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July 28, 2010

Admiral Thad Allen, U.S.C.G.
National Incident Commander
Deepwater Horizon Response
2100 Second Street, S.W.
Washington, D.C. 20593

Dear Admiral Allen:

As you are aware, the Committee on Oversight and Government Reform is investigating the events surrounding the *Deepwater Horizon* disaster, including the federal government's response. Pursuant to this investigation, I released an interim report on July 1, 2010, raising serious concerns about the response effort. The report examined whether the Coast Guard and BP have made adequate resources available in a timely manner, whether the government has exerted command and control over BP's efforts, and the extent to which the concerns and expertise of local leaders have been incorporated into the response effort.¹ A copy of that report is attached for your review.

This report was primarily based on observations and information provided by local officials, charged with the responsibility of protecting their coastal wetlands from the oil. My office has recently been contacted by one of these officials, and I am troubled by his account of recent actions taken by the U.S. Coast Guard. Specifically, I am concerned that the Coast Guard is prematurely consolidating, relocating, and demobilizing assets still needed to fight the oil.

On July 15, 2010, BP announced that it had capped the hemorrhaging well, and for the first time in 86 days, oil did not flow into the Gulf. Yet all acknowledged the recovery effort had just begun. Commenting on the successful effort to cap the well, President Obama rightly noted, "It is important that we don't get ahead of ourselves here. One of the problems with having this camera down there is that when the oil stops gushing everybody feels like we are done, and we are not."² Similarly, on July 27, 2010

¹ How the White House Public Relations Campaign on the Oil Spill is Harming the Actual Clean-up: Frontline Accounts of Oil Spill Differ from Official Account on Key Points available at http://republicans.oversight.house.gov/index.php?option=com_content&view=article&id=848%3Arelations-campaign-on-the-oil-spill-is-harming-the-actual-clean-up&catid=21&Itemid=28

² Ben Geman, *Obama Calls Well Cap 'Good News' But Strikes Cautious Note on Spill*, July 16, 2010.

you stated that cleanup “will continue far after the relief well is completed; that is our commitment.... We need to be ever vigilant.”³

As you know, before the well was sealed, between 1.2 and 3.45 million barrels of oil had already poured into the Gulf. Only 823,809 barrels of oil/seawater mix has been collected by skimming vessels and only 265,238 barrels have been burned. The bulk of the oil remains – either visible on the surface or lurking underwater. Yet, according to David Dysart, Head of Homeland Security for St. Bernard Parish, on Friday, July 23, 2010, the Coast Guard attempted to commandeer BP assets, such as boom and skimmers that were currently under the control of the Parish. It appears that the Coast Guard was attempting to consolidate and relocate assets to Gonzales, Louisiana – an inland location almost 80 miles from the Parish. Once in Gonzales, the assets would no longer be under the control and direction of the Parish and would not be a part of their response effort. Excerpts from a recent communication are detailed below:

On Fri 23rd, I met with Cmdr's Carter and Knapp from ICP Houma at our Chalmette Warehouse... [to]examin[e] our facility.... as we prepared for TS Bonnie to make landfall the following evening.... It became evident that the reason they wanted us to relocate our assets to Gonzales wasn't for safety, rather [as] a method of gaining control so the assets could be demobilized. I explained to both Cmdr's that these assets were not leaving the control of the Branch Command because it had taken the Branch over 60 days just to get these on site. Furthermore the Parish President directed no assets to leave [sic]. Cmdr Carter then questioned the authority of the President and the validity of his directions.... At approx 1500 President Taffaro spoke with Admiral Zukunft regarding the visit and the matter and was assured the equipment would remain in St. Bernard.

At approx 1800 LtCmdr Kite called Parish President Craig Taffaro and myself into an office where Dan Glossner, BP Branch Director and another BP representative were present. A gentleman who did not identify himself positioned himself in the door and he was introduced by LtCmdr Kite as a DHS representative. LtCmdr Kite stated that he had received an order from Cmdr Carter, Deputy Incident Commander from Houma that, under penalty of Court Marshall, he was to defy the direction of the Branch Command and the order of the Parish President, commandeer boom and other critical assets that are the property of BP and other contractors, load them on trucks and to relocate these assets to Gonzales LA.

³ Giovanni Russonello, *BP Will Start 'Static Kill' Next Week*, July 27, 2010, available at <http://www.politico.com/news/stories/0710/40250.html#ixzz0utLRBMPx>

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For his benefit, the Parish President had LtCmdr Kite escorted from the property. In an effort to avoid this potential irreversible conflict, he suggested LtCmdr Kite call Admiral "Z" and confirm the order. As a result the order was rescinded.⁴

I am deeply troubled by these events. If true, allegations that the Coast Guard is attempting to seize, relocate, and demobilize assets directly conflicts with President Obama's promise to dedicate every resource to clean up the Gulf, even when the cameras are off. These actions also undermine what should be a partnership between the local leaders and the federal government.

I respectfully request you investigate this matter to determine who issued the orders to seize the assets, why such orders were issued, and whether similar events have occurred in other Parishes within Louisiana. In addition, I request that you respond to the following questions and submit the results of the investigation to this Committee, in writing, **no later than August 6, 2010**.

1. Is there a coordinated effort by BP and the Coast Guard to remove assets from the control and jurisdiction of the local governments? If so, what is the justification for the effort?
2. If the Coast Guard is engaged in an effort to seize BP assets currently under the control of local governments, please cite the legal basis for these actions.

If you have any questions regarding this request please contact Senior Counsels Kristina Moore or Thomas Alexander at 202-225-5047. Thank you for your prompt attention to this request.

Sincerely,



Darrell Issa
Ranking Member

Cc: The Honorable Edolphus Towns, Chairman

Enclosure

⁴ Email, David Dysart, Homeland Security Director, St. Bernard Parish to Committee Staff, July 27, 2010.