



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: CEO
Department No.: 012
For Agenda Of: July 19, 2016
Placement: Departmental
Estimated Time: 60 min
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Mona Miyasato, County Executive Officer
Director(s)
Contact Info: Robert Troy, Interim Director, Office of Emergency Management,
681-5526
SUBJECT: **Refugio Oil Spill After Action Report**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Receive the “2015 Refugio Oil Spill After Action Report and Improvement Plan”, a written report and an oral presentation from Hagerty Consulting, Inc. (Attachment A), identifying areas of strength and opportunities for improvement based on the lessons learned associated with the County’s response to the May 19, 2015, Refugio Oil Spill; and either,
- b) Pursuant to California Government Code § 8630(d), adopt a Resolution Terminating the Proclamation of a Local Emergency Related to the Refugio Beach Oil Spill (Attachment B), which had been declared by the Director of Emergency Management on May 20, 2015, when the Board of Supervisors was not in session, and has been ratified by the Board of Supervisors at least every 30 days thereafter; or,
- c) Adopt a Resolution re-ratifying the Proclamation of a Local Emergency related to Refugio Beach Oil Spill (Attachment C) declared by the Director of Emergency Management on May 20, 2015, when the Board of Supervisors was not in session, and has been ratified by the Board of Supervisors at least every 30 days thereafter; and,
- d) Determine that these activities are exempt from California Environmental Quality Act review per CEQA Guideline Section 15061(b) (3), since it can be seen with certainty that there is no possibility that the activities may have a significant effect on the environment.

Summary Text:

This item is on the agenda to provide the Board with a presentation of the “2015 Refugio Oil Spill After Action Report and Improvement Plan” (AAR). The AAR is required by the Santa Barbara Operational Area Oil Contingency Plan and was prepared by a contracted consultant, Hagerty Consulting, Inc., with collaboration and input from various local, County, and State agencies. The intent of the report is to identify areas of strength in the response, and recommend actions and improvements the County can make to improve future response. The AAR was prepared in response to the May 19, 2015, Refugio Oil Spill. The spill response provided by Federal, State, local, and contract resources is still ongoing, with regular monitoring of the main impact site, referred to as Section 5, continuing through approximately the end of 2016. A multi-party Natural Resource Damage Assessment (NRDA) is also underway. This process will develop a plan for restoration of the natural resources injured by the Refugio Oil Spill and pursue implementation or funding of the plan by the responsible party. Multiple trustees are involved in this process, including the California Department of Fish and Wildlife. The County of Santa Barbara has been participating in the NRDA, through the County’s Planning & Development Department and Office of County Counsel.

However, because immediate emergency response and recovery operations are now largely complete, and the AAR has been written, staff recommends that the Board adopt the attached Terminating Resolution (Attachment B), which finds that conditions warranting the proclamation of local emergency caused by the spill, such as conditions of extreme peril, no longer exist. However should the Board desire to continue the emergency proclamation for an additional 30 days, a Continuing Resolution (Attachment C) has also been provided. This Continuing Resolution would only be necessary should the Board determine that further continuance would: benefit efforts to secure any state funds still needed to deal with the actual or threatened conditions; add protection from liability through enhanced statutory immunities associated with the proclamation; or, potentially increase the availability of unemployment insurance for residents who are directly unemployed due to the emergency. Staff has assessed each of these areas and has determined that at this time, there is no need to continue the proclamation. Further, the State of California anticipates discontinuing the Governors’ Proclamation of Emergency in the near future.

Background: The Santa Barbara Operational Area Oil Spill Contingency Plan states that an after action/corrective action report shall be conducted after an incident to evaluate response, improve future response, and determine if any oil spill contingency plan elements need to be revised. To prepare for the drafting of the report, debrief sessions were held with internal County staff on October 26, 2015; with non-governmental organizations on January 21, 2016; and with jurisdictions within the Operational Area on March 30, 2016. Hagerty Consulting, Inc., an emergency management and homeland security consulting firm that works with jurisdictions across the nation to prepare for, respond to, and recover from disasters, also conducted multiple one-on-one and group interviews with County staff and officials, staff from other local jurisdictions, and representatives from non-governmental organizations, and wrote the AAR.

Hagerty project lead for this initiative is Executive Vice President Brock Long, who previously served as Director of the Alabama Emergency Management Agency, and fulfilled the role of the State Incident Commander for the Deepwater Horizon incident, which was the largest oil spill in American history. Working in close collaboration with Mr. Long, Katie Freeman served as the project manager; in over eight years supporting emergency management agencies across the nation, Ms. Freeman has led development of fifteen AAR as the result of exercises and response operations. An After-Action Meeting to discuss and solicit feedback on preliminary findings was conducted by Hagerty Consulting

on April 26, 2016. This input informed the final recommendations and improvement plan in the attached AAR.

While the report identifies 11 strengths and 18 areas for improvement, with 36 specific recommendations, the Executive Summary highlights the following top strengths and areas for improvement:

Primary Strengths

1. The existing Memorandum of Understanding (MOU) between the County and State allowed the County to designate a local on-scene coordinator (LOSC) to participate in Unified Command (UC). This helped to give the County a voice in the UC decision-making process, although ultimate authority, in the absence of unanimity, remained with the federal on-scene coordinator (U.S. Coast Guard for this incident). The MOU also helped to preserve the County's emergency permitting authority, which was critical to the County's efforts to ensure comprehensive cleanup of impacted beaches, and involvement of the responsible party, after response operations wind down.
2. Response operations benefitted greatly when local resources were incorporated into response operations. Public Health Department personnel provided valuable operational support in the form of health and safety monitoring and expertise, and Planning and Development provided contract support to the Shoreline Cleanup Assessment Technique teams. Integration of local expertise and resources increased visibility into the operations, and made for a more informed and timely response.
3. The County established a County Oil Response (COR) staff group, which served as an efficient vehicle for multi-agency coordination, and for facilitating input from multiple disciplines. COR provided the flexibility to meet as often as necessary, even on little or no notice, to assess both tactical and strategic issues, and provide the necessary support for the LOSC to serve effectively within the UC.

It is important to note that beginning on the first day of the oil spill response and continuing throughout, County leaders regularly looked six months ahead in deciding what actions needed to be taken right away to best protect County residents, environmental resources, and businesses in addition to actions the County should take to recover its damages from the responsible party.

Primary Areas for Improvement

1. Although the COR was an effective coordination group and there were other ad hoc vehicles for meaningful feedback, the County needs to review its approach to internal coordination, and identify the merits and timeline of all available coordinating entities, including the Disaster Council and Recovery Advisory Council. A strategic approach to effective coordination will provide a beneficial platform to support effective decision-making and consensus building among County stakeholders.
2. As is the case in almost all incidents, communications are a key opportunity for improvement. The County needs to work with State and Federal partners to improve the process for coordination with County-specific communications. Protocols should be established to either concurrently run a separate Joint Information Center, or to independently produce and disseminate information that does not need to be approved by the UC. Additionally, procedures

should be pre-established that identify appropriate participation in press conferences, access by the public, etc.

3. While current plans identify UC participation by the LOSC, it would be beneficial to incorporate more local resources into the staffing and management of response operations. Greater local participation would provide for more visibility into UC operations, as well as provide for a more informed response.

Next Steps

The Office of Emergency Management will utilize the After-Action Report and Improvement Plan to provide informed feedback to ongoing plan updates, build local capabilities, and to help provide local training and education opportunities. The spill response is still ongoing, with regular monitoring of the main impact site, referred to as Section 5, continuing through approximately the end of 2016.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

There are no fiscal or facilities impacts to accepting this report and reviewing the recommendations.

Key Contract Risks:

N/A

Staffing Impacts:

Legal Positions:

0

FTEs:

0

Special Instructions:

None

Attachments:

- A. 2015 Refugio Oil Spill After Action Report and Improvement Plan
- B. Resolution Terminating the Proclamation of a Local Emergency Related to the Refugio Beach Oil Spill
- C. Resolution Continuing the Proclamation of a Local Emergency Related to the Refugio Beach Oil Spill

Authored by:

Robert Troy, Interim Director, Office of Emergency Management