

CALIFORNIA COASTAL COMMISSION

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**Tu 11b**STATUS REPORT ONNO EFFECTS DETERMINATION FOR REQUEST TO DECOMMISSION *MR. CLEAN II***DATE:** June 13, 2000**TO:** Coastal Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Jaime Kooser, Deputy Director
Alison Dettmer, Manager, Energy and Ocean Resources Unit
Ellen Faurot-Daniels, Supervisor, Oil Spill Program
Robin Blanchfield, Analyst, Oil Spill Program

RE: NE-54-00: No Effects Determination for MMS Approval of Clean Seas Member Companies' Request to Decommission the Oil Spill Response Vessel, *Mr. Clean II*

On April 6, 2000, the Clean Seas member companies, who are also the owners and operators of the OCS platforms in the Santa Barbara Channel and Santa Maria Basin, received approval from the Minerals Management Service ("MMS") to: (1) decommission and remove the oil spill response vessel, *Mr. Clean II*, from its station at Avila Beach; (2) substitute for the *Mr. Clean II* (but not locate at Avila Beach) the other resources, technologies, and capabilities of Clean Seas Inc. that MMS found to provide equal or better protection than *Mr. Clean II*; and, (3) modify the oil spill response plans ("OSRPs") for the affected Outer Continental Shelf ("OCS") platforms and facilities to reflect this change in Clean Seas response equipment.

Commission Staff has reviewed the information submitted on behalf of the Clean Seas member companies and has determined that the decommissioning and removal of the OSRV *Mr. Clean II* from Avila Beach will not cause effects on coastal zone resources substantially different than those previously reviewed and concurred in by the Commission in the original federal consistency certifications for the Development and Production Plans for the OCS Platforms of Irene, Hermosa, Harvest, Hildago, Harmony, Heritage, Gail and Grace.

Attached for the Commission's review is the *draft* Executive Director letter that concurs with the MMS approval for the decommissioning and removal of the *Mr. Clean II* from Avila Beach. With the Commission's concurrence, the Executive Director will sign and send this letter.

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June 13, 2000

Dr. J. Lisle Reed
Regional Director
Minerals Management Service (MMS) – Pacific OCS Region
770 Paseo Camarillo
Camarillo, CA 93010-6064

DRAFT

Subject: **NE-54-00: No Effects Determination for Clean Seas Executive Committee's Request to Decommission the Oil Spill Response Vessel, *Mr. Clean II***

Dear Dr. Reed:

By letters dated April 6, 2000, the Minerals Management Service ("MMS") approved the proposal¹ of Clean Seas member companies² to: (1) decommission and remove the oil spill response vessel, *Mr. Clean II*, from its station at Avila Beach; (2) substitute for the *Mr. Clean II* (but not locate at Avila Beach) the other resources, technologies, and capabilities of Clean Seas Inc. that MMS found to provide equal or better protection than *Mr. Clean II*; and, (3) modify the oil spill response plans ("OSRPs") for the affected Outer Continental Shelf ("OCS") platforms and facilities to reflect this change in Clean Seas response equipment.

As you know, the Commission has previously reviewed and concurred in consistency certifications for Development and Production Plans ("DPPs") for many of the OCS platforms in the Santa Barbara Channel. During those federal consistency review proceedings, the companies made commitments in their DPPs and in their companion OSRPs — which were directly referenced by and/or incorporated into the DPPs — to provide specific oil spill response equipment capability for their platforms and associated facilities in order to provide maximum feasible protection of coastal zone resources.³ Thus, any changes in oil spill response commitments contained in the DPPs or the OSRPs for these OCS platforms and their associated facilities represent modifications to the companies' DPPs. Pursuant to section 307(c)(3)(B) of the Coastal Zone Management Act (CZMA) and its implementing regulations, such

¹ January 21, 2000 letter from Clean Seas Executive Committee to Mr. Tom Dunaway, MMS, which provided formal request and supporting information for the removal of the *Mr. Clean II* and its replacement with the other Clean Seas resources and technologies.

² On April 6, 2000, MMS sent letters of approval to: Bruce Johnston, Pacific Operators Offshore, Inc.; Suzanne Foley, Nuevo Energy Company and Torch Operating Company; Stephen A. Greig, Venoco; Ron Klarc, Rincon Limited Partnership; John Chaplin, ExxonMobil Corporation; and Thomas M. Gladney, Arguello, Inc.

³ The oil spill response commitments set forth in or referenced by the DPPs include, but are not limited to, the following: (1) the provision of specific response equipment on the platforms for primary/initial containment and recovery of an oil spill; (2) the assurance of regional oil spill capability (provided by the companies' oil spill cooperative, Clean Seas Inc.) to provide protection for the coastal zone resources in the event of a worst case oil spill at a platform or its associated facilities; and (3) the ability for oil spill response equipment, support vessels, and personnel delivery and deployment at the platforms within certain timeframes (i.e., 15-60 minutes for primary response and 2-6 hours for secondary response).

modifications of the DPPs are presumptively subject to additional federal consistency review by the Commission.

Under the CZMA regulations (15 CFR §§ 930.71 and 930.51(b)(3)), the test for determining if a modification to a previously reviewed DPP (or to the OSRP incorporated into the particular DPP) is subject to additional federal consistency review by the Coastal Commission is whether the modification to the DPP or the OSRP will affect coastal zone resources, and if so, whether such effects are substantially different than those evaluated by the Commission in its original federal consistency review and concurrence for the particular DPP. Any changes to response equipment or procedures for OCS platforms, which have DPPs that have been previously concurred in by the Commission and that are determined to have one or more effects on coastal zone resources, are subject to additional federal consistency review by the Commission under section 307(c)(3)(B) of the CZMA.⁴

In addition, there are OCS platforms which were not previously reviewed by the Commission because they were installed prior to federal approval of California's Coastal Management Program ("CCMP"). Under the CZMA regulations, 15 CFR 930.51(b)(1), amendments to a federal license or permit activities not previously reviewed by the coastal zone management agency are subject to federal consistency review to determine if they have effects on coastal resources. Any changes to response equipment or procedures for OCS platforms, which have DPPs that were not reviewed for federal consistency by the Commission and that are determined to have one or more effects on coastal zone resources, are subject to additional federal consistency review by the Commission under section 307(c)(3)(B) of the CZMA.

As you know, the Commission staff was in the process of evaluating the above-described proposed modifications to a number of OSRPs when the MMS issued its approvals.

Section 307(c)(3)(B) provides in relevant part that:

"No federal official or agency shall grant [any person who submits to the Secretary of the Interior any plan for the exploration of development of, or production from, any area which has been leased under the OCSLA] any license or permit for any activity described...in such plan until [the]...designated agency...(i)...concurs with such person's [consistency] certification...."

⁴ In a letter dated July 1, 2000, Commission staff notified MMS that: (1) at the time of the Commission's federal consistency review and concurrence for the DPPs for several of the Clean Seas member companies, such companies had in their OSRPs specifically identified *Mr. Clean II* for oil spill response capability, and 2) their DPPs had incorporated by reference the OSRPs; and therefore 3) the removal of the *Mr. Clean II* represents a modification to the DPPs and therefore is presumptively subject to additional federal consistency review by the Commission. As evidence, the July 1, 2000 letter provided excerpts from the DPPs for two OCS platforms, Gail and Hermosa. Subsequent to that letter, Commission staff's review of the Coastal Commission files indicate that the DPPs for Platforms Hildago, Harvest, Irene, Harmony, and Heritage also referenced either three OSRVs or specifically the availability of *Mr. Clean II*. These DPPs also summarized oil spill prevention and response mitigations for the subject platforms and then either incorporated or made direct references to the oil spill response plan, environmental report, and/or the environmental impact report/statement for additional detailed information. (For more detail, see table in footnote 5 in the Attachment.) In a letter, dated February 21, 2000, Commission staff reaffirmed the Commission's position that the removal of the *Mr. Clean II* represents a modification to the DPPs and requested MMS to have the Clean Seas Executive Committee provide additional analysis and information to the Commission staff for its review.

In issuing approvals while the Commission staff was still in the process of reviewing information submitted by the Clean Seas member companies to determine whether the subject OSRP modifications are subject to additional federal consistency review, the MMS did not comply with this statutory obligation.

Notwithstanding this non-compliance, the Commission staff has determined that the decommissioning and removal of the OSRV *Mr. Clean II* from Avila Beach will not cause effects on coastal zone resources substantially different than those previously reviewed by the Commission in its original federal consistency concurrence in the DPPs of the Clean Seas member companies. Therefore, the proposed decommissioning and removal of the *Mr. Clean II* from Avila Beach will not require additional federal consistency review by the Coastal Commission. A detailed discussion of the basis for the Commission staff's determination is provided in Attachment 1 to this letter.

In conclusion, while we agree that in this case the decommissioning and removal of the *Mr. Clean II* does not require additional federal consistency review, we want to emphasize that future changes to DPPs, or to OSRPs incorporated into or referenced by DPPs, relating to oil spill response capability, may be determined to have one or more effects on coastal zone resources and thus would be subject to additional federal consistency review, pursuant to the requirements of section 307(c)(3)(B) of the CZMA. In the future we request that the MMS provide the Commission staff the opportunity to fully complete its federal consistency review before the MMS gives final approval for changes of this type to DPPs, or to the OSRPs referenced or incorporated therein.

If you have any questions about this matter, or wish to discuss it further, please call me at 415/904-5201.

Sincerely,

PETER M. DOUGLAS
Executive Director

CC: Tom Dunaway, Regional Supervisor, MMS, Pacific OCS Region - Field Operations
California Coastal Commissioners
Gary Gregory, Interim Administrator, California Office of Spill Prevention and Response
LCDR William Drelling, United States Coast Guard
David Kaiser, NOAA - Office of Coastal Resource Management
Kerry Kehoe, Coastal States Organization
Darryl Waldron, General Manager, Clean Seas Inc.
Clean Seas Member Companies:
Bruce Johnston, Pacific Operators Offshore, Inc.;
Suzanne Foley, Nuevo Energy Company and Torch Operating Company;
Stephen A. Greig, Venoco;
Ron Klarc, Rincon Limited Partnership;
John Chaplin, ExxonMobil Corporation; and
Thomas M. Gladney, Arguello, Inc.

DRAFT

ATTACHMENT 1

DRAFT

NE-54-00

**NO EFFECTS DETERMINATION OF THE CLEAN SEAS EXECUTIVE COMMITTEE'S
REQUEST TO DECOMMISSION THE OIL SPILL RESPONSE VESSEL (OSRV),
*MR. CLEAN II***

On January 21, 2000, the Clean Seas Executive Committee (hereinafter, the "Committee"), acting on behalf of the Clean Seas member companies, requested approval from the MMS to: (1) decommission and remove the oil spill response vessel, *Mr. Clean II*, from its station at Avila Beach; (2) substitute for the *Mr. Clean II* (but not locate at Avila Beach) the other resources, technologies, and capabilities of Clean Seas Inc. that the Committee contends provides equal or better protection than *Mr. Clean II*; and, (3) modify the oil spill response plans ("OSRPs") for the affected Outer Continental Shelf ("OCS") platforms and facilities to reflect this change in Clean Seas response equipment.¹

Since the Coastal Commission's original federal consistency concurrences in the OCS Platform Development and Production Plans ("DPPs") over the past 17 years, many changes have occurred in oil spill response resources, regulatory requirements, and oil spill risks in the Santa Barbara Channel and in the response area protected by Clean Seas oil spill cooperative. For the past 17 years, the *Mr. Clean II* has served as the primary response vessel for the marine terminals in Avila, Morro Bay, and Estero Bay, and tertiary response for the marine terminals in the Santa Barbara Channel. However, the last operating marine terminal in San Luis Obispo County (*i.e.*, Chevron Estero Bay terminal) closed in 1999. Because of the significant reduction in risks that occurred as a result of the closing of the terminals in San Luis Obispo County, the Committee requested a replacement of the OSRV *Mr. Clean II* with response systems that the Committee contends exceeds the current capability of the *Mr. Clean II*.

Currently, there are no Clean Seas member companies operating marine transfer facilities, vessels, or OCS platforms north of Point Pedernales in U.S. territorial waters.² The cost for keeping the *Mr. Clean II* maintained for "on-call" oil spill response at Avila Beach is about \$500,000 a year. Therefore, the Committee requested to retire the *Mr. Clean II* and remove it from Avila Beach, in order to reduce costs and invest the money into other oil spill response research and operations that more directly benefit the platforms and associated facilities of the Clean Seas member companies.

Clean Seas Inc. has stated that it will, for the near future, maintain ownership of the *Mr. Clean II* and will store the OSRV at a dry dock location in Long Beach harbor. If future additional oil development operations are approved for the northern Santa Maria Basin, the Clean Seas

¹ January 21, 2000 letter from Clean Seas Executive Committee to Mr. Tom Dunaway, MMS, which provided formal request and supporting information to justify the removal of the *Mr. Clean II* and the substitution of the other Clean Seas resources and technologies in its place.

² The northernmost OCS platform is the Nuevo/Torch Platform Irene at Pt. Pedernales. The OSRV *Mr. Clean III* (stationed near platform Harvest), and not the *Mr. Clean II*, is the designated primary response vessel for Platform Irene, and will continue to provide primary oil spill response within 1-hour.

member companies and Clean Seas Inc. have stated that they would return the OSRV, *Mr. Clean II*, (or an equal or better OSRV) to Avila Beach or a similar agreed-upon location.

On April 6, 2000, MMS granted approval to the Clean Seas member companies for the decommissioning and removal of the *Mr. Clean II* and the subsequent change created in the oil spill response plans (OSRPs) of the Clean Seas member companies.³ However, MMS granted this approval while the Coastal Commission staff was still in the process of determining whether: (1) the proposed removal of the *Mr. Clean II* would create one or more effects on the coastal zone substantially different than those previously evaluated by the Commission in its concurrences in the federal consistency certifications for the DPPs of the OCS platforms; and (2) this removal would therefore be subject to additional federal consistency review by the Commission.

The Commission staff has now completed its review of the information submitted by the Committee⁴. This attachment sets forth the analytical basis of the Commission staff's determination that the decommissioning of the OSRV, *Mr. Clean II*, and its removal from Avila Beach will not cause effects on coastal zone resources substantially different than those evaluated by the Commission in its original federal consistency reviews of the DPPs.

PRIOR FEDERAL CONSISTENCY CONCURRENCES FOR THE DEVELOPMENT AND PRODUCTION PLANS (DPPs) FOR OCS PLATFORMS AND RELATIONSHIP TO THE REMOVAL OF THE *MR. CLEAN II*

The DPPs, and/or their companion OSRPs, for nine (9) out of the nineteen (19) federal OCS platforms in the Santa Barbara Channel and Santa Maria Basin contain specific commitments for the services of *Mr. Clean II*, namely: 1) specific reference to the availability of the *Mr. Clean II* for oil spill response; and/or 2) specific reference to availability of three oil spill response vessels (*Mr. Clean I, II, and III*).

³ On April 6, 2000, MMS sent letters of approval to: Bruce Johnston, Pacific Operators Offshore, Inc.; Suzanne Foley, Nuevo Energy Company and Torch Operating Company; Stephen A. Greig, Venoco; Ron Klarc, Rincon Limited Partnership; John Chaplin, ExxonMobil Corporation; and Thomas M. Gladney, Arguello, Inc..

MMS approved the decommissioning of the *Mr. Clean II* based upon MMS review of oral and written evidence that the Committee submitted to demonstrate that: 1) the removal of the *Mr. Clean II* would not reduce current oil spill capabilities of any facilities required to submit oil spill response plans to the MMS; and 2) current oil spill response capability, without the *Mr. Clean II*, met or exceeded that capability existing prior to the decommissioning of the *Mr. Clean II* and therefore would not change the potential impacts to the marine, coastal, and human environments from those previously reviewed and approved by the MMS.

⁴ In addition to the materials that the Committee submitted to MMS (referenced in footnote 1), the Commission staff received and reviewed the following written information: (1) January 10, 2000 PowerPoint presentation to an interagency workgroup by Darryl Waldron, General Manager of Clean Seas Inc.; and, (2) March 3, 2000 letter from Darryl Waldron to Robin Blanchfield, Coastal Commission Oil Spill Program staff. (This letter provided follow-up information to address Commission staff questions regarding the January 21, 2000 letter.)

These DPPs, and their companion OSRPs (which were incorporated into or directly referenced by the DPPs)⁵, are for Platforms Irene, Hermosa, Harvest, Hildago, Harmony, Heritage, Hondo, Gail and Grace. Seven of these platforms are located in the northern part of the Santa Barbara

⁵ In a letter dated July 1, 2000, Commission staff notified MMS that: (1) several of the Clean Seas member companies had specifically identified *Mr. Clean II* for oil spill response capability in their OSRPs at the time of the Commission's federal consistency review of the DPPs and that their DPPs had directly referenced or incorporated the OSRPs; and (2) the removal of the *Mr. Clean II* therefore represents a modification to the DPPs and thus was presumptively subject to additional federal consistency review by the Commission. As evidence, the July 1, 2000 letter provided excerpts from the DPPs for two OCS platforms, Gail and Hermosa. Subsequent to that letter, Commission staff's review of the Coastal Commission files indicate that the DPPs for Platforms Hildago, Harvest, Irene, Harmony, and Heritage also referenced either three OSRVs or specifically the availability of *Mr. Clean II*. These DPPs also summarized oil spill prevention and response mitigations for the subject platforms and then either incorporated or made direct references to the oil spill response plan, environmental report, and/or the environmental impact report/statement for additional detailed information. (See table below.) In a letter dated February 21, 2000 Commission staff reaffirmed the Commission's position that the removal of the *Mr. Clean II* represents a modification to the DPPs.

Platform OCS Lease	DPP Reference to Oil Spill Contingency Plan and/or specific commitments for <i>Mr. Clean II</i> or three OSRVs
Platform Irene (OCS P-0441)	The DPP for Point Pedernales Field, November 1983 (page XIII-7), specifically indicates the availability of <i>Mr. Clean II</i> and, (on several pages in section XIII) directly references the oil spill contingency plan for more detail.
Pt. Arguello Platforms Hermosa (OCS P-0425), Harvest (OCS-P-0315), and Hildago (OCS-P-0450)	<p>The three DPPs for the Pt. Arguello platforms were written at different times but make general cross-references to each other. Chevron's Dec. 1982 DPP for Pt. Arguello Field and Platform Hermosa (page VI-25) directly references the Environmental Report and the oil spill contingency plan. In addition, Chevron's Pt. Arguello/Hermosa DPP, states (page I-2) that supplements to the Pt. Arguello/Hermosa DPP will be added as additional platforms are planned (e.g., Platform Hildago). Chevron's May 1984 DPP for Platform Hildago states that it is a supplement to the 1982 DPP for the Pt. Arguello Field/Platform Hermosa. Texaco's 1983 DPP for Platform Harvest also generally cross-references Chevron's 1982 DPP for Pt. Arguello Field/Platform Hermosa and Chevron's other DPPs related to future development of the Pt. Arguello fields (e.g., Platform Hildago).</p> <p>The May 1984 DPP for Platform Hildago directly references the availability of a dedicated OSRV (becomes the <i>Mr. Clean III</i>) for oil spill containment and response to the Pt. Arguello field platforms and references the oil spill contingency plan for more information (page V-13). In addition, Texaco's 1983 DPP for Platform Harvest plan in section 6.3.4.4. (page VI-22) references Texaco's oil spill contingency plan for Harvest.</p>
Santa Ynez Unit Platforms Harmony (OCS-P-0192), Heritage (OCS P-0182), and Hondo (OCS-P-0188)	The DPP references the <i>Proposed Santa Ynez Unit Development Oil Spill Analysis and Response Capabilities, April 15, 1983</i> , which provides explicit references to availability of <i>Mr. Clean I</i> and <i>II</i> . Additionally, in 1993 when Exxon received approval from the Commission's Executive Director for platform response equipment changes, Exxon made explicit commitments for the availability of the 3 OSRVs, <i>Mr. Clean I, II, and III</i> .
Santa Clara Unit Platforms Gail (OCS-P-0205) and Grace OCS-P0217)	Section 6.5.4 in the DPP for Platform Gail directly references the Oil Spill Contingency Plan for Gail and Grace (page VI-22). The oil spill contingency plan specifically provided for the availability of <i>Mr. Clean II</i> and <i>Mr. Clean I</i> .

Channel and in the Santa Maria Basin. The two exceptions are Platforms Gail and Grace, which are located in southern Santa Barbara Channel, very close to Anacapa Island of the Channel Islands National Marine Sanctuary.

As noted in the table below, the Commission previously reviewed and concurred in consistency certifications for these nine platforms.

Owner/Operator Platform (OCS Lease)	Consistency Certification
<i>Nuevo/Torch</i> Platform Irene (Point Pedernales Unit, OCS-P-0441)	CC-36-84
<i>Arguello Inc.</i> Platform Hermosa (Pt. Arguello Unit, OCS-P-0452) Platform Harvest (Pt. Arguello Unit, OCS-P-0315) Platform Hildago (Pt. Arguello Unit, OCS-P-0450)	CC-12-83 CC-27-83 CC-24-84
<i>ExxonMobil</i> Platform Harmony (Santa Ynez Unit, OCS-P-0192) Platform Heritage (Santa Ynez Unit, OCS-P-0182)	CC-7-83 CC-7-83
<i>ExxonMobil</i> Platform Hondo (Santa Ynez Unit, OCS P-01880)	No Consistency Certification because Platform Hondo was installed prior to federal approval of the California Coastal Management Program. However, the OSRP for Platforms Harmony and Heritage OSRP (directly referenced by the DPP) included response equipment commitments for Platform Hondo.
<i>Veneco</i> Platform Gail (Santa Clara Unit; OCS-P-0205) Platform Grace (Santa Clara Unit; OCS-P-0217)	CC-2-86; CC-36-86 No Consistency Certification because Platform Grace was installed prior to federal approval of the California Coastal Management Program. However, the OSRP for Platform Gail (directly referenced by the DPP) included response equipment commitments for Platform Grace.

Two key issues before the Commission at the time of its federal consistency concurrences in these platforms were: (1) the adequacy of overall regional response capability from the Clean Seas Cooperative in order to provide secondary and tertiary response capability in the event of a worst case platform oil spill; and (2) the placement of oil spill equipment on the platforms or the provision of a third OSRV to be stationed at or near Platform Harvest in order to meet the Commission's standard for providing primary oil spill response within 60 minutes.

Thus, for this review, the core issue before Commission staff is: Does the decommissioning of the OSRV *Mr. Clean II* and its removal from Avila Beach reduce the Clean Seas member companies' level of response capability and timeliness of response for a worst case oil spill at an OCS platform or its associated facilities?

DRAFT

STAFF FINDINGS FOR NO SUBSTANTIAL CHANGE IN EFFECTS ON COASTAL ZONE RESOURCES

The Commission staff has determined that the removal of the *Mr. Clean II* from Avila Beach will not cause effects on coastal zone resources substantially different than those reviewed by the Commission in its previous federal consistency concurrences for these OCS platforms. This determination is based on the following reasons:

1. Risks Related to Offshore Oil Transportation and Production Have Been Reduced.

The risks from offshore oil production and transportation in the Santa Channel and Santa Maria Basin have decreased since the requirements for the maintenance of the *Mr. Clean II* were put into place in the late 1980s. Currently there are twenty platforms (nineteen OCS platforms and one state water platform) and two marine terminals under contract to Clean Seas for response and no tankships in state waters covered by Clean Seas. Seven of the nine marine terminals that previously operated in the Santa Barbara Channel and Santa Maria Basin have ceased operations (*i.e.*, Estero Bay, Avila Beach, Cojo Bay, Carpinteria, Ventura, Mandalay Beach, and Gaviota). The oil spill storage and transfer (OS&T) vessel that served Platform Hondo has been replaced with an onshore pipeline. The marine terminal at Santa Ynez was never built and the Gaviota marine terminal has been abandoned. The offshore oil fields continue to mature and the reservoir pressures have decreased, reducing the risk of well blowouts. Tanker traffic no longer comes ashore at Santa Barbara and San Luis Obispo counties due to the closing of the marine terminals. Coastwise tanker traffic transiting offshore these counties now routinely travel 40 to 50 nautical miles offshore because of agreements made with the U.S. Coast Guard and the California Office of Spill Prevention and Response.

2. Clean Seas' Overall Regional Response Capability Has Been Significantly Enhanced With State-of-the-Art Technology and Equipment.

Clean Seas response capability in 2000, without the *Mr. Clean II*, exceeds the response capability previously concurred in by the Commission in the consistency certifications for the DPPs for Platforms Hermosa (CC-12-83), Harvest (CC-27-83) Hildago (CC-24-84), Irene (CC-36-84), Harmony (CC-7-83), Heritage (CC-7-83), and Gail (CC-2-86, CC-36-86). In 1985, Clean Seas had two OSRVs and zero fast response vessels, a total derated skimming capacity of 45,000 barrels per day and a total of 45,000 feet of boom. In the year 2000, without the *Mr. Clean II*, there are two OSRVs, six fast response vessels, 23 dedicated support vessels and more than 180 fishing vessels under contract through the Fisherman Oilspill Response Team (FORT) program, a total derated skimming capacity of 85,000 barrels per day, and a total of 52,000 feet of boom.

During the past ten years, Clean Seas has also continually upgraded its response equipment inventory with best available technologies to provide the highest level of protection for the resources. This includes purchase of state-of-the-art pumping systems to move viscous recovered oil, skimmers designed for heavy oil recovery (brush and archimede screw skimmers), modern lightweight hydraulic power units needed to operate the skimmers and

pumps, design and deployment of over 100 highly visible and effective oil spill marker buoys, prototype testing and purchase of Forward Looking Infrared Radar (FLIR) systems for the OSRVs, improved VHF-single sideband-cellular communication systems for the OSRVs and support vessels, highly mobile fast response trailers for sensitive shoreline protection, a response supply trailer for immediate shoreline response equipment supplies, and the building and registration of a private helicopter landing pad. In addition, Clean Seas provides its members, contractors and regulatory personnel with the best-available oil spill response training.

3. Availability of *Mr. Clean III* for Primary Response for Platform Irene and the Point Arguello Platforms Hermosa, Harvest and Hildago Remains Unchanged.

When the DPPs for the above mentioned platforms were being reviewed by the Commission in late 1983 and 1984, Clean Seas had one OSRV, *Mr. Clean I*, covering all of Santa Barbara Channel for secondary response, and a second OSRV, *Mr. Clean II*, providing primary response for the marine terminals in Avila Beach, Morro Bay, and Estero Bay. When the Point Arguello DPPs (Platforms Hermosa, Harvest, and Hildago) were being reviewed evidence indicated that normal weather and sea conditions in the Pt. Arguello area would inhibit the safe deployment or operation of response equipment from the platforms. For the Pt. Arguello platform DPPs, the Commission determined that timely response to a worst case oil spill from the proposed Pt. Arguello platforms required a third OSRV to be stationed closer to the proposed platforms in order to provide maximum feasible protection of coastal zone resources. During that same time period, the DPPs for Platforms Irene, Harmony, and Heritage were also undergoing preliminary review and the provision of this third OSRV was a major oil spill mitigation measure in the Commission's final concurrence in the consistency certifications for those DPPs. The platform owners and operators at that time made the commitment to provide the third OSRV, through Clean Seas, and to station it at or near Platform Harvest. That vessel, *Mr. Clean III*, began service in 1986 and remains stationed in the Pt. Arguello area.

The removal of the *Mr. Clean II* will reduce the number of OSRVs for overall regional oil spill response from three to two. However, the removal of *Mr. Clean II* will not affect the availability of *Mr. Clean III* to continue to provide response capability to Platforms Irene, Hermosa, Harvest, and Hildago within 1-hour, under normal weather and sea conditions. The *Mr. Clean I* will continue to be able to provide secondary response capability to these platforms within 6-7 hours, under normal weather and sea conditions. These response times are consistent with the primary and secondary response time standards used by the Commission today and at the time of its original federal consistency concurrence for the DPPs for these platforms.

The removal of the *Mr. Clean II* will also not affect the secondary response capability to oil spill response at Platforms Harmony, Heritage, Hondo, Gail and Grace. Under normal weather and sea conditions, the *Mr. Clean I* has a 3-hour response time to Platforms Harmony, Heritage, Hondo, Gail and Grace. The *Mr. Clean III* has a 2-hour response time to Platforms Harmony, Heritage, Hondo and a 6-hour response time to Platforms Grace and Gail. These response times are consistent with the secondary response time standards used

by the Commission today and at the time of its original federal consistency concurrence for the DPPs for these platforms.

4. Clean Seas Capability Meets and Exceeds Other State and Federal Regulatory Oil Spill Response Requirements for the Santa Barbara Channel Platform Operations.

Nineteen of the twenty platforms in the Santa Barbara Channel and Santa Maria Basin are in federal waters; one is in state waters. Pipelines bringing oil to shore pass through both state and federal waters. State oil spill prevention and response regulations require a 12-hour response time for any spill from offshore and onshore facilities in the Santa Barbara Channel region which can impact state waters. As explained above in section (3) the response capability of Clean Seas, without the *Mr. Clean II*, can provide oil spill response in less than 12 hours.

MMS regulations also require that the platform owners/operators have response equipment with a derated capacity equal or greater than the worst case spill amount. The worst case spill is calculated by determining the simultaneous uncontrolled flow from the largest producing well on the platform for a 24-hour period, the maximum amount of oil that could be released from a pipeline failure, and all the oil stored on the platform. The total of all these unrelated events is the worst case spill.

There are no flowing wells for the majority of the platforms and the worst case spill is a pipeline scenario of less than 10,000 barrels a day. One platform, Heritage, has a worst case spill of less than 15,000 barrels a day. ExxonMobil, the owner/operator of Platform Heritage, is also a member of the Marine Spill Response Corporation ("MSRC"), which has an OSRV stationed at Port Hueneme. Thus, in the event of a worst case spill of less than 15,000 barrels per day from Platform Hildago, there would be three OSRVs (two from Clean Seas and one from MSRC) and six other skimming systems available for response. For the other platform spills of less than 10,000 barrels per day, there would be two OSRVs and six other skimming systems available. Total Clean Seas oil spill response capability, without the *Mr. Clean II*, equals 85,000 barrels per day derated skimming capacity. This response capability meets and exceeds the MMS requirements for response and clean-up of an OCS platform worst case spill.

CONCLUSION

In conclusion, for the reasons stated above, Coastal Commission staff has determined that the decommissioning of the OSRV, *Mr. Clean II*, and its removal from Avila Beach, will not cause effects on the coastal zone substantially different than those evaluated by the Commission in its previous federal consistency concurrences in the DPPs for the affected OCS platforms. Therefore, this particular oil spill response equipment change proposed in the OSRPs, and their companion DPPs, is not subject to additional federal consistency review by the Coastal Commission.

