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# GULF CURRENTS

## INSIDE THIS ISSUE

### P2

Message from the Executive Director

### P3

Gulf Monitoring Consortium

GRN in DC

### P4

New Board Member

Easter Keg Hunt

Aveda Earth Month 2013

### P5

New GRN Headquarters

GRN Outreach Team

### P6

The Problem With Sewage

Mississippi DMR Rocked by Scandal

Coal Terminals Threatening Coastal Restoration

### P7

Florida Legislative Session: Water Outlook for 2013

Switching Gears to Save Bluefin Tuna

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## AS BP PUMMELED IN COURT, GULF BEACHES HIT BY TARBALLS

Not 60 miles south of the New Orleans courthouse that has been the scene of the environmental trial of the century, lies a reminder of the outcome of BP's grossly negligent actions.

Thousands of tar balls litter Elmer's Island, stretching as far as the eye can see, pushed ashore by a storm system. Tar balls and mats continue to dot Gulf beaches, from Florida through Louisiana.

While the trial is focused on the past, the tar balls are testimony to the ongoing impacts of BP's disaster.

The first week of the trial was tough on BP, with experts such as UC Berkley Professor Bob Bea, and well design expert Alan Huffman blaming BP for risky behavior, while BP's former Gulf Vice President Kevin Lacy testified to incessant cost cutbacks to his operations.

We continue to guard against the rumored \$16 billion dollar settlement for all penalties. As the trial makes it clear that BP was grossly negligent, the corporation should pay more than that in Clean Water Act penalties alone.

**"WHILE THE TRIAL IS FOCUSED ON THE PAST, THE TARBALLS ARE TESTIMONY TO THE ONGOING IMPACTS OF BP'S DISASTER."**

A full accounting of what BP should owe brings the total close to \$50 billion. Along with maximum Clean Water Act fines of nearly \$20 billion (80% of which will go towards Gulf restoration thanks to the RESTORE Act), there is an estimated \$30 billion needed for the Natural Resource Damage process to restore what BP's oil has affected as required under the Oil Pollution Act.

The current trial will determine future compensatory penalties and civil fines, but there is already some money heading to the Gulf. BP and Transocean have agreed to criminal plea deals including fines of \$4 billion and \$1.4 billion, respectively, much of which will benefit the Gulf.

Of Transocean's monies, \$800 million will be guided by the RESTORE Act to the Gulf Ecosystem

Restoration Trust Fund, \$150 million to an initiative of the National Academy of Sciences (NAS) to focus on human health, environment, and oil spill prevention for the Gulf, and \$150 million to the National Fish and Wildlife Foundation for a Gulf restoration initiative. Of BP's settlement, \$1.15 billion will go to the Oil Spill Liability Trust Fund, \$350 million to the same NAS initiative, and \$2.4 billion to the NFWF Gulf restoration initiative.

GRN will be watchdogging the various processes and spending mechanisms to ensure funds go towards effective, science-based restoration.



*A close-up of tar, from BP's oil disaster, discovered Feb. 27, 2013 on Elmer's Island. Photo: GRN.*



*Jonathan Henderson gestures towards thousands of tarballs on Elmer's Island, a Louisiana barrier island. Photo: GRN.*



## A MESSAGE FROM THE EXECUTIVE DIRECTOR



Cynthia Sarthou,  
GRN Executive Director

GRN has been working for many years to protect the Mississippi (dusky) gopher frog. The Mississippi gopher frog is a warty, dark-colored frog with ridges on its back. It lives in upland, sandy habitats, spending most of its life underground in burrows created by gopher tortoises, and uses isolated, temporary ponds within pine forests for breeding. Approximately 100 frogs remain and only one breeding pond shows consistent reproduction. In short, this species could easily become extinct.

Concerns about the frog's status have existed since 1982. Yet, it wasn't until December 2001 that the Mississippi gopher frog was listed as endangered under the Endangered Species Act (ESA). Sadly, listing did not bring the protection that people associate with the ESA. The U.S. Fish and Wildlife Service (USF&WS) did not designate critical habitat and, despite a requirement that a "recovery plan" be developed within 2.5 years of listing, no recovery plan has been issued.

In June 2012, 11 years after listing and in response to litigation by the Center for Biological Diversity (CBD) and Friends of Mississippi Public Land, the USF&WS designated critical habitat in St. Tammany Parish, Louisiana (1544 acres) and in Harrison and Jackson County, Mississippi (4,933 acres). New Orleans attorney,



Roughly 100 dusky gopher frogs remain in the wild. Photo: USFWS.

Edward Poitevent, whose property is affected, has filed a suit objecting to the designation of habitat in Louisiana. CBD and Gulf Restoration Network (GRN) will seek to intervene in that suit to support the designation of critical habitat.

**"APPROXIMATELY 100 FROGS REMAIN AND ONLY ONE BREEDING POND SHOWS CONSISTENT REPRODUCTION."**

In January 2013, concerned about the lack of a recovery plan, the GRN and CBD filed a notice of intent to sue the USF&WS. Although we hope the USF&WS will do the right thing, if a recovery plan is not issued, we will sue to force them to do so.

Hopefully, sometime soon, this highly imperiled frog will receive the protection it needs and start the long road to recovery.

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## GULF MONITORING CONSORTIUM

GRN has been engaged in systematic monitoring of oil pollution in the Gulf of Mexico since April of 2010, with over 150 field monitoring trips by land, air, and sea. As such, GRN was invited to become a member of the Gulf Monitoring Consortium (GMC) which we formally joined in January, 2013. The GMC is a rapid response alliance that collects, analyzes and publishes images and other information from space, sea and sky, to investigate and expose oil pollution incidents that occur in the Gulf of Mexico. Members of the GMC, including SkyTruth, the Waterkeeper Alliance, SouthWings, GRN, and the Louisiana Bucket Brigade use satellite images and mapping, aerial reconnaissance and photography, and on-the-water observation and sampling to identify locate and track new and ongoing leaks and spills.

The Consortium's long-term goal is to ensure that industry and government pollution reports are accurate, credible and understandable. The true state of pollution related to energy development must be widely acknowledged and incorporated into public policy and decision-making.



February 27th, 2013. GRN's Jonathan Henderson holding oil on Elmer's Island, a barrier island on Louisiana's coast. On this day, thousands of tar balls were discovered peppering the shoreline. Photo: GRN.



Shortly after Hurricane Isaac in August of 2012, GRN conducted flyovers revealing numerous leaks from oil, gas, and chemical facilities and infrastructure. Pictured is the Alliance refinery in Plaquemines Parish. Note the failed containment levee around the leaking storage tanks. Photo: GRN.

The BP drilling disaster highlighted the flawed process by which pollution discharges are reported and cleaned up, and through which polluters are held accountable. It revealed how the official channels of reporting and cleaning up pollution rely, to an inordinate degree, on the polluters themselves. Little information is made available to the public, and the information that is presented could be considered untrustworthy. GRN alone has filed over 50 reports of leaks with the National Response Center since 2010 and is pleased to be working with the Gulf Monitoring Consortium in the fight for a healthy Gulf.

## GRN IN WASHINGTON, DC

GRN was a part of history recently, joining 40,000 people next to the Washington Monument for the Forward on Climate Rally, then marching past the White House to demand a veto of the Keystone XL Pipeline and more action to avert our climate crisis. The Keystone XL pipeline is an effort to link the carbon-intense and extremely dirty tarsands of Alberta, Canada to refineries on the Texas Gulf Coast. GRN has supported efforts to stop the pipeline in order to protect the Gulf from the impacts of climate change and the pollution it will bring.

After the speeches and march, GRN's Deputy Director, Aaron Viles, and Howard Page with the Steps Coalition met with the staff of Senators Landrieu (LA), Nelson (FL), and Cochran (MS), Representatives Markey (MA) and Richmond (LA), the Department of the Interior, and the National Academy of Sciences Gulf Initiative. Finally, we visited the White House Council on Environmental Quality, where we dropped off hundreds of postcards to the President asking him to hold BP accountable, create a Regional Citizens' Advisory Council to add community accountability and corporate transparency to the Gulf oil industry, and keep Florida's shores free from drilling. At each stop we discussed the need for citizen input to the Gulf Ecosystem Restoration Council plan development and the need to hold the oil industry accountable by establishing an RCAC.



Demonstrators at the Forward On Climate Rally in Washington, D.C. Photo: GRN.



## NEW BOARD MEMBER SPOTLIGHT: HAL SUTER

Hal Suter has spent almost his entire life living on the Gulf Coast. With a resume spanning from life insurance salesman to political columnist, Mr. Suter is a mainstay in the Texas environmental community. He is a lifetime member of the Sierra Club and has been very active in the Lone Star Chapter. He was instrumental in bringing the Apollo Alliance, a coalition of organized labor, environmental groups, businesses, and social justice groups to Texas, and now sits on the board of the Blue Green Alliance. As Chairmain of the Beach Access Coalition, Mr. Suter has been active in keeping the beaches on the middle Texas Coast open to the public. He has also been a member and leader of Toastmasters International and holds a bachelor's degree from the University of Texas.



*New Board Member, Hal Suter.  
Photo: Hal Suter.*

## AVEDA EARTH MONTH 2013



*An Aveda/GRN outreach setup. Photo: GRN.*

Once again we are truly excited to partner with AVEDA salons in Oklahoma, Arkansas and across the Gulf to raise funds for and awareness of GRN's Healthy Waters and BP Oil Disaster campaigns.

In partnership with GRN since 2006, AVEDA has embraced our mission to keep our waterways clean by protecting wetlands and keeping pollution out of our waters. AVEDA, an authentic "green" company since its inception, is committed to protecting our environment. As the 2013 campaign theme so aptly states,

**CLEAN WATER CHANGES LIVES!**

Contact your favorite AVEDA salon in April to support GRN and HEALTHY WATER!

## EASTER KEG HUNT

NOLA Brewing partners with Gulf Restoration Network to present a scavenger hunt through NOLA's Riverbend neighborhood.



\$12/person in advance or  
\$15 day of. Begins at 2pm.

The hunt will lead you to the after party where there will be live music from Bonerama & The Quickening as well as free NOLA beer.

For more details or to register, go to  
[www.healthygulf.org/easterkeghunt](http://www.healthygulf.org/easterkeghunt)



*Dylan and Buck of NOLA Brewing in their Easter best. Photo: GRN.*



*Pedal for Water in Houston, TX. Photo: Aveda.*



## NEW GRN HEADQUARTERS

Thanks to everyone who joined us in celebrating our new office at our Open House in January! We were excited to share drinks and tuna from the Gulf with our collaborators and supporters. A special thanks to Jim Clark, who created and donated the original artwork in our foyer in time for the event. The sculpture, *Turning a Blind Eye*, continues to impress and inspire all of us here at GRN.



Vince Pasquantonio, Bev & Ray Nichols.  
Photo: GRN.



Jim Clark with *Turning a Blind Eye*. Photo: Jim Clark.



Helen Rose Patterson and Julie Denslow.  
Photo: GRN.



Bernie January and Sarah Payne  
Photo: GRN.



Bob Marshall, Marie Gould, and Lindsay Pick of Lost Lands Tours.  
Photo: GRN.

## GRN OUTREACH TEAM

GRN is once again hitting the streets! GRN's Outreach Team is going into neighborhoods all year-round to engage the public in GRN campaigning for the Gulf and recruit new members to support GRN's work to protect and restore the Gulf. If you get a knock at your door, make sure to take the opportunity to sign up as a Gulf Sustainer or increase your membership!




Sam Levine hits the streets in support of a healthy Gulf. Photo: GRN.



GRN's Harry Lowenburg speaking with supporters door-to-door  
Photo: GRN.

## STAY IN TOUCH

Join GRN on social media for more timely updates and breaking news.

 [www.facebook.com/healthygulf](http://www.facebook.com/healthygulf)

 [www.twitter.com/healthygulf](http://www.twitter.com/healthygulf)



## THE PROBLEM WITH SEWAGE

Like with many environmental issues, Gulf States languish behind other states in properly treating their sewage before discharging it into local rivers and streams. For several years, GRN has been working to ensure that municipal and private sewage treatment facilities properly treat their sewage before it goes into Gulf waters. Regretfully, many sewage facility operators are not adequately protecting their local streams.



*Sewage outfall near Little Tchefuncte River. Photo: GRN.*

GRN's technical and legal staff review hundreds of sewage treatment discharge permits and also respond to citizen tips regarding sewage pollution. While litigation is a last option, we have been forced to take legal action against several sewage plants in Mississippi and Louisiana over the past few years. It is frustrating to see these operators violate the law and the states allowing them to do so.

In one case in Hattiesburg, MS, the agency that is supposed to be regulating sewage discharges, Mississippi's Department of Environmental Quality, has actually intervened on behalf of the polluters, supporting the inadequate progress they have made to clean up plants that stink up the neighborhood and turn portions of the receiving stream brown.

If you have a sewage problem in your neck of the woods, check out GRN's publication *Our Waters, Our Health: A Citizens' Guide to Sewage Pollution* on the GRN website.



*Outfall for the Hattiesburg South Sewage Lagoons. Photo: GRN.*

## MISSISSIPPI DEPARTMENT OF MARINE RESOURCES ROCKED BY SCANDAL

Since October 2012, the Mississippi Department of Marine Resources (DMR) has been embroiled in a controversy over the agency leadership's handling of state and federal monies. The controversy first broke in a big way with the *Sun Herald* newspaper reporting on a federal audit that raised serious questions about how DMR was using Coastal Impact Assistance Program (CIAP) Funds designated for conservation. The audit found that DMR often paid significantly more than the tax-appraised price for conservation properties. In two cases, these federal funds had been used to purchase property from family members of, respectively, then DMR Executive Director Bill Walker, and then CIAP program head Tina Shumante. Other revelations of questionable practices followed.

Since then, both Dr. Walker and Ms. Shumante have left the agency, and the Commission on Marine Resources is actively searching for candidates for the Executive Director position. We fervently hope the Commission chooses candidates for Executive Director with the management skills, scientific background, and commitment to protecting the health of the Mississippi Sound that is needed to restore the public's trust in DMR.

## COAL TERMINALS THREATENING COASTAL RESTORATION

As coal use in the United States declines, dirty energy companies are looking to export climate-change causing carbon. Successful challenges to coal export terminals in the Northwest have Big Coal eyeing the Gulf Coast to get their coal to international markets. Once again, the Gulf is being treated as America's Energy Sacrifice Zone.

Burning coal abroad causes problems locally, and it also contributes to global warming throughout the world. The Gulf is ground zero for impacts of climate change like rising seas and more intense storms.

New and expanding coal export terminals on the Mississippi River will discharge coal dust and runoff, polluting neighboring communities, wetlands, and the river. One proposed export facility would be located directly upstream from an important coastal restoration project, the Myrtle Grove sediment diversion. The facility could impact many aspects of the project and lead to pollution of the water and sediment that should be used to restore Louisiana's ailing wetlands.

Due to the impacts to the land, water, wetlands, air, and communities, new and expanded coal export facilities should not be allowed in the Gulf. GRN is working with our partners to make sure that the Gulf doesn't become a victim, once again to polluting energy profiteers.



## FLORIDA LEGISLATIVE SESSION: WATER AND CONSERVATION OUTLOOK FOR 2013

This year's legislative session in Florida will be a tug of war over water at a time of declining spring and river flow, and degraded water quality. Former Governor Bob Graham and many others are actively campaigning to make Florida water protection a priority in this legislative session and beyond. Yet, industry, agriculture, and utility interests are pushing for more water usage.

SB 948 by Sen. Denise Grimsley, R-Sebring, would give the Department of Agriculture and Consumer Services (DACS) a much larger role in water management decisions. If this happens, the Department must commit to protecting water. On the other hand, HB 789/SB 978, dubbed the "Springs Revival Act," would require five-year plans to address springs that have reduced flows or are designated by Florida Department of Environmental Protection (FDEP) as "impaired." This is a necessary step towards lasting springs protection, and it will certainly be challenged by industrial and agricultural water users.

Even as water degradation increases, we can expect another bill that will pre-empt local governments' attempts to keep their waterways free of fertilizer pollution. FDEP may seek legislation to ease federal concerns about the lack of state water quality rules.

Finally, SB 584, by Sen. Alan Hays, R-Umatilla, would require state and local agencies to sell an equal amount of land before buying land for parks or conservation. This would effectively end Florida Forever, the beloved program that has helped conserve wild Florida.

Please join GRN as a Gulf Sustainer to help us fight for Florida's waters and wildlands in this legislative session. [www.healthygulf.org/donate](http://www.healthygulf.org/donate)



Florida coastal hardwoods dying from low freshwater flow and sea level rise. Photo: NOAA.

## SWITCHING GEARS TO SAVE BLUEFIN TUNA

The Gulf of Mexico is the only known spawning ground for the Western Atlantic bluefin tuna – a giant, warm blooded fish averaging 550 lbs and 6½ ft. in length that migrates to the Gulf annually. Their numbers are dangerously low.



Bluefin Tuna in larval stage, this specimen is only 5 mm long. Photo: NMFS.

BP's oil disaster occurred during the peak of bluefin spawning season. Scientific research indicates that bluefin were exposed to toxic oil and dispersants from the spill. Surface longlines fishing for yellowfin tuna and swordfish also threaten this fragile population and more than 80 other marine species, such as the sea turtle and dolphin, that are incidentally killed.

Interviewing 24 Louisiana longliners, we've learned they're squeezed by fewer fish and increased costs. If alternative gear can be more efficient and productive, longliners are open to switching. In fact, two longlining boats are currently testing two highly selective alternative fishing methods, working with Dr. David Kerstetter of Nova Southeastern University.

**"IF ALTERNATIVE GEAR CAN BE MORE EFFICIENT AND PRODUCTIVE, LONGLINERS ARE OPEN TO SWITCHING."**

In January, a tuna caught using highly selective greenstick fishing gear was prepared by three New Orleans chefs for a Sustainable Seafood Luncheon at Gautreau's, attended by 57 guests from restaurants, environmental and fishing organizations, scientists and the media. Journalist Bob Marshall stated in *Field and Stream* that the pilot project has conservationists and commercial fishermen "hopeful for the future."

NOAA's draft rule is expected in April. We will once again ask for turnout and comments to support switching gears to protect the bluefin tuna as a win/win for fishermen and the environment.



Chef Adolfo Garcia and fisherman George Barasich at the Sustainable Seafood Luncheon. Photo: Dubinsky Photography.





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# UNITED FOR A HEALTHY GULF

## **GULF CREATURE FEATURE: BROWN PELICAN**

The pelican continues to be an iconic symbol of the Gulf and the BP oil disaster, and soon the majestic bird will adorn the jerseys of New Orleans' NBA basketball team! It's nice to see the pelicans back in the news after images of oil-drenched birds shocked the world during BP's disaster and then seemed to fade away from the collective consciousness.

The brown pelican has a long conservation history, and the story of the species survival continues to play out with the end still unknown. The first two National Wildlife Refuges were created by President Teddy Roosevelt to help protect brown pelican nesting sites in Florida and Louisiana. Roosevelt visited Louisiana's Breton Island in person, and was moved to protect the bird from hunting pressure tied to harvesting their feathers for ladies hats.

Eventually, thanks to the creation of the Endangered Species Act, and the EPA's decision to ban DDT (a pesticide which was linked to weakened egg shells), the stage was set to re-import brown pelicans from Florida to breeding sites along Louisiana's coast. The species thrived! Finally, in November of 2009, the brown pelican was removed from the Endangered Species List. There is fear, however, that the bird will return to the list if more is not done to restore Louisiana's rapidly eroding coastal wetland.



*A brown pelican in flight. Photo: GRN.*



*A hungry group of brown pelicans awaiting an easy meal aboard a shrimp boat. Photo: GRN.*

Six months later, the BP oil disaster made the plight of Gulf pelicans front page news again. GRN's work to restore the Gulf aims to ensure permanent, healthy places for brown pelicans in the Gulf.