

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



F 3

DATE: June 19, 2008

TO: Coastal Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Alison Dettmer, Deputy Director
Mark Delaplaine, Manager, Energy, Ocean Resources and Federal
Consistency Division

RE: Negative Determinations Issued by the Executive Director
[Executive Director decision letters are attached]

PROJECT #:	ND-078-07
APPLICANT:	Navy
LOCATION:	Surface Warfare Engineering Facility, Pt. Hueneme, Naval Base Ventura Co.
PROJECT:	Extend time period to install and test Air Search Radar
ACTION:	Concur
ACTION DATE:	6/4/2008

PROJECT #:	ND-021-08
APPLICANT:	Department of the Air Force
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Kenetic Energy Interceptor Program
ACTION:	Concur
ACTION DATE:	6/6/2008

PROJECT #:	ND-023-08
APPLICANT:	Department of the Navy
LOCATION:	Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Joint Logistics Over the Shore training exercises
ACTION:	Concur
ACTION DATE:	6/6/2008

PROJECT #:	ND-024-08
APPLICANT:	Department of the Air Force
LOCATION:	Vandenberg Air Force Base, Santa Barbara Co.
PROJECT:	Diverse Communications System
ACTION:	Concur
ACTION DATE:	5/28/2008

PROJECT #:	ND-027-08
APPLICANT:	Federal Aviation Administration
LOCATION:	Lindbergh Field, San Diego
PROJECT:	Install Upgraded Aircraft Surface Detection Equipment At And Adjacent To San Diego Airport
ACTION:	Concur
ACTION DATE:	6/6/2008

PROJECT #:	ND-030-08
APPLICANT:	Department of the Navy
LOCATION:	Point Mugu, Naval Base Ventura County
PROJECT:	MADD road wetland restoration
ACTION:	Concur
ACTION DATE:	6/10/2008

PROJECT #:	NE-033-08
APPLICANT:	Dos Cuadras Offshore Resources (DCOR)
LOCATION:	Platform Edith in the Beta Unit Complex, Pacific OCS 296
PROJECT:	Oil Spill Boom Replacement-In-Kind
ACTION:	No effect
ACTION DATE:	6/2/2008

PROJECT #:	NE-034-08
APPLICANT:	U.S. Army Corps of Engineers
LOCATION:	Morro Bay, San Luis Obispo Co.
PROJECT:	Maintenance dredging
ACTION:	Concur
ACTION DATE:	6/13/2008

PROJECT #:	NE-040-08
APPLICANT:	Dos Cuadras Offshore Resources (DCOR)
LOCATION:	Platform Gilda in the Santa Clara Unit Complex, Pacific OCS 216
PROJECT:	Remove Walosep skimmer
ACTION:	No Effect
ACTION DATE:	6/6/2008

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June 4, 2008

Ronald J. Dow, Director
Environmental Division
Department of the Navy
Naval Base Ventura, Public Works Department
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Attn: Emilie Lang

Re: **ND-078-07**, Navy, Negative Determination, Modification to ND-023-07, Extending the time period to Install and Test an Air Search Radar, Naval Base Ventura County

Dear Mr. Dow:

On May 15, 2007, we concurred with your negative determination for the temporary installation and testing of an Air Search Radar (ASR) system at the Surface Warfare Engineering Facility (SWEF) in Port Hueneme (ND-023-07). The purpose of the radar was to test the performance of the radar system, including measuring its ability to track live targets, and verifying, calibrating, and determining the capability of the system. The project included a telescoping tower and air horn.

The installation and testing was initially scheduled to occur in between May 2007 through January 2008. Due to delays in commencement and other logistics, project commencement was delayed until June 2007, testing commencement was delayed until August 2007, and the test tower that was to be installed from June 2007 through August 2007 (and remain until January 2008) was not installed until October 2007. In addition, the permanent location for the ASR on the SWEF building will not be ready to accept it until June 2008. Therefore the Navy has submitted an supplemental negative determination (ND-078-07) for a time extension for this temporary facility. The Navy anticipates its removal by the end of June 2008, although the Navy has requested a possible contingency period of an additional six months "as a contingency for future unanticipated facility construction delays."

In response to community and Commission staff questions, the Navy notes that the radar intensity and frequency from the ASR are similar to a previous radar that existed at SWEF, and it has a relatively short safe separation distance. In addition, the Navy:

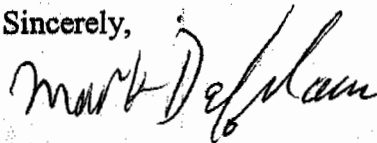
- is optimistic the tower will be able to be removed by the end of June;

- has committed to performing a radiation hazard ("RadHaz") survey to be completed in March, which will be submitted to the Commission staff as soon as it is completed;
- has no plans to fly off-range aircraft involving this radar, and, pursuant to previous Commission/Navy agreements, along with other radar information the Navy reports, the Navy will continue to annually report to the Commission staff all off-range flight activity that it conducts in conjunction with any SWEF radar; and
- will continue to monitor for birds to avoid exposing them to radiation hazards.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Coastal Commission staff agrees that the extension of the tower installation and testing of this system, and the permanent installation on the SWEF, can be considered the same as or similar to previous consistency and negative determinations with which we have concurred (including ND-023-07 and other replacement radars at the SWEF). In addition, if any of the above circumstances change, including extension beyond June 2008 of the tower, the Commission has the authority to 're-open' its review under the provisions of Section 930.45 of the federal consistency regulations (15 CFR Part 930), which provide for re-review of federal agency activities based on "changed circumstances."

We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,



(fwd) PETER M. DOUGLAS
Executive Director

cc: Ventura District Office

CALIFORNIA COASTAL COMMISSION

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June 6, 2008

Beatrice Kephart
Chief, Environmental Flight
30th Space Wing (AFSPC)
30 CES/CEV
ATTN: Andrew Edwards
1028 Iceland Avenue
Vandenberg AFB, CA 93427-6010

Subject: Negative Determination ND-021-08 (Kinetic Energy Interceptor Program, Vandenberg Air Force Base, Santa Barbara Co.)

Dear Ms. Kephart:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Air Force proposes to implement the initial phase of the Kinetic Energy Interceptor (KEI) program, which consists of missile assembly and integration, and flight testing of the KEI interceptor booster at Vandenberg Air Force Base (VAFB). Three risk reduction flight tests for the KEI booster would be conducted over the Pacific Ocean but actual target interceptions are not included as a part of these test flights. Following launch of the test flights, the first stage booster would splash down in the Pacific Ocean approximately 75 to 325 nautical miles off the California coast. Upper stages would impact the ocean north of the Northwestern Hawaiian Islands and outside of the Papahānaumokuākea Marine National Monument. The three test flights would be launched in a westward direction from one or more of three existing VAFB launch sites: Launch Complex 576E, Test Pad-01, and Launch Facility 06. Missile assembly and integration activities would occur at existing buildings and facilities on VAFB, and only minor construction and modifications to those facilities would occur under the proposed project. In addition, if Test Pad-01 is used, approximately 2.5 miles of fiber optic cable line would need to be extended to the launch pad from the nearest connection node at Building 1801. The cable would be installed in trench within five feet of the existing roadway shoulder or down the middle of the roadway. The Air Force states that the three flight tests would occur between 2009 and 2012.

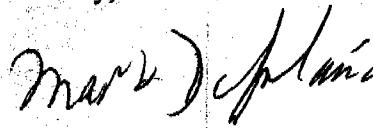
KEI launches would generate lower noise levels when compared to Peacekeeper, Taurus, and Atlas V rocket launches that currently occur at VAFB. Sonic booms would typically reach their maximum level approximately 45 miles off the coastline, and would not be audible on any coastal areas, including the Channel Islands. The Air Force states that no evidence of injury, mortality, or abnormal behavior has been observed for Pacific harbor seals following launches at VAFB, and that population levels at the pinniped haul-out sites have remained constant in recent years. The Air Force will implement standard scheduling and monitoring measures included in

the programmatic take permit issued by the National Marine Fisheries Service to minimize potential adverse effects on pinnipeds. The Air Force will also adopt the terms of the U.S. Fish and Wildlife Service's Biological Opinion previously issued for launch activities at Test Pad-01 and Launch Complex 576E to minimize potential impacts to California least terns and western snowy plovers, including limits on annual launches at Launch Complex 576C and avoiding night and low-light launches to the extent possible.

To protect public safety in the event of a launch and/or early flight malfunction, Ocean Beach County Park is closed on average three times per year and Point Sal State Beach on average twice a year due to ongoing launch activities at Launch Complex 576-E and Launch Facility 06, respectively. The Air Force reports that total rocket launches for all existing spacelift systems at VAFB are currently expected to total 13 in 2008 and 16 in 2009, and concludes that three proposed KEI launches over a four-year period would result in only a minor increase in temporary beach closures at Ocean Beach County Park and/or Point Sal State Beach. The Air Force is currently negotiating with the County of Santa Barbara to resolve public access issues regarding the ability of the public to reach Point Sal State Beach through VAFB property. While the Coastal Commission has not been a party to those negotiations, Commission staff has communicated to both the County and the Air Force that any proposal to implement changes to existing and long-standing public access to Point Sal State Beach would be subject to the Commission's federal consistency review authority.

In conclusion, the Coastal Commission staff agrees with the Air Force's determination that the proposed Kenetic Energy Interceptor program at Vandenberg Air Force base will not adversely affect coastal zone resources. We therefore concur with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for) PETER M. DOUGLAS
Executive Director

cc: CCC - South Central Coast District
California Department of Water Resources
Governor's Washington, D.C., Office
Santa Barbara County Supervisor Joni Gray

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June 6, 2008

Captain T.S. Wetherald
U.S. Navy
Commander Naval Beach Group One
3600 Tarawa Road
San Diego, CA 92155-5592

Subject: Negative Determination ND-023-08 (Joint Logistics Over-the-Shore Training Exercises, Camp Pendleton Marine Corps Base, San Diego Co.)

Dear Captain Wetherald:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to implement the "Joint Logistics Over-the-Shore" (JLOTS) training exercises at Camp Pendleton Marine Corps Base. These exercises provide opportunities for joint training of up to 3,000 Navy, Army, and Marine Corps personnel on amphibious and inland movement operations involving surface vessels, amphibious vehicles, and temporary piers and causeways. On June 27, 2000, the Coastal Commission staff concurred with negative determination ND-067-00 for a one-time authorization of essentially the same activity as is currently proposed, and on January 3, 2002, the Coastal Commission staff concurred with negative determination ND-100-01 for implementation of the JLOTS program for a five-year period. The Navy now proposes to continue the JLOTS program at Camp Pendleton for another ten years under the subject negative determination.

The JLOTS program consists of the temporary installation of three piers, a simulated offshore-inland petroleum distribution system, and the use of these facilities by military surface vessels and landing craft to support training activities by Navy, Army, and Marine Corps personnel at Camp Pendleton. Three piers – Elevated Causeway (ELCAS), Trident, and Administrative – would be temporarily constructed at Red Beach, Gold Beach, and the Del Mar Boat Basin, respectively. Each structure would remain in place for approximately one month per training exercise. The ELCAS stationary pier at Red Beach is comprised of ten 20-foot-wide by 90-foot-long floating sections and will be anchored in-place by steel pilings attached to each pier section. The Trident floating pier at Gold Beach is comprised of ten 20-foot-wide by 90-foot-long floating sections and will be secured in-place using anchors. The Administrative floating pier in the Del Mar Boat Basin is comprised of three 20-foot-wide by 90-foot-long sections and will be secured to the beach using anchors. The ELCAS and Trident pier sections will be towed upcoast from the Del Mar Boat Basin to Red and Gold Beaches, where they will be assembled and attached to piers or anchors and secured to the shoreline. The training exercise also includes a simulation (using freshwater) of pumping petroleum products through a temporary pipeline from offshore surface vessels to a receiving station on the beach. The freshwater pumped ashore is stored temporarily and then discharged into the ocean at two locations a minimum of 500 feet

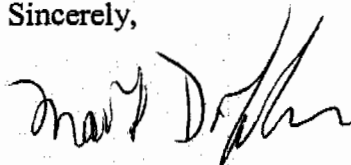
offshore. All facilities would be removed upon completion of the training exercises and the beach sites restored to their pre-project conditions within 30 days of completion of the activity.

Under the federal consistency regulations, a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The proposed activities are similar to those authorized in Negative Determinations ND-067-00 and ND-100-01. However, while ND-100-01 proposed JLOTS exercises over a five-year-long time period, the subject negative determination proposes a ten-year period. The Commission staff was concerned that this length of time was excessive and could potentially hinder the ability of the staff to evaluate whether the JLOTS program was affecting coastal resources (e.g., sensitive habitat, endangered species, water quality) in a manner not anticipated in 2008. However, after discussions between Commission, Navy, and U.S. Army Corps of Engineers staff regarding the requested time period for JLOTS program authorization, the Navy agreed to reduce the ten-year-long time period proposed in the subject negative determination to a five-year-long period. (The Commission staff also notes that we have concurred with numerous U.S. Navy negative determinations for similar temporary elevated causeway exercises at the Naval Amphibious Base (NAB) in Coronado (ND-026-99, ND-005-95, ND-03094, ND 027-93, ND-097-92, ND-069-92, CD-084-91, and ND-061-90).)

In those past reviews of Army and Navy training exercises, the Commission staff has determined that habitat and access impacts would be minimal, given the consultation built into the process with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service, and, for the Navy's NAB exercises, when the Navy has either: (1) implemented the project outside the California least tern and western snowy plover nesting season; or (2) when scheduled during the nesting season at NAB, the Navy has consulted with the USFWS and assured that the activity would be performed in an area where it would avoid impacts to least terns and snowy plovers. Snowy plovers and least terns do not nest at Red and Gold Beaches (due to historic and ongoing amphibious training exercise at these sites) and therefore would not be affected by the JLOTS program, and the eelgrass beds present in the Del Mar Boat Basin are at some distance from and would not be affected by installation of the temporary Administrative pier.

In conclusion, the Coastal Commission staff agrees with the U.S. Navy's determination that the proposed JLOTS program during the 2008 through 2012 time period will not adversely affect coastal zone resources, and the program is similar to previous negative determinations with which the Commission staff concurred. We therefore concur with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(PMD)

PETER M. DOUGLAS
Executive Director

ND-023-08 (U.S. Navy)

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cc: CCC – San Diego Coast District
California Department of Water Resources
Governor's Washington, D.C., Office

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May 28, 2008

Beatrice Kephart
Chief, Environmental Flight
30th Space Wing (AFSPC)
30 CES/CEV
ATTN: Andrew Edwards
1028 Iceland Avenue
Vandenberg AFB, CA 93427-6010

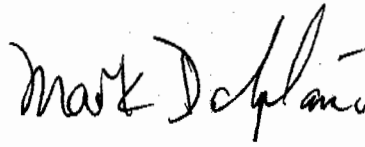
Subject: Negative Determination ND-024-08 (Diverse Communications System, Vandenberg Air Force Base, Santa Barbara Co.)

Dear Ms. Kephart:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Air Force proposes to construct a Diverse Communications System which would provide redundancy to and physical separation from the current operational Ground-based Midcourse Defense Communications System at Vandenberg Air Force Base (VAFB). The proposed work includes installation of new communications lines, manholes, and handholes at six general locations on the base. Most trenching installation work would occur along existing paved or gravel roadways and within ten feet of paved roadway edges; approximately 1,500 feet of communication line would be installed in open space between Launch Facility 24 and Launch Facility 23. Sensitive biological resources that occur within project construction corridors will either be avoided or potential adverse effects will be mitigated in accordance with formal Section 7 consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act. Installation work would occur in areas not located along the shoreline or in other scenic coastal areas. The project would not affect public access or recreation as VAFB is closed to public use for military security reasons. The proposed project is similar to a communications system upgrade at VAFB concurred with by the Commission staff in negative determination ND-052-06. That much larger project included the trenching installation of 90 miles of fiber optic cable and the installation of new manholes along existing roads and trails; several segments of cable trenching crossed open space but, as with the proposed project, all of the work occurred well away from the shoreline.

In conclusion, the Commission staff **agrees** that the proposed Diverse Communications System will not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark Douglas". The signature is written in a cursive, slightly slanted style.

(FOM) PETER M. DOUGLAS
Executive Director

cc: CCC – South Central Coast District
California Department of Water Resources
Governor's Washington, D.C., Office

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June 6, 2008

Steve Kim
AJT-1100
FAA Headquarters
FOB10B, Cube: 5E42XS
600 Independence Ave., SW
Washington, D.C. 20591

Subject: Negative Determination ND-027-08 (Airport surface detection equipment upgrade installation, San Diego International Airport, San Diego Co.)

Dear Mr. Kim:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Federal Aviation Administration (FAA) proposes to install and operate an "Airport Surface Detection Equipment Upgrade Model X System" (ASDE-X) at San Diego International Airport (SAN). The upgraded system would track the movement of aircraft and surface vehicles on taxiways and runways, thereby assisting air traffic controllers to safely and efficiently route airport ground traffic. The ASDE-X system is an automated ground surveillance radar system consisting of a network of antennas and sensor equipment that are generally located at or near existing facilities used for airport operations.

The proposed ASDE-X system at SAN would consist of the existing surface movement radar mounted on the top of the Airport Traffic Control Tower, eight proposed remote unit sensors, and two reference transmitters. All these components would be located at SAN except for three remote unit sensors which would be located at developed areas in proximity to SAN. The antennas and masts for the reference transmitters and all but one of the remote unit sensors would be mounted on existing buildings, structures, or towers. The antenna for one remote unit sensor would be installed on a new 30-foot-tall mast in a currently graded and disturbed area adjacent to an existing SAN aircraft navigation aid equipment shelter approximately 3,000 feet west of the airport. The system components will not be located within environmentally sensitive habitat or public recreation areas, and will not adversely affect scenic public views to or along the shoreline.

The Coastal Commission staff **agrees** with the Federal Aviation Administration's determination that the installation and operation of the proposed ASDE-X system at San Diego International Airport will not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing

ND-027-08 (FAA)

Page 2

regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for)

PETER M. DOUGLAS
Executive Director

cc: CCC - San Diego Coast District
California Department of Water Resources
Governor's Washington, D.C., Office

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June 10, 2008

Ronald J. Dow
Installation Environmental Program Manager
Naval Base Ventura County
ATTN: Emilie Lang
311 Main Road, Suite 1
Point Mugu, CA 93042-5033

Subject: Negative Determination ND-030-08 (Madd Road wetland restoration, Mugu Lagoon,
Naval Base Ventura County)

Dear Mr. Dow:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to remove non-native and highly invasive iceplant (*Carpobrotus edulis*) and plant native wetland vegetation on a 0.6-acre upland/transitional site on the northwest side of Mugu Lagoon. Iceplant and soil materials will be scraped and removed using heavy equipment and will be transported off site to an approved upland disposal facility. After site preparation, the Navy would then plant native pickleweed, saltgrass, and alkali heath across the site. The project area will be clearly delineated, erosion and pollution prevention measures will be implemented to avoid potential impacts to adjacent wetlands, and Navy biologists will be on site throughout the construction period. The restoration of this site will improve biological productivity by replacing exotic flora with native species which will provide additional habitat at Point Mugu for the endangered Belding's savannah sparrow and light-footed clapper rail. The Navy plans to undertake the restoration project in the fall of 2008, outside the nesting season of the Belding's savannah sparrow and light-footed clapper rail.

The Coastal Commission staff **agrees** with the Navy's determination that the proposed project will not adversely affect coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Mark D. Douglas".

PETER M. DOUGLAS
Executive Director

cc: CCC - South Central Coast District
California Department of Water Resources
Governor's Washington, D.C., Office

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June 4, 2008

Mr. Scott B. Robertson
Emergency Preparedness Coordinator
DCOR, LLC
290 Maple Court, Suite 290
Ventura, CA 93003

Mr. Nabil Masri
Chief, Office of Facilities, Safety and Enforcement
U.S. Minerals Management Service
Pacific OCS Region
770 Paseo Camarillo
Camarillo, CA 93010

Subject: No Effects Determination NE-033-08 Regarding Dos Cuadras Offshore Resources, LLC
(DCOR) Replacement-In-Kind of Oil Spill Response Boom on Platform Edith in the Beta Unit

Dear Mr. Robertson and Mr. Masri,

Thank you for forwarding the May 27, 2008 written request by Dos Cuadras Offshore Resources, LLC ("DCOR") to the Minerals Management Service ("MMS") to approve an oil spill boom replacement-in-kind on Platform Edith in the Beta Unit Complex, Pacific OCS 296, and allow removal of the existing out-of-service boom.

DCOR has replaced 1500-ft of Kepner oil spill boom with two 750-ft lengths of Expandi boom. The Kepner boom is still on Platform Edith and considered out-of-service. DCOR is requesting of the MMS permission to remove the out-of-service Kepner boom.

The switch to Expandi boom is intended to provide greater flexibility in the location of deployment and in the amount of boom that needs to be deployed to manage different size spill events. Each 750-ft section of Expandi boom is capable of containing a moderate size spill, but the two 750-ft sections can be linked together if necessary to provide containment for a larger spill. Deployment of the Expandi boom is a temporary measure for initial spill containment, as additional spill containment will be provided by the contracted Oil Spill Response Organization, the Marine Spill Response Corporation, in accordance with the MMS regulations and the DCOR Oil Spill Response Plan.

The Coastal Commission staff has no objection to the replacement-in-kind of 1500-ft of Kepner boom with two 750-ft lengths of Expandi boom, or to the removal from Platform Edith of the out-of-service Kepner boom.

Please contact me if you have any further questions. My contact information appears below.

Sincerely,

Ellen Faurot-Daniels
Oil Spill Program Supervisor
415-904-5285
efaurotdaniels@coastal.ca.gov

cc: Craig Ogawa, Minerals Management Service
Ted Mar, California Office of Spill Prevention and Response

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June 13, 2008

Josephine Axt
Chief, Planning Division
U.S. Army Corps of Engineers
ATTN: Kirk Brus (CESPL-PD-RL)
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-034-08 (Morro Bay Harbor Maintenance Dredging Program, San Luis Obispo Co.)

Dear Ms. Axt:

The Coastal Commission staff has reviewed the above-referenced negative determination which proposes to renew the existing six-year maintenance dredging program at Morro Bay Harbor (CD-074-01). The Corps' proposed annual maintenance dredging program would run through the year 2013. Due to a delay in completing sediment testing and analysis to support the proposed six-year program, and in order to ensure that needed maintenance dredging at Morro Bay Harbor would occur in a timely manner this summer, the Corps submitted a negative determination (ND-018-08) to the Commission on April 8, 2008, for the first year of the proposed six-year extension. The Commission's Executive Director concurred with ND-018-08 on May 19, 2008, finding that the proposed dredging and nearshore disposal of up to 1.1 million cubic yards of clean sand was similar to previous Morro Bay Harbor maintenance dredging and disposal projects.

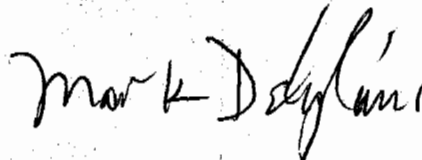
The proposed six-year maintenance dredging and disposal program would mirror the maintenance work which occurs annually at Morro Bay Harbor. In the subject negative determination, the Corps proposes to annually dredge on average between 150,000 and 200,000 cubic yards of clean sand from the federal channels and sand trap in Morro Bay Harbor, with no more than 1.1 million cubic yards of clean sand dredged in a single year. The primary disposal site for the dredged materials is the nearshore site off Montana de Oro State Park, immediately downcoast of the harbor entrance and routinely used by the Corps for disposal of Morro Bay Harbor sediments. The surfzone at Morro Strand State Beach upcoast of the harbor entrance is the alternate project disposal site. Previous annual dredging and disposal projects typically take 26 days on average to complete and the Corps expects the 2008-2013 annual dredging projects will adhere to this historic schedule.

As with previous maintenance dredging and disposal projects at Morro Bay, proposed disposal operations occurring between March 1 and September 30 would be restricted to nearshore areas (i.e., in waters seaward of the surf break between the -20 and -40 foot mean lower low water

contour line) to avoid impacts to the nesting activities of the endangered Western snowy plover. This restriction will also protect grunions and minimize effects on recreational beach use. The proposed six-year extension of the existing maintenance dredging program will maintain harbor channels needed for recreational boating and will replenish area beaches used for recreation. The physical and chemical testing undertaken by the Corps documented that the Morro Bay Harbor sediments to be dredged are suitable for placement at either the southern near-shore or northern surf-zone disposal sites. On June 6, 2008, the U.S. EPA concurred with the sediment suitability determination made by the Corps for the proposed six-year maintenance dredging program.

Under the federal consistency regulations (15 CFR Section 930.35(a)(2)), a negative determination can be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The proposed project is similar to the six-year maintenance dredging and disposal program concurred with by the Commission in consistency determination CD-074-01. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(PMD) PETER M. DOUGLAS
Executive Director

cc: CCC - Central Coast District
U.S. EPA Region 9, Melissa Scianni
California Department of Water Resources
Governor's Washington, D.C., Office

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June 6, 2008

Nabil F. Masri
Chief
Office of Facilities, Safety and Enforcement
U.S. Minerals Management Service (MMS)
770 Paseo Camarillo
Camarillo, CA 93010

Subject: NE-040-07 - No Effects Determination Regarding Dos Cuadras Offshore Resources LLC (DCOR) Request to Remove Walosep W2 Skimmer from Platform Gilda

Dear Mr. Masri:

On June 14, 2007, the MMS submitted to the Coastal Commission staff, for its review, a request by DCOR to remove the Walosep W2 oil spill skimmer from Platform Gilda. DCOR proposes to replace the skimmer with the skimming capability of the Clean Seas LLC spill response vessels (SRVs) and oil spill response vessels (OSRVs), which are equipped with the LORI brush advancing skimmer systems.¹ DCOR intends to leave the containment boom and other oil spill response equipment in place on the platform.

In a letter dated July 19, 2007 (see attachment), the California Coastal Commission staff agreed with the MMS approach to require DCOR and Clean Seas to successfully complete an unannounced drill, during non-regular work day hours, that demonstrated the ability of Clean Seas to initiate skimming operations at Platform Gilda within the MMS's (and Commission-agreed to) two-hour response time standard. If the drill was completed successfully, then MMS would consider granting final approval for the DCOR's request to remove the skimmer equipment. The other consulted agencies² also agreed with this approach.

On April 27, 2008, the MMS conducted an unannounced oil spill exercise on DCOR's Platform Gilda. The scenario for the spill exercise was a 5 bbl crude oil spill from the waste oil tank on the platform. During this drill, which occurred on Sunday during non-regular work hours, the Clean Seas' SRV, *Clean Sweep*, located in Ventura Harbor, arrived on location and commenced skimming operations within 1 hour and 15 minutes of the initiation the drill, which is well within the Commission's and MMS two-hour response time frame.

¹ See February 9, 2007 letter from Mike Finch, DCOR, to Nabil Masri, MMS.

² In addition to the Coastal Commission, the MMS consulted with the U.S. Coast Guard, California State Lands Commission, California Office of Spill Prevention and Response, and the California Department of Fish and Game. See June 14, 2007 email from Craig Ogawa, MMS, to Robin Blanchfield, California Coastal Commission.

Because Clean Seas successfully completed the unannounced drill described above, the MMS intends to give final approval to DCOR for the removal of the Walosep W2 skimmer.

The Commission staff agrees with the MMS's proposal to approve DCOR's request to remove the Walosep W2 skimmer from Platform Gilda. Furthermore, the Commission staff has determined that the proposed removal of the skimmer will not cause coastal zone effects substantially different than those reviewed by the Commission during its original federal consistency review of the Development and Production Plan (DPP) for Platform Gilda (CC-6-80). Accordingly, DCOR's removal of the Walosep W2 skimmer from Platform Gilda is not subject to the federal consistency review requirements pursuant to section 307(c)(3)(B) of the CZMA, at this time.

The reasons for the Commission's staff determination are discussed in more detail in the sections that follow.

Background

The Commission staff is conducting this review of DCOR's request to remove the Walosep W2 skimmer from Platform Gilda pursuant to the Commission's federal consistency review authority under Section 307(c)(3)(B) of the Coastal Zone Management Act and the federal regulations (15 CFR Part 930, Subpart E) that implement that statutory provision. The Coastal Commission has previously reviewed and concurred in the consistency certification for the DPP for the installation of Platform Gilda (CC-6-80). As part of the consistency certification for Platform Gilda (CC-6-80), Union Oil Company (who was the owner of Platforms Gilda at the time of the federal consistency review) committed to maintain "an oil recovery device (skimmer) suitable for open ocean use" on the platform so it could be used as the first line of defense in the containment, recovery and clean-up of an oil spill.³

Under the applicable regulatory standard,⁴ any changes made to the oil spill response equipment configuration for Platform Gilda that reduce oil spill response capability, and thus affect coastal

³ Commitments for oil spill response equipment were made in the following supporting DPP documents, which were incorporated by reference into the DPP.

- 1) Union Oil Company's consistency certification for Platform Gilda – OCS P-0216, dated December 6, 1979, (see page 20).
- 3) March 4, 1980 letter from Union Oil Company to the California Coastal Commission which stated the following equipment commitments for Platform Gilda:
"... please be advised that Union will maintain the following on Platform Gilda: (1) 1500' of open ocean boom; (2) a skimmer capable of open ocean use; (3) 15 bales of sorbent material; and (4) a boat capable of deploying oil spill clean-up equipment." [Emphasis added.]
- 3) Environmental Impact Report/Environmental Impact Statement (for the DPP) for Union Oil Company of California, Platforms Gilda and Gina Project, Leases OCS P-0202 [Gina] and OCS P-0216 [Gilda], May 1980, (see page A-3).

⁴ 15 CFR § 930.51(c) states: "The term 'major amendment' of a federal license or permit activity means any subsequent federal approval that the applicant is required to obtain for modification to the previously reviewed and approved activity and where the activity permitted by issuance of the subsequent approval will affect . . . any coastal use or resource in a way that is substantially different than the description or understanding of effects at the time of the original activity."

resources in a way that is substantially different than those identified in the original federal consistency review for Platform Gilda (CC-6-80), constitutes a major amendment or modification to the DPP, and may be subject to additional federal consistency review by the Commission.⁵

Previously in Negative Determination NE-069-01, the Commission staff determined that the reconfiguration of the boom equipment at Platforms Gilda and Gina — which is now distributed among Platforms Gina, Gilda, and the mobile crew boat — provided an equivalent or better response capability for the protection of coastal zone resources than the response equipment configuration that was originally reviewed and concurred in by the Commission for consistency certifications CC-6-79 (Gina) and CC-6-80 (Gilda).⁶

DCOR Proposal and Reasons for Negative Determination

DCOR proposes to remove the Walosep W2 oil spill skimmer from Platform Gilda and substitute the skimming capability of the Clean Seas LLC response vessels that are equipped with vessel-mounted LORI brush advancing skimmer systems.⁷ DCOR intends to leave the containment boom and other oil spill response equipment in place on the platform.⁸

In the event of an oil spill DCOR would focus its platform personnel efforts on notifying the spill responders and agencies, controlling the source of the spill, and deploying the oil spill boom to contain the spill until the Clean Seas SRV (*i.e.*, *Clean Sweep* and *Comet*) or OSRV (*i.e.*, *Mr. Clean III*, and *Mr. Clean*) arrive to initiate the skimming and on-water recovery operations. To be consistent with the terms of the original federal consistency CC-6-80 for Platform Gilda DCOR's proposed substitution of the Clean Seas' SRV or OSRV skimmer capability must provide equal or better protection of the coastal resources as compared to the skimmer capability located at Platform Gilda. Accordingly, the Commission staff must answer the following

⁵ For additional background about the Commission's federal consistency authority over DPPs and the incorporated commitments concerning oil spill equipment configurations on Platform Gilda, please see letter dated March 13, 2000 from Coastal Commission to MMS.

⁶ See Negative Determination letter NE-069-01, dated November 4, 2002, sent to Thomas Dunaway, MMS, from Alison Dettmer, California Coastal Commission.

⁷ See Footnote 1.

⁸ Page C-1 of *The September 2006 DCOR Oil Spill Response Plan, Santa Barbara Channel and San Pedro Channel, Volume*, states that the following equipment will be located at Platform Gilda:

- 1 Boston Whaler with 2-Suzuki 70-hp motors
- 750 ft of Expandi boom
- 15 bales sorbent pads (100 pads per bale)
- 360 feet of sorbent boom (40 feet per bale)
- 5 spill tracking buoys
- 1 marine radio
- 1 company radio and communications base station
- 5 hand held radios
- 1 cellular phone
- 1 company crew boat (shared with Platform Gina), capable of deploying boom and skimmer, that is equipped with 750 feet Expandi 4300 boom and 1 rotopak reel system. (This crew boat is located so as to be capable of deploying boom within 60 minutes at either platform.)

questions: (1) Is the skimming capability of the LORI brush advancing skimming systems that are installed on the *Comet*, *Clean Sweep*, *Mr. Clean*, and *Mr. Clean III* equal to or superior to the skimming efficiency and capability of the Walosep W2 skimmer? (2) Can one of the SUVs (*Comet*, *Clean Sweep*) or the OSRVs (*Mr. Clean*, *Mr. Clean III*) arrive on scene and deploy skimmer and on-water recovery operations within the Commission's and the MMS two-hour response time frame?

Response Capability Effectiveness of the Clean Seas' LORI Advancing Skimmer Systems in Comparison to the Walosep W2 Skimmer

The Commission staff has determined that the vessel mounted LORI brush advancing skimmers on the Clean Seas SRVs and OSRVs have oil recovery capability superior to the Walosep W2 skimmer for the following reasons:

- The LORI brush advancing skimmer systems recover a higher concentration of oil at a faster rate than the stationary Walosep W2 skimmer. The two five-brush LORI advancing skimming systems on the oil spill response vessel, *Mr. Clean*, have a total derated recovery capacity of 12,364 (barrels) bbls per day. The SRV *Clean Sweep's* three-brush LORI advancing skimmer system has an effective daily recovery capacity of 3,710 bbls per day (774 barrels per hour). The SRV *Comet's* 2-brush LORI advancing skimmer system has an effective daily recovery capacity of 2,472 bbls per day (716 bbls per hour). In contrast, the Walosep W2 skimmer has an effective daily recovery capacity of only 512 bbls per day (63 bbls per hour).⁹
- The LORI brush advancing skimmer system is a state-of-art skimming system, designed specifically for offshore oil recovery in the most demanding weather and sea conditions. They have operated successfully in seas of up to 6.5 feet. In comparison, the Walosep W2 skimmer can only operate in seas up to 3 feet.
- The mobile nature of the Clean Seas' vessel mounted LORI brush advancing skimmer systems provide greater flexibility to respond to a spill from Platform Gilda when compared to the Walosep W2 skimmer. The Walosep W2 skimmer is a stationary skimmer that allows oil floating on the surface of the water to flow over the top edge of the "weir," or dam, into a collection sump where the oil is then pumped to storage. The skimmer must be manually moved from one boom-contained oil slick to the next, and each time the oil thickness varies the skimming depth must be manually readjusted. In contrast, the vessel mounted LORI brush advancing skimmer systems on the Clean Seas' SRVs and OSRVs encounter and recover oil as the boat advances through the slick. The LORI brush advancing skimmer system consists of patented brush conveyors or a rotating brush drum, booms, and flow-through channel designs. The LORI system has oil recovery sweeping speeds of 1 to 4 knots, and has a greater than 95% oil recovery efficiency rating.

⁹ See 7/18/2007 email from Ike Ikerd, General Manager, Clean Seas LLC, to Robin Blanchfield, California Coastal Commission.

Based on the reasons described above, the Commission staff has determined that the Clean Seas' vessel-mounted LORI brush advancing skimmer systems provide faster and more efficient on-water oil recovery, and thus better protection of California's coastal and marine resources, than the Walosep W2 skimmer currently located on Platform Gilda.

Response Timeframes for Skimmer Deployment

The MMS's standards for oil spill response and recovery operations at the OCS platforms, which the Coastal Commission has accepted and based its concurrence on, require the operators to initiate oil spill containment operations within one hour of notification of a spill, and to deploy skimmers and initiate on-water recovery operations within two hours. These response time frames are planning standards, and we recognize that certain circumstances (*i.e.*, adverse weather, rough seas, night time, unsafe conditions at the spill scene) could delay the response. Notwithstanding, the operators and their oil spill response contractors are required to meet these response time frames under normal weather and work day conditions.

As discussed previously, these response standards were agreed to by the owner/applicant at the time of the federal consistency review (CC-6-80) for the installation of Platform Gilda.¹⁰ Therefore, the Commission staff must determine if DCOR can still meet the Commission's two-hour response time frame if the platform skimmer is removed and replaced by the skimming capabilities of the Clean Seas' SRVs and OSRVs.

The closest SRV, *Clean Sweep*, is moored in the Ventura Harbor. The SRV, *Comet*, and the OSRV, *Mr. Clean*, are moored in Santa Barbara Harbor. DCOR's oil spill response plan for Platform Gilda provides the following response time frames for the Clean Seas' response vessels to arrive at Platform Gilda under adequate weather conditions and during normal work hours: (1) SRVs - 1 to 1.25 hours; and (2) OSRVs - 2.3 hours. Clean Seas has stated that the above response times are reasonable. The MMS unannounced drills program and Clean Seas' own exercise program have verified that the *Clean Sweep*, *Comet*, and *Mr. Clean* can reach the platform in these response time frames under normal work hours and sea conditions.¹¹ The *Mr. Clean III*, which is located further north, would take longer than 2.3 hours to arrive on scene. Notwithstanding, DCOR's oil spill response plan and Clean Seas both indicate that these response times may vary if a spill happened during non-normal weekday hours and/or under adverse weather conditions.¹²

Based on this evidence, the Commission staff concludes that under normal workday hours and sea/weather conditions it is feasible and reasonable for the Clean Seas SRVs (*Clean Sweep*, *Comet*) to arrive at Platform Gilda and meet the Commission's policy for initiating skimming and on-water recovery operations within the two-hour response time period, and for the OSRV, *Mr. Clean*, to arrive within 2.5 hours. However, there is still concern about Clean Seas'

¹⁰ See Footnote 3 and 5.

¹¹ July 13, 2007 phone conversation with Mr. Ike Ikerd, General Manager, Clean Seas and Robin Blanchfield, Coastal Commission

¹² DCOR Oil Spill Response Plan for Santa Barbara Channel and San Pedro Channel Platforms, Onshore Facilities and Associated Pipelines, Volume 1, page C-5.

capability to meet the Commission's and MMS's two-hour response time frame if a spill happened during non-normal workday hours, such as on the weekend or in early evening (when it is still daylight).

To address this concern, the MMS conducted an unannounced drill on Sunday, April 28, 2008. During this drill, Clean Seas successfully demonstrated that their SRV, *Clean Sweep*, can arrive at Platform Gilda and initiate skimming operations within 1.5 hours, which is well within the Commission's and MMS's two-hour response time frame.¹⁴

Based on the above evidence, the Commission staff has determined that DCOR's proposal to substitute the skimming capability of the Clean Seas' response vessels (*Clean Sweep*, *Comet*, or *Mr. Clean*), which are equipped with LORI brush advancing skimmer systems, provides response times and skimmer capability that are equivalent or better than the Walosep W2 response time and capability currently located at the platform.

Conclusion

For the reason discussed above, the Commission staff has determined that DCOR's proposal to remove the Walosep W2 skimmer from Platform Gilda and substitute it with the Clean Seas response vessels' LORI brush advancing skimmer capability will not affect California's coastal resources and uses in a manner substantially different from those identified in the original federal consistency reviews for Platform Gilda (CC-6-80). Therefore, at this time, the Commission staff has determined that DCOR's request to remove the skimmer from Platform Gilda is not subject to the consistency review requirements of section 307(c)(3)(B) of the CZMA.

The Commission staff thanks the MMS for the opportunity to provide comments prior to MMS final approval.

Sincerely,



Alison Dettmer
Deputy Director
Federal Consistency, Energy, and Ocean Resources Division

cc: Craig Ogawa, Minerals Management Service
Ted Mar, California Office of Spill Prevention and Response
Mike Finch, Dos Cuadras Offshore Resources LLC

¹⁴ See Unannounced Oil Spill Exercise Report for Platform Gilda, dated April 28, 2008, Minerals Management Service, Pacific OCS Region – California District.

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**ATTACHMENT**

July 19, 2007

Nabil F. Masri
Chief
Office of Facilities, Safety and Enforcement
U.S. Minerals Management Service (MMS)
770 Pase Camarillo
Camarillo, CA 93010

Subject: Request by Dos Cuadras Offshore Resources LLC (DCOR) to Remove Walosep W2 Skimmer from Platform Gilda

Dear Mr. Masri:

On June 14, 2007, the MMS submitted to the Coastal Commission staff, for its review, a request by DCOR to remove the Walosep W2 oil spill skimmer from Platform Gilda. DCOR proposes to replace the skimmer with the skimming capability of the Clean Seas LLC spill response vessels (SRVs) and oil spill response vessels (OSRVs) that are equipped with the LORI brush advancing skimmer systems.¹⁴ DCOR intends to leave the containment boom and other oil spill response equipment in place on the platform. The MMS has not yet taken final action regarding the removal of the skimmer pending further review and input from the Coastal Commission and other agencies.¹⁵

The MMS staff¹⁶ has stated that as part of the approval process they will require DCOR and Clean Seas to successfully complete an unannounced drill that demonstrates that one of the Clean Seas' SRVs (*Clean Sweep, Comet*) or OSRVs (*Mr. Clean, Mr. Clean III*) can arrive at Platform Gilda and initiate skimming operations within the Commission's and MMS's two-hour response time standard¹⁷ during non-regular work day hours (*i.e.*, weekend, daylight evening) under adequate weather and sea conditions. The Commission staff agrees with this approach.

¹⁴ See February 9, 2007 letter from Mike Finch, DCOR, to Nabil Masri, MMS.

¹⁵ See June 14, 2007 email from Craig Ogawa, MMS, to Robin Blanchfield, California Coastal Commission. The other reviewing agencies include: U.S. Coast Guard, California State Lands Commission, California Office of Spill Prevention and Response, and the California Department of Fish and Game.

¹⁶ Phone conversation between Robin Blanchfield, Coastal Commission and Craig Ogawa, MMS on July 2, 2007.

¹⁷ Clean Seas LLC is the regional oil spill response organization that is under contract to DCOR to provide primary/first tier response capability at the time of a spill. Pursuant to the MMS *Guidelines for Oil Spill Response Plans for the Pacific OCS Region* (www.mms.gov/omm/pacific/offshore/ntls/ntl99-p01gl.htm),

The Commission staff is conducting this review of DCOR's request to remove the Walsoep skimmer from Platform Gilda pursuant to the Commission's federal consistency review authority under Section 307(c)(3)(B) of the Coastal Zone Management Act and the federal regulations (15 CFR Part 930, Subpart E) that implement that statutory provision. The Coastal Commission has previously reviewed and concurred in the consistency certification for the Development and Production Plan ("DPP") for the installation of Platform Gilda (CC-6-80). As part of the consistency certification for Platform Gilda (CC-6-80), Union Oil Company (who was the owner of Platform Gilda at the time of the federal consistency review) committed to maintain "an oil recovery device (skimmer) suitable for open ocean use" on the platform so it could be used as the 1st line of defense in the containment, recovery and clean-up of an oil spill.¹⁸ Under the applicable regulatory standard,¹⁹ any changes made to the oil spill response equipment configuration for Platform Gilda may constitute a major amendment or modification to the DPP, and may be subject to additional federal consistency review by the Commission.²⁰

However, without knowing whether DCOR and Clean Seas successfully completed the unannounced drill, the Commission staff cannot make the determination of whether the proposed

primary/1st tier response oil spill equipment consists of open ocean boom for containment and skimmers for mechanical recovery, which are maintained at or near the platform for quick deployment. Quick deployment means: (1) containment boom deployed within one hour of spill notification, and (2) skimmer and on-water recovery operations initiated within two hours of spill notification. The three tier response strategy and response timeframes were jointly developed by the MMS, Coastal Commission, and the US Coast Guard in the early 1980s. Historically, the Coastal Commission has used this three tier response strategy and these response timeframes as its standard of review for determining oil spill response capability at the OCS platforms..

¹⁸ Commitments for oil spill response equipment were made in the following supporting DPP documents, which were incorporated by reference into the DPP.

1) Union Oil Company's consistency certification for Platform Gilda – OCS P-0216, dated December 6, 1979 (see page 20).

3) March 4, 1980 letter from Union Oil Company to the California Coastal Commission which stated the following equipment commitments for Platform Gilda:

"... please be advised that Union will maintain the following on Platform Gilda: (1) 1500' of open ocean boom; (2) a skimmer capable of open ocean use; (3) 15 bales of sorbent material; and (4) a boat capable of deploying oil spill clean-up equipment." [Emphasis added.]

3) Environmental Impact Report/Environmental Impact Statement (for the Development/Production Plan) for Union Oil Company of California, Platform Gilda and Gina Project, Leases OCS P-0202 [Gina] and OCS P-0216 [Gilda], May 1980, (see page A-3).

¹⁹ 15 CFR § 930.51(c) states: "The term 'major amendment' of a federal license or permit activity means any subsequent federal approval that the applicant is required to obtain for modification to the previously reviewed and approved activity and where the activity permitted by issuance of the subsequent approval will affect . . . any coastal use or resource in a way that is substantially different than the description or understanding of effects at the time of the original activity."

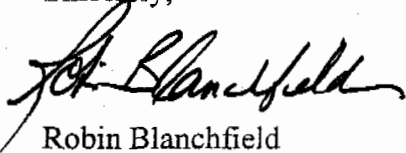
²⁰ For additional background about the Commission's federal consistency authority over DPPs and the incorporated commitments concerning oil spill equipment configurations on Platform Gilda, please see letter from Coastal Commission to MMS, dated March 13, 2000.

removal of the skimmer requires additional review by the Commission. Therefore, we will complete our review after MMS conducts the unannounced drill and sends us the results.

When the unannounced drill is completed, please send us the results. At that time, we will finish our review and the final letter.

Thank you for consulting with the Commission staff early in this process and prior to taking final action.

Sincerely,



Robin Blanchfield
Oil Spill Program
Energy, Ocean Resources, and Federal Consistency Division.