

# South Walton Community Council

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May 17, 2011

These comments are respectfully submitted by The South Walton Community Council, Inc. in response to the Notice of Intent to Begin Restoration Scoping and Prepare a Programmatic Environmental Impact Statement (PEIS), published by the National Oceanic and Atmospheric Administration (NOAA) at 76 Fed. Reg. 9327 (Feb. 17, 2011).

Our comments are twofold. First, some comments applicable to the NRDA process generally and second, some more specific proposed restoration considerations in connection with impacts upon the beaches, coastal waters, Choctawhatchee Bay, coastal dune lakes and associated wetlands and waterways of Walton County, Florida.

## **1. The NRDA process.**

The Deepwater Horizon oil disaster is not only the largest spill in the Gulf of Mexico, but the location of the rig in deep water and the massive and unprecedented use of dispersants in response to the spill have combined to create ecosystem issues and questions for which neither BP nor the U.S. government, nor the marine science community can truly assess the full scope of the impacts on the Gulf of Mexico. This spill is simply unlike any other spill for which the NRDA process has been applicable. BP chose to drill in deep water. It is now well documented that their EIS was not only inadequate but contained information which was inapplicable to the Gulf of Mexico. We feel it is imperative that BP and other responsible parties under the OPA be held fully accountable for an aggressive application of the stated function of NRDA, that is, to make the environment and public "whole" from the injuries and damages caused by the polluter. Whatever the cost, those who engage in drilling in the Gulf should also bear the expense of restoring and/or mitigating for injury and damage which may ensue from their commercial activity.

Here are some suggestions we feel should be adhered to or incorporated into the NRDA process. These are general suggestions for which the actual details would be developed.

A. There should be opportunities for meaningful public input and involvement throughout the various steps in the process.

- i. A Citizens' Advisory Council should be formed immediately. The Council would provide an informational bridge between the public and the NRDA Trustees.
- ii. Public opportunity to comment at each stage of the process should be provided for in workshops and in a dedicated area of the NRDA website. Transcripts from the workshops should be available on the website.

B. There should be transparency throughout the process. The public should have access to the same information provided to Trustees.

- i. Trustee meetings should be live-streamed.
- ii. Scientific data and processes should be timely and fully disclosed on the NRDA website in a format in which the data and the conclusions are understandable by the public. Such data and processes which are subject to a legal proceedings should be available as soon as practicable during or after the conclusion of the proceedings.
- iii. Reports which reflect the ongoing location of oil and/or injuries to species or the ecosystem should be timely posted on the NRDA website. Such reporting includes SCAT Reports, VOO Reports, ESA Reports on injured or deceased protected species, etc. The location of the present or future application of any dispersants should be disclosed to the public on the NRDA website.
- iv. There should be a central place on the NRDA website for members of the public to report discovered oil or other impacts including the ability for photo download.
- v. The information on the NRDA website should remain available for public view until the conclusion of the NRDA process.

C. BP and other responsible parties should be held accountable for long term monitoring and any future impacts which develop in the future. Due to the unique nature of this disaster in its location, scope and use of dispersants, for some species it may take several life cycles to fully determine any impacts. The responsible parties must remain financially liable for discovered future injuries attributable to the Deepwater Horizon disaster.

D. A Scientific Panel of independent scientists should be formed as soon as possible. The function of the Panel is to peer review science data and analysis provided by BP, the U.S. government or other parties, to make recommendations for ongoing and future damage assessment and recovery methods, to monitor the success of restoration and/or mitigation projects and generally to help ensure that decisions for restoring the Gulf are based on sound science.

## **2. Suggested NRDA Projects for Walton County, Florida.**

Walton County is one of the areas of Florida that received direct impacts from the Deepwater Horizon disaster. Impacts, such as visible oil on and under the sand surface have been identified and documented. While much of such visible oil has been physically removed by

BP shoreline teams, caches of oil found under the sand remain. See, for example, the SCAT reports and VOO Reports relating to the Walton County area. Ultraviolet testing by the Emerald Coast Surfrider has revealed significant areas of beach with a remaining sand and oil mixture. (See <http://www.surfrideremeraldcoast.org/> )

Periodically, with strong southerly winds and waves, more oil comes ashore. What is unknown as this point is whether there are submerged tar mats in the coastal waters similar to those found in the Pensacola pass and Perdido area.

A massive sand flea mortality and sea slug mortality occurred in late fall along an area of the beach. We are unaware of any testing done on the dead species.

Impacts to species is unknown. We are not aware of any comprehensive or even partial “inventory” of species or testing on species to determine potential impacts. Testing of consumable seafood has been minimal thus far in our area.

Choctawhatchee Bay and the 15 coastal dune lakes are a critical estuary and nursery for various species. The coastal dune lakes alone are a rare ecosystem listed as “globally imperiled” by the Florida Natural Areas Inventory. As a result of the lack of testing and analysis in our area, there is much concern about yet unidentified present and future impacts from submerged oil, use of dispersants and the mixture of sand and oil on shorelines and upper beach areas. Our suggestions for NRDA focus on acquiring less impacted shoreline, ecosystem analysis and monitoring and recovery suggestions for coastal waters, Choctawhatchee Bay, the Coastal Dune Lakes and beaches.

### **Suggested Walton County NRDA Projects:**

1. **Coastal Dune Lakes**, (globally rare & imperiled)
  - Purchase available outfall parcels-Eastern Lake and others with willing sellers.
  - Replace culverts with bridges to reduce erosion into lakes, restore biodiversity by eliminating chronic separation of north and south portions of lakes from clogged culverts.
  - Remove any invasive/exotic species as identified by Choctawhatchee Basin Alliance (CBA) and FWC—This requires an ongoing maintenance program; one-treatment is beneficial but not sufficient. In some cases, subsequent re-vegetation with native plants is recommended to prevent erosion.
  - Fund monitoring program for heavy metals, e.g. mercury, phosphorus.
  - Restore wetlands where destroyed and restore upland buffers to protect dune lakes.
  - Species inventory (fish surveys and some plant surveys exist, but greater coverage and frequency needed)
  - Stormwater projects identified by Hartman & Associates (County’s Stormwater Master Plan).

## 2. Beach Front Land Acquisition

Purchase 2.8 acre gulf front parcel for sale.

- supported by Comprehensive Plan policies to acquire sensitive gulf front parcels
- pristine dune system
- adjacent to public access
- would provide an additional public recreational beach
- USF&W determined beach mouse, piping plover habitat.

## 3. Choctawhatchee Bay

- Fund water/sediment long range monitoring of phosphorus, nitrogen, mercury, etc. in Choctawhatchee Bay.
- Restore wetlands/buffers along Bay.
- Fund establishment of living shorelines.
- Restore wetlands/vegetation to reduce erosion along county accesses to Bay.
- Fund species inventory (Bioassessment), including fisheries, long-term seagrass and phytoplankton monitoring.
- Choctaw Beach Park Stormwater Improvement Project: Remediation project providing stormwater treatment to reduce sedimentation and bacteria problems at popular public park.
- Habitat improvement/erosion control projects to reduce sedimentation (similar to Choctaw Beach project above).
- Develop hydrological model of Bay.

## 4. Coastal Waters

- Scuba/snorkel grid to identify tar mats or other sunken oil
- Species inventory to provide immediate baseline
- Long term monitoring program for marine species
- Long term water and sediment testing for oil and dispersant
- Testing of identified beach nourishment sand sources for oil and/or dispersant

## 5. Beach

- Long term monitoring and periodic testing of identified areas of oil under the sand
- Shore bird inventory and long term monitoring program
- Compensation to Walton County for periodic loss of use of heavily impacted beach areas

Respectfully,  
The South Walton Community Council, Inc.

Anita Page, Executive Director