	that <u>which</u> had been proposed
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	227:22	I don't <u>think so he</u> overtly	I don't <u>think he</u> overtly

Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	233:8-9	Well, there was -- there <u>was</u> two reasons.	Well, there was -- there <u>were</u> two reasons.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	237:12-14	Well, this was probably a -- one of -- I did -- we had a lot of <u>correspondents</u> about dispersants.	Well, this was probably a -- one of -- I did -- we had a lot of <u>correspondence</u> about dispersants.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	244:3-7	paragraph, <u>My approval...into the GOM</u>	paragraph, " <u>My approval ...into the GOM</u> " (quotes added)
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	245:16-18	It was just <u>mixed in the with</u> the air -- it was a surface dispersant application.	It was just <u>mixed in with</u> the air -- it was a surface dispersant application.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	246:24:00	<u>FOC</u>	<u>FOSC</u>
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	248:24 - 249:4	There -- there were constant improvements to our processes, and the quantity thing more had to do with -- with process and communications than -- Q. What do you mean by that? A. -- any kind of <u>deliberate or misapplication</u> .	A. -- any kind of <u>deliberate act or misapplication</u> .
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	249:14-15	there was <u>a</u> over application beyond the final approval.	there was <u>an</u> over application beyond the final approval.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	254:2-3	And I would make a <u>decision communication</u> that back to Houma.	And I would make a <u>decision and communication</u> that back to Houma.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	256:20-22	Not on every application, but on a certain percentage of the applications there <u>was</u> boats.	Not on every application, but on a certain percentage of the applications there <u>were</u> boats.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	265:6-9	I had conversations with the incident commander, and I was assured that there <u>was</u> protocols in place on the quantity of dispersants.	I had conversations with the incident commander, and I was assured that there <u>were</u> protocols in place on the quantity of dispersants.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	267:20-21	I don't <u>know</u> I would characterize it.	I don't <u>know how</u> I would characterize it.
Adm. James Watson, IV	Director of BSEE, DOI	20121219	I	270:22 - 271:2	And then sometimes they realized that they had used up their limit earlier in the day for some other operation and then were -- and then were -- had shut down, but couldn't <u>sustain that without the VO</u> -- they saw the VOCs going up.	And then sometimes they realized that they had used up their limit earlier in the day for some other operation and then were -- and then were -- had shut down, but couldn't <u>sustain subsea dispersants being shutdown without the VO</u> -- they saw the VOCs going up.
Adm. James Watson, IV	Director of BSEE, DOI	20121220	2	327:23-24	A. And I'm sure there <u>is</u> many others.	A. And I'm sure there <u>are</u> many others.
Adm. James Watson, IV	Director of BSEE, DOI	20121220	2	358:17-19	There <u>was</u> other VoOs that might have been used just as a single vessel working with, say, in situ burning.	There <u>were</u> other VOOs that might have been used just as a single vessel working with, say, in situ burning.
Adm. James Watson, IV	Director of BSEE, DOI	20121220	2	401:20	taking <u>anything</u> you said	taking <u>anything</u> you said
Adm. James Watson, IV	Director of BSEE, DOI	20121220	2	471:18-19	A. Oh, the incident command posts <u>was</u> at Houma and Mobile.	A. Oh, the incident command posts <u>were</u> at Houma and Mobile.

Adm. James Watson, IV	Director of BSEE, DOI	20121220	2	495:7-12	This -- this was an area that there <u>was</u> people that were very dedicated to getting dispersant applications right because it was a -- an issue that involved trading off environmental damage, basically.	This -- this was an area that there <u>were</u> people that were very dedicated to getting dispersant applications right because it was a -- an issue that involved trading off environmental damage, basically.
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