



## OIL SPILL ADVISORY COMMITTEE

Wyman Briggs  
Kevin Fish  
Thomas Guillory

Timothy Hendrix  
Timothy Kipp  
James McCleave

Gerald Morrison, Chair  
Joseph Payne  
Elliott Thomas

Staff: Kara T. Walker  
17 State House Station  
Augusta, ME 04333  
207-287-2651

### MEETING MINUTES Friday, September 24, 2010

Members Present: Wyman Briggs, Kevin Fish, Timothy Hendrix, James McCleave, Timothy Kipp, Gerald Morrison, Joseph Payne, Elliott Thomas

Members Absent: Thomas Guillory

Guests: Mary Corr, Sherrie Edwards, Lyle Hall (facilitator), Bekka Koroski, Ginger McMullin

#### *Meeting Commenced at 10:40*

#### 1. **Administrative Topics – Gerald Morrison**

Joe Payne motioned to approve the 3/17/2010 meeting minutes as written. Motion carried unanimously.

#### 2. **Surface Fund Financial Report – Sherrie Edwards, Bekka Koroski**

Sherrie Edwards reviewed hand-outs provided to MOSAC regarding the Surface Fund (Fund) and asked if there were any questions. Ms. Edwards indicated that the 2011 budget is over allocated on purpose in order to be prepared for journals into the fund for items such as responder time due to spills and also to be prepared for a larger spill response (ex. – BP spill response expenditures). Many questions arose regarding professional fees. Ms. Edwards explained that those fees are associated with services such as barge maintenance and outside services, not staff time.

**MOSAC requests a break down of 2010 professional services fees incurred.** Discussion ensued regarding the necessity of breaking down the budget any further and if it truly adds value to MOSAC's mission. Elliott Thomas inquired if the total budget and funds available would be adequate if a large spill occurred. James McCleave surmised from a chart provided that perhaps a bigger picture should be looked at as revenues are decreasing and expenditures are remaining stable; therefore, the Fund will eventually be zero.

Bekka Koroski spoke regarding cost recoveries. Ms. Koroski and Ms. Edwards indicated that cost recoveries as well as penalties are returned to the Fund. Many cases are referred to the Attorney General's office if the cost recovery unit is unable to pursue recoveries any further and

this can take quite a long time to resolve. **Wyman Briggs requested an update to a report detailing spill expenditures from the Fund and would like an additional column included detailing the costs and penalties recovered.**

**Timothy Hendrix requested that time be allotted to the next meeting agenda to review the statistical report.**

**3. DEP Involvement in the Deepwater Horizon Spill – Ginger McMullin**

Ginger McMullin presented information regarding various DEP roles at the Deepwater Horizon spill. If you would like a copy of the presentation, please contact Kara Walker.

**4. Deepwater Horizon Insitu Burning and Dispersants – Wyman Briggs**

Mr. Briggs presented information regarding the use of insitu burning and dispersants at the Deepwater Horizon spill. If you would like a copy of the presentation, please contact Kara Walker.

**5. Administrative Topics – All, Lyle Hall (facilitator)**

Pilot training Memorandum of Agreement

This discussion was tabled.

SEA Grant

MOSAC would like to make a decision regarding SEA Grant by December 1<sup>st</sup>. Discussion ensued with regard to forming a subcommittee. MOSAC indicated that SEA Grant takes care of the administration of the grant process, but MOSAC needs to provide more input for eliciting better proposals. Further discussion ensued with regard to MOSAC taking over the entire grant process. The SEA Grant subcommittee needs to generate bullet items of topics and criteria required for a successful application prior to the next MOSAC meeting. Barbara Parker indicated that she is interested in the topic and would serve as the DEP representative on the subcommittee, but would not be able to fully participate in any meetings until mid-December. Another suggestion for subcommittee duties was to investigate other mechanisms other than SEA Grant for proposal requests and reviews. Mr. Briggs proposes a subcommittee to evaluate the issues and make a presentation at the next full MOSAC meeting, Mr. Payne seconds, all in favor except Mr. McCleave and Mr. Thomas abstain. Subcommittee members include Gerald Morrison, Mr. Payne, Mr. Briggs, and Mr. McCleave.

A summary of flip chart information captured by facilitator, Lyle Hall:

- Develop bullets to have criteria that would be in a successful application
- Also develop topics
- Research if SEA Grant is the only mechanism for this process and identify any alternatives
- Meet locally and phone in Mr. Morrison

MOSAC Direction

Mr. Hall facilitates a discussion with regard to the duties and direction MOSAC would like to take for the year. MOSAC members were asked to vote on the three duties in statute they felt were most important and are listed below by importance. Subcommittees are formed, general descriptions of the topics discussed are summarized, along with number of votes each specific subtopic received by members as follows:

D. Review expenditures and the priority for expenditures of the Maine Coastal and Inland Surface Oil Clean-up Fund and make recommendations to the commissioner on how the fund should be allocated

- Ask Ms. Parker what the product looks like that will produce the most positive change and what's the best vehicle to do so. In other words, what is the most effective way to provide recommendations to the DEP. Kara Walker checked with Ms. Parker and she indicated a letter to the commissioner would be best.
- Review of splitting the Fund (previously recommended by another Commission)
- Why are the revenues down with expenditures being flat? Look at the funding issue, specifically cost recoveries and why there are not more penalties. (6 votes)
  - **SUBCOMMITTEE formed: Mr. Briggs, Mr. Kipp, Mr. Hendrix, and Mr. Thomas**
- What's currently preventing the Fund from capping out (1 vote)
- What are DEP's current processes and policies for reimbursements and fines? What does the law allow? (4 votes) **Kara Walker to provide further information to MOSAC.**
- What spills are paid for under the Fund and which are having successful reimbursements?

J. Monitor scientific, engineering and technical advance in oil spill response and prevention techniques and make recommendations on their use

- What lessons from the Gulf can apply to Maine's preparedness (3 votes)
- When can dispersants be used in Maine and what are they (3 votes)
- Prevention technology (Assess Pilot Tools) (4 votes)
  - **SUBCOMMITTEE formed: Mr. Morrision and Kevin Fish**
- NRDA (Natural Resource Damage Assessment)
- Response assets, age, technology. Is there other (new) stuff the State should have? (1 vote) This subtopic really assesses statute duty H.
- Geographic Response Strategies (GRSs). Encourage that these get real world testing, are funded and systematic. (3 votes) This subtopic also assesses statute duty E.
- Identify local knowledge with regard to GRSs. (4 votes)
  - The previous 2 subtopics were combined
  - **SUBCOMMITTEE formed: Mr. Thomas with assistance of Ginger McMullin**
- Assurances created for cooperative responses (1 vote)

E. Review the commissioner's program for identifying areas sensitive to oil spills in the marine environment and the development of resource protection priorities

- Look at "chart-lets" for protection strategies. In other words, small Environmental Vulnerability Index (EVI) map analysis (mini-NRDA) (4 votes)
  - **SUBCOMMITTEE formed: Mr. McCleave, Mr. Briggs, and Mr. Payne**
- Evaluate funding needed
- Broad stakeholder involvement in review
- Applied research – academia (2 votes)
- Trajectory modeling – data gaps. Connect up with fishery models that are out there (2 votes)

I. Review the implantation of a plan for rehabilitation of wildlife resources including: (1) Training programs and opportunities for volunteers and state and federal personnel; and (2) Preliminary agreements or identification of treatment centers or facilities

- No staff at IF&W (Kara Walker to check in on this). The position has been advertised and closed. IF&W is getting ready to fill it. (1 vote)
- Wildlife rehabilitation locations to do
- Broader issues not captured?
- Systematic training of volunteers throughout the state

**The next meeting is planned for November 16th. Please let Kara Walker know if you have a conflict with this date.**

***Meeting adjourned at 15:26***