

# Deposition Testimony of:

## **James Watson**

Date: December 19, 2012

Created by:



[www.indatacorp.com](http://www.indatacorp.com)

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.

Page 33:20 to 35:06

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.

Page 35:14 to 37:12

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.

Page 37:18 to 38:07

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.

Page 38:17 to 40:01

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.

Page 41:19 to 43:01

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 FOSC?  
24 A. Yes.  
25 Q. I've seen references to  
00047:01 something called the FOSC representatives.  
02 Do you recall that term?  
03 A. Yes.  
04 Q. What is an FOSC 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 FOSC 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 FOSC 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 FOSC 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 FOSC, 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 FOSC?

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 FOSC or one of  
03 your SO -- FOSCRs?

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

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 FOSC 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, CRR  
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



Worldwide Court Reporters, Inc.  
Firm Certification No. 223  
3000 Wesleyan, Suite 235  
Houston, Texas 77027  
(713) 572-2000

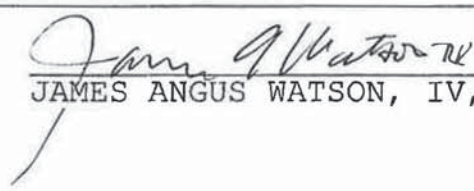
1 WITNESS CORRECTIONS AND SIGNATURE  
2 JAMES ANGUS WATSON, IV DECEMBER 20, 2012

3 Please indicate changes on this sheet of  
4 paper, giving the change, page number, line  
5 number and reason for the change. Please  
6 sign each page of changes.

7 PAGE/LINE CORRECTION REASON FOR CHANGE

8 Please see attached Errataadocument.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

25   
JAMES ANGUS WATSON, IV, VOLUME 2



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*,  
*2013*.

*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 <u>a RP</u> , including BP
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, <u>I 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't 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 whole <u>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 whole <u>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</u> the VO -- 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.
-----------------------	--------------------------	----------	---	----------	---	--