

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE AND TDD (415) 904-5200  
 FAX (415) 904-5400



# Th 11

**ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT**  
**FOR THE**  
**JANUARY 12, 2012 MEETING OF THE CALIFORNIA COASTAL COMMISSION**

**TO:** Commissioners and Interested Parties  
**FROM:** Alison Dettmer, Deputy Director  
 Energy, Ocean Resources & Federal Consistency

**DE MINIMIS WAIVER**

| APPLICANT   | PROJECT  | LOCATION                                |
|---|--|---|
| <b>E-11-022-W</b><br>Coastside Fishing Club &<br>California Dept. of Fish and<br>Game | Install and operate for two years a pair of salmon<br>acclimation net pens for use by Dept. of Fish and<br>Game in the outer harbor portion of Pillar Point<br>Harbor. | Pillar Point Harbor<br>Princeton County |

**NEGATIVE DETERMINATIONS**

| APPLICANT  | PROJECT   | LOCATION  |
|--|---|---|
| <b>ND-048-11</b><br>Department of the Navy                         | Homeporting of Littoral Combat Ships Acoustic<br>Systems<br>Action: <b>Concur, 12/22/2011</b> | Naval Base San Diego and<br>Naval Base Ventura Co.                            |
| <b>ND-051-11</b><br>U.S. Customs and Border<br>Protection          | Renovation of vehicle maintenance facility<br>Action: <b>Concur, 1/6/2012</b>                 | San Clemente Checkpoint<br>Marine Corps Base Camp<br>Pendleton, San Diego Co. |
| <b>ND-053-11</b><br>International Boundary and Water<br>Commission | Excavate sediment and trash<br>Action: <b>Concur, 12/6/2011</b>                               | Tijuana River and Valley<br>San Diego   |



## NEGATIVE DETERMINATIONS

| APPLICANT   | PROJECT  | LOCATION                      |
|---|--|-------------------------------|
| <b>NE-057-11</b><br>Bureau of Safety and<br>Environmental Enforcement | Biennial Update to the Oil Spill Response Plan for<br>Operations in the Point Arguello and Point<br>Pedernales Fields<br>Action: <b>No effect</b> , 12/20/2011 | Offshore of Santa Barbara Co. |



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## **NOTICE OF COASTAL DEVELOPMENT PERMIT** **DE MINIMIS WAIVER**

**DATE:** December 21, 2011

**PERMIT NO. E-11-022-W**

**TO:** Coastal Commissioners and Interested Parties

**SUBJECT:** Waiver of Coastal Development Permit Requirements

Based on the plans and information submitted by the applicants for the development described below, the Executive Director of the Coastal Commission (Commission) hereby waives the requirements for a coastal development permit, pursuant to Section 30624.7 of the California Coastal Act.

**Applicants:** Marc Gorelnik  
Coastside Fishing Club  
8042 Terrace Dr.  
El Cerrito, CA 94530

Fisheries Branch  
California Department of Fish and Game  
830 S. Street  
Sacramento, CA 95811

**Project Description and Background:** The Coastside Fishing Club in partnership with the California Department of Fish and Game (the applicants), propose to install and operate for two years a pair of floating salmon smolt acclimation net pens in the outer harbor portion of Pillar Point Harbor. The net pens would serve as a temporary holding facility for young hatchery-reared Chinook salmon from California Department of Fish and Game (DFG) fish hatcheries in the Central Valley. DFG research has shown that salmon smolts released directly from these Central Valley hatcheries into rivers experience high rates of mortality as they move downstream towards the San Francisco Bay and ocean due to poor water quality, water diversions, and predation along the route. As a result, DFG has developed a system to transport young salmon in large tanker trucks from the hatcheries directly to the ocean and San Francisco Bay for release. However, this immediate transfer of juvenile fish from fresh water to estuarine or marine waters is known to result in a variety of shocks and stressors on the fish that can also make them susceptible to high levels of predation and mortality. In response, hatchery reared smolts are typically released into temporary holding pens that provide them with a protected area in which to recover from these shocks and acclimate to a salt water environment. After one to three weeks of acclimation, the fish are released into the wild in order to enhance existing populations.

The applicants propose to install and operate for two years two salmon acclimation net pens for use by DFG. The net pens would be in place for the spring and summer (March through

July) of 2012 and 2013. By the end of July each year, the pens would be removed from the harbor and stored offsite. The applicants propose to use the Johnson Pier in the inner Pillar Point Harbor during stocking of the net pens, an activity that would occur approximately three to seven times each year. During stocking, the net pens would be towed to the pier to receive roughly 60,000 fish from DFG transport trucks. The stocked net pens would then be towed to an existing mooring location in the outer harbor and would remain in place for roughly seven to 21 days while the smolts are fed and provided with an opportunity to acclimate. Feeding would be carried out with an automated belt-operated fish feeder and would use roughly 26 pounds of three millimeter salmonid feed per day (assuming both pens are stocked at capacity with 60,000 fish each). Coastside Fishing Club volunteers would monitor the net pens and tend to the fish feeders on a daily basis. At the end of the acclimation period, the holding net would be opened and the smolts would be released into the outer Pillar Point Harbor near the entrance to the open ocean.

The pens would include an inner nylon net with a mesh size of 1/8 inch to keep the smolts in place as well as a heavy outer net with a mesh size of four inches that would function as a physical barrier against predators. The outer net would be weighted to maintain tautness and would extend from approximately three feet above the water line to a depth of 12 feet. In addition, a two inch mesh net would be erected over the top of the entire structure to protect the smolts from avian predators. Each net pen would measure approximately 30 feet wide by 54 feet long, including net supports and an encircling walkway.

The applicants have received approval for the project from the California Department of Fish and Game, State Water Quality Control Board, and San Mateo County Harbor District.

**Waiver Rationale:** For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, nor will it conflict with Chapter 3 policies of the Coastal Act:


- The net pens will use existing mooring locations in the outer Pillar Point Harbor and would not require the placement of permanent mooring devices or anchors on the seafloor.
- The net pens will only be in place seasonally (March through July) and would be permanently removed by the end of July in 2013.
- The net pens include predator exclusion netting to minimize interactions with predators such as marine mammals and seabirds. Such netting has been shown to be effective in protecting the enclosed fish while minimizing the potential entanglement or injury of predatory animals that may be attracted to the net pens.
- Coastside Fishing Club has developed a plan for addressing potential interactions with marine mammals and seabirds. This plan would be implemented as part of the project and it includes both daily inspections and the maintenance of a daily log as well as immediate reporting of any incidents involving marine mammals or seabirds to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Marine Mammal Center.
- Coastside Fishing Club members would monitor the net pens on a daily basis to ensure that they are maintained in good repair and no fugitive materials are released into the marine environment.

- Feeding operations for the salmon smolts during acclimation would be limited and holding times for the fish would not exceed three weeks. At these levels, accumulation of uneaten feed and fecal materials below the net pens is expected to be minimal and not anticipated to adversely affect the water quality or benthic habitat of Pillar Point Harbor.
- The California Department of Fish and Game will implement a contingency plan for the net pen operation to address any disease or parasite outbreak in the salmon population during acclimation. This plan includes daily monitoring, coordination with DFG pathologists, as well as management oversight by DFG staff during acclimation.

**Important:** This waiver is not effective unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of January 11-13 in Santa Monica, CA. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER  
Executive Director

By:   
ALISON DETTMER  
Deputy Director

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
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# Th 11

**DATE:** January 9, 2012

**TO:** Coastal Commissioners and Interested Parties

**FROM:** Charles Lester, 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]

|                     |   |
|---------------------|---|
| <b>PROJECT #:</b>   | ND-048-11   |
| <b>APPLICANT:</b>   | Department of the Navy                                |
| <b>LOCATION:</b>    | Naval Base San Diego and Naval Base Ventura Co.       |
| <b>PROJECT:</b>     | Homeporting of Littoral Combat Ships Acoustic Systems |
| <b>ACTION:</b>      | Concur  |
| <b>ACTION DATE:</b> | 12/22/2011  |

|                     |   |
|---------------------|---|
| <b>PROJECT #:</b>   | ND-051-11   |
| <b>APPLICANT:</b>   | Customs and Border Protection   |
| <b>LOCATION:</b>    | San Clemente Checkpoint, Marine Corps Base Camp<br>Pendleton, San Diego Co. |
| <b>PROJECT:</b>     | Renovation of vehicle maintenance facility                                  |
| <b>ACTION:</b>      | Concur  |
| <b>ACTION DATE:</b> | 1/6/2012  |

|                     |   |
|---------------------|---|
| <b>PROJECT #:</b>   | ND-053-11                                   |
| <b>APPLICANT:</b>   | International Boundary and Water Commission |
| <b>LOCATION:</b>    | Tijuana River and Valley, San Diego         |
| <b>PROJECT:</b>     | Excavate sediment and trash                 |
| <b>ACTION:</b>      | Concur                                      |
| <b>ACTION DATE:</b> | 12/6/2011                                   |

|              |   |
|--------------|---|
| PROJECT #:   | NE-057-11   |
| APPLICANT:   | Bureau of Safety and Environmental Enforcement  |
| LOCATION:    | Offshore of Santa Barbara Co.   |
| PROJECT:     | Biennial Update to the Oil Spill Response Plan for<br>Operations in the Point Arguello and Point Pedernales<br>Fields |
| ACTION:      | No effect   |
| ACTION DATE: | 12/20/2011  |

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December 22, 2011

C.L. Stathos  
Department of the Navy  
Commander Navy Region Southwest  
937 North Harbor Drive  
San Diego, California 92132-0058

Attn: Suzanne Smith  
Naval Base Coronado  
Public Works Office  
Box 357040  
San Diego, California 92135-7040

**Re: ND-048-11, U.S. Navy, Negative Determination, Homeporting of the Littoral Combat Ship (LCS)**

Dear C.L. Stathos and Ms. Smith:

The Coastal Commission has reviewed the above-referenced negative determination. The purpose of the project, as stated by the September 2011 Revised Preliminary Draft EA (EA) is "to achieve the required levels of operational readiness required by 10 United States Code (U.S.C.) § 5062." Thus, the Navy proposes the homeporting of up to 16 Littoral Combat Ships (LCSs) to occur in a phased process from 2013 to 2020 at Naval Base San Diego (NBSD) and Naval Base Ventura County (NBVC) Point Mugu, California.

The Coastal Consistency Negative Determination submitted by the Navy states that:

*The Navy would use a combination of existing military assets in the southern California area to provide berthing space, ship hotel services (i.e., utilities), tug service, maintenance support, drydocking facilities, fueling services, ordnance handling and storage, cargo and mission*



*module handling and storage, LCS support facilities, aviation asset support, and stationing for personnel and their family members for up to 16 LCSs.<sup>1</sup>*

Furthermore, this would include “approximately 1,692 personnel and their family members.” With respect to the personnel increase, the EA states that:

*Increases in personnel associated with the Preferred Alternative and BRAC [Base Realignment and Closure] actions would be slightly offset by decreases in personnel from the decommissioning of FFGs [guided missile frigates] and MCM ship [mine countermeasures ship], which would occur between 2011 and 2015 and by 2010, respectively. The population of NBSD is currently composed of approximately 42,000 people.<sup>2</sup> Implementation of all projects identified in this cumulative effects analysis would increase the installation population by approximately 1 percent; this assumes that all new personnel and their family members would obtain housing on-installation, which is a maximum impact scenario, since some of the new personnel and their family members would live off-installation and sailors would be deployed at various times.*

With regard to traffic and transportation, the EA states:

*A Traffic Impact Analysis was completed for the BRAC actions in 2006, which analyzed traffic conditions in 2011 and 2030 (Navy 2007c). This study concluded that, when accounting for anticipated growth in the San Diego area, levels of service will be acceptable in 2011. By 2030, it is anticipated that the intersection of East Harbor Drive and South 32nd Street will experience traffic delays that would result in an unacceptable level of service (i.e., significant delay, extensive queuing, and poor progression at this signalized intersection).*

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<sup>1</sup> The Coastal Consistency Negative Determination states that “There are two variants of the LCS: the Austal variant (formerly known as the General Dynamics variant) and Lockheed Martin variant. To ensure that all potential homeporting scenarios are appropriately addressed, the Proposed Action includes homeporting up to either 16 Austal variants, 16 Lockheed Martin variants, or a combination of 16 Austal and Lockheed Martin variants.”

<sup>2</sup> NBSD. 2008. Environmental Assessment for Building 78 Outlease and Demolition at Naval Base San Diego. January 2008.

While this project may contribute to traffic congestion, it will not be the cause of a decreased level of service. As the EA states:

*The population of the San Diego MSA was approximately 3 million people in 2009.<sup>3</sup> Implementation of all NBSD projects and surrounding projects identified in this cumulative effects analysis would increase the off-installation population by less than 0.01 percent. This would represent a negligible increase in population in such a heavily populated area.*

In discussing impacts on parking, the EA states:

*Long-term, adverse impacts on parking availability at NBSD would be expected; however, these impacts would not be considered significant. Currently, there is insufficient available vehicle parking in the immediate proximity of the piers at NBSD to accommodate the increased parking demand associated with the increased personnel under the Preferred Alternative. However, there is ample parking available at NBSD within 0.5 miles (0.8 km) of the proposed support facilities.*

In conversations with Commission staff, representatives of the Navy indicated that alternative transit exists in the form of a trolley and that it stops at NBSD, just outside the main gate. Personnel can make use of this in addition to a transportation incentive program that encourages them to ride share and to use shuttle buses from Navy housing areas to relieve traffic congestion.

For this project, the Navy also proposes that "there would be minor interior and exterior building renovations associated with homeporting the LCSs at NBSD." However, the Coastal Consistency Negative Determination states:

*No new onshore or in-water construction would occur at NBSD or NBVC Point Mugu. A site-specific Erosion-and-Sediment-Control Plan (ESCP) and Storm Water Pollution Prevention Plan (SWPPP) would be developed and implemented at each installation. A Spill Prevention Control and Countermeasures (SPCC) Plan would be implemented at each installation to protect against accidental spills.*

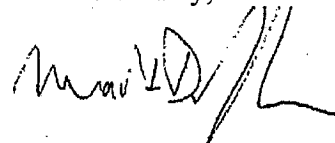
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<sup>3</sup> Census Bureau 2009a. Census Bureau. 2009. Annual Population Estimates. Available online <[http://factfinder.census.gov/servlet/DatasetMainPageServlet?\\_program=PEP&\\_submenuId=datasets\\_2&\\_lang=en&\\_ts=>](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=PEP&_submenuId=datasets_2&_lang=en&_ts=>)>. Accessed 30 December 2010. and Census Bureau 2009b. Census Bureau. 2009. American Community Survey. 1-Year Estimate. Available online. [http://factfinder.census.gov/servlet/DatasetMainPageServlet?\\_program=ACS&\\_submenuId=datasets\\_1&\\_lang=en&\\_ts=>](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ACS&_submenuId=datasets_1&_lang=en&_ts=>). Accessed 30 December 2010.

ND-48-11 Navy, Homeporting LCS  
San Diego and Point Mugu,  
San Diego Co. and Ventura Co.  
Page 4

In conclusion, the Commission staff agrees that the proposed homeporting of the Navy ships would not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. If you have any questions, please feel free to contact me at (415) 904-5289.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Lester", with a large, stylized flourish at the end.

(for)

CHARLES LESTER  
Executive Director

cc: San Diego District

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January 6, 2012

Loren Flossman  
Director  
Border Patrol Facilities and Tactical Infrastructure  
Program Management Office  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229

**Re: ND-051-11, U.S. Customs and Border Protection (CBP), Negative Determination, San Clemente Border Patrol Station (BPS) and Checkpoint Vehicle Maintenance Facility Renovation**

Dear Mr. Flossman:

The Coastal Commission has reviewed the above-referenced negative determination. The purpose of the project is to accommodate the increase in agents and vehicles assigned to the U.S. Customs and Border Protection (CBP). Thus, CBP proposes the demolition and disposal of the existing facility and the construction of a new vehicle maintenance facility at the San Clemente Border Patrol Station (BPS).

The project is located on the east side of Interstate 5 (I-5), approximately five miles south of San Clemente on Marine Corps Base (MCB) Camp Pendleton. The project is located adjacent to other structures and the site is within the footprint of an ongoing project that received Commission concurrence in 2009 (CD-011-09). Impacts to coastal resources, such as sensitive habitat, were addressed in the 2009 *Biological Opinion* prepared by the U.S. Fish and Wildlife Service (Service) (FWS – MCBCP-08B0094-00F0014) and the terms and conditions therein were formally accepted by the CBP.

The Coastal Consistency Negative Determination submitted by CBP states that:

*The proposed project would require the demolition and disposal of the existing vehicle maintenance facility which includes intermodal containers (conex boxes), a garage, and a canopy structure. The proposed project would also consist of constructing a new, one-story vehicle maintenance building, cutting, grading, and paving with asphalt a vegetated slope and installing a concrete drainage channel and five-foot high retaining wall.*

*Additionally, future maintenance, as well as potential repairs of a minor nature, of the new vehicle maintenance building and elements would be expected.*

The project will not adversely affect coastal resources. The new facility would be the same height as the current facility, but slightly longer with the addition of two service bays. The project would not change site access restrictions, which are already in place to maintain safety and security. Because the project is located on the east side of the freeway, it will not affect ocean views from vehicles on the freeway. The Coastal Consistency Negative Determination submitted by CBP references the review and evaluation of environmental impacts resulting from the project, and the mitigation of those impacts:

*All work would be conducted within the footprint of the BPS improvement and expansion project that is currently underway. Impacts of the improvement and expansion project were identified and evaluated in the May 2009 Environmental Assessment for Replacement of the Administrative Trailer and Construction of Additional Office Space and Parking, CBP, USBP, San Clemente Station, San Diego County, California (CBP 2009 EA) and mitigated through the purchase of 8.5 acre credits at the Red Mountain Conservation Bank. Other environmental requirements have been met through the implementation of design measures and best management practices that would continue through the completion of the vehicle maintenance facility renovation project.*

The CBP has included the following conservation measures referenced in the Service's 2009 *Biological Opinion* and will continue to adhere to the following measures as outlined in CD-011-09:

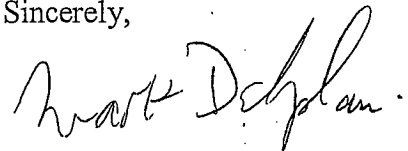
- Restoration of the temporary parking area to coastal sage/sumac scrub after the five-year use period.
- To the greatest extent practicable, work within 300 feet of suitable coastal California gnatcatcher habitat (i.e., in or near coastal sage scrub) will be avoided during the gnatcatcher breeding season (February 15 to August 31). If work is necessary in this area during this time period, a qualified biologist will perform protocol surveys, establish buffer areas around nests, and be present to ensure that work does not encroach into suitable habitat or within 300 feet of a nesting gnatcatcher.
- Best Management Practices and a contractor education program will be implemented during project-related activities to protect gnatcatcher habitat.

- Under the supervision of a qualified biologist, the limits of the project impact zone will be clearly demarcated using bright orange plastic fencing, stakes, flags, or markers visible to personnel on foot or in heavy equipment.
- All lighting will be positioned, directed, or shielded so as to prevent artificial lighting from reflecting into adjacent gnatcatcher habitat.
- The project includes a fire suppression system that eliminates the need for a substantial fuel modification zone adjacent to the new structures.

The Service concluded that the proposed project, which includes the above conservation measures, "is not likely to jeopardize the continued existence of the gnatcatcher or adversely modify its critical habitat."

In conclusion, the Commission staff agrees that the proposed demolition and disposal of the existing facility and the construction of the new vehicle maintenance facility would not adversely affect coastal resources or raise any new issues not previously considered by the Commission in its review of CD-011-09. The project is similar to the previous project due to its location and extent. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. If you have any questions, please feel free to contact Laurel Kellner of the Commission staff at (415) 904-5250.

Sincerely,



(for)

CHARLES LESTER  
Executive Director

cc: San Diego District -

## CALIFORNIA COASTAL COMMISSION

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December 6, 2011

Steven J. Smullen  
Area Operations Manager  
USIBWC San Diego Field Office  
2225 S. Dairy Mart Rd.  
San Ysidro, CA 92173-2840

Re: **ND-053-11**, Negative Determination, International Boundary and Water Commission,  
Sediment and trash excavation from Tijuana River, San Diego

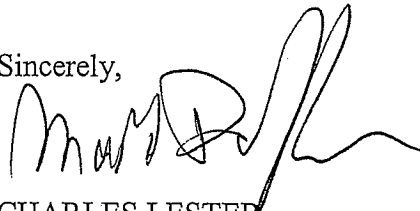
Dear Mr. Smullen:

The Coastal Commission staff has reviewed the above-referenced negative determination for the excavation and disposal of 240,000 cu. yds. of sediment and trash from the Tijuana River in San Diego. The work will occur over a several year period, and the first phase of the project will be removal of 60,000 cu. yds of trash and sediment from just downstream of the concrete lined river channel. The material will be excavated, loaded onto trucks and transported by truck, first to an interim processing pad, located northeast of the grade control structure (at the downstream end of the channel), and then to a longer-term stockpile location on IBWC-owned land southwest of the South Bay International Wastewater Treatment Plant. The project will reduce flooding and benefit the downstream Tijuana Estuary through removal of trash and sediment.

At the request of the Commission staff, after removing the trash, sand-sized grain material suitable for beach nourishment will be used for this purpose (contingent on funding). As noted by the Commission staff, the SANDAG Sand Compatibility and Opportunistic Use Program (SCOUP) may be available to augment funding to facilitate such beach replenishment. Work will be limited to the non-rainy season, and Best Management Practices will be implemented to protect water quality. The project will benefit the estuarine and marine environment, reduce flooding, and avoid adverse effects to public access and recreation.

With the commitment for potential beneficial reuse of suitable material, the Coastal Commission staff **agrees** that the proposed activity would not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

(for)   
CHARLES LESTER  
Executive Director

cc: San Diego District  
Corps of Engineers, San Diego Field Office

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December 20, 2011

Mr. Nabil Masri  
Regional Supervisor, Office of Field Operations  
Bureau of Safety and Environmental Enforcement – Pacific OCS Region  
770 Paseo Camarillo, 2<sup>nd</sup> Floor  
Camarillo, CA 93010-6064

Subject: **No Effects Determination NE-057-11:** Biennial Update to the *Core Oil Spill Response Plan for Operations in the Point Arguello and Point Pedernales Fields, Onshore Facilities and Associated Pipelines (Volume 1)* and the *BOEMRE Supplement to the Core Oil Spill Response Plan (Volume 2)*, by the Plains Exploration and Development Company, dated June 2011.

Dear Mr. Masri:

On August 17, 2011, the Bureau of Safety and Environmental Enforcement (BSEE) (known at the time as Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE))<sup>1</sup> submitted to the California Coastal Commission (Commission) staff the above-referenced biennial update to the Plains Exploration and Development Company's (PXP's) Oil Spill Response Plan (OSRP), Volumes 1 and 2, dated June 2011. Hereafter, these revised documents will be referred to as the *PXP 2011 OSRP*.

The BSEE (known at the time as BOEMRE) approved the *PXP 2011 OSRP* revision effective July 26, 2011, and found that the capability for oil-spill response meets or exceeds that which existed for PXP's facilities prior to this revised OSRP, and that the potential impacts to the marine, coastal, and human environments have not changed.

For the reasons discussed below under "Findings for No Effects Determination," the Commission staff has determined that the changes in oil spill response analysis, equipment, and procedures described in the *PXP 2011 OSRP* will not cause effects on California's coastal uses and resources in a manner substantially different from those identified in the original federal consistency certifications for the Point Arguello and Point Pedernales platforms and their associated subsea pipelines. Therefore, the Commission staff finds this OSRP biennial update is not subject to federal consistency review by the Commission at this time, pursuant to §307(c)(3)(B) of the Coastal Zone Management Act (CZMA).

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<sup>1</sup> The Bureau of Ocean Energy Management, Regulation and Enforcement, formerly the Minerals Management Service (MMS), was reorganized in October 2011 and replaced by three independent agencies: the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), and the Office of Natural Resources Revenue (ONRR).



## Background

The submitted *PXP 2011 OSRP* is the third revision of PXP's November 2004 OSRP for the Point Arguello and Point Pedernales facilities, and wholly replaces the previous OSRP versions (last revised in July 2009).<sup>2</sup> This OSRP details oil spill response analysis, equipment, and procedures for PXP's Point Arguello platforms (Harvest, Hermosa, and Hidalgo) and Point Pedernales platform (Irene); the Point Arguello and Point Pedernales offshore pipelines; the Gaviota Oil Heating Facility (GOHF) and Lompoc Oil and Gas Plant (LOGP); and the onshore pipelines that connect the offshore pipelines with the GOHF and LOGP.

The Commission staff determined in previous No Effect Determinations<sup>3</sup> that previous OSRPs for the Point Arguello and Point Pedernales facilities did not cause effects on California's coastal zone substantially different than those reviewed in the Commission's original federal consistency certifications for these platforms and their associated subsea pipelines.<sup>4</sup> Accordingly, the staff found that the previous OSRPs were not subject to the federal consistency review requirements of section 307(c)(3)(B) of the Coastal Zone Management Act (CZMA) at that time.

## Findings for No Effects Determination

For the most part, the submitted *PXP 2011 OSRP* biennial update contains minor information changes and reorganization. However, staff noted several substantive changes, including: 1) updates to the spill trajectory calculations section, 2) significant revisions to the worst-case discharge (WCD) volumes calculations, 3) addition of a 30-day blowout WCD calculation from an existing well, and 4) addition of a WCD calculation for a blowout from exploratory and development drilling operations for a proposed well.

The spill trajectory calculations section (Vol. 1, Appendix E) has been improved by updating the vector analysis to describe how to use real-time data obtained from the internet, rather than using predicted wind and current conditions data obtained by phone. Useful information was added on accessing new real-time wind, wave, and swell information from the National Data Buoy Center website, and real-time ocean surface current direction and speed information from the Southern California Coastal Observing System (SCCOOS) website.

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<sup>2</sup> In Nov. 2004, PXP assumed ownership of the Pt. Pedernales leases and facilities from Nuevo Energy Company. Accordingly, the Nov. 2004 OSRP by PXP/Arguello Inc., and subsequent biennial updates, cover both the Pt. Arguello and Pt. Pedernales facilities. Prior to this time, the Nuevo Energy Company submitted the April 2003 OSRP for the Pt. Pedernales facilities.

<sup>3</sup> See the most recent No Effects Determination, NE-027-05, dated November 2, 2005 (re: PXP's Nov. 2004 OSRP for the Pt. Arguello and Pt. Pedernales facilities). Other previous No Effects Determinations for OSRPs for these facilities are: NE-015-03 and NE-020-01 (re: PXP/Arguello Inc.'s OSRPs for Pt. Arguello facilities), and NE-082-03, NE-014-03, and NE-018-01 (re: Nuevo Energy Company's OSRPs for Pt. Pedernales facilities).

<sup>4</sup> The Commission's original federal consistency certifications for these facilities are: Platforms Harvest, Hermosa, and Hidalgo (CC-12-83, CC-27-83, and CC-24-84), and Platform Irene (CC-36-84 and CC-36-84A). The Outer Continental Shelf (OCS) Plans are: Platforms Harvest (OCS-P 0315), Hermosa (OCS-P 0316), Hidalgo (OCS-P 0450), and Irene (OCS-P 0441). For a summary of the Commission's federal consistency review of these platforms, see No Effects Determination NE-020-01, dated March 23, 2001.

In the Worst Case Discharge Analysis section (Vol. 2, Section 10), the WCD volumes were recalculated for each of the platform facilities, resulting in substantially increased WCD volumes compared to the July 2007 OSRP update.<sup>5</sup> The *PXP 2011 OSRP* (Vol. 2, Section 12) states that the Response Planning Volume for a WCD from Point Arguello facilities is now 6,262 bbl (compared to 4,175 bbl in 2007), and from Pt. Pedernales facilities is now 2,057 bbl (compared to 1,241 bbl in 2007). In addition, response analyses were added for a 30-day WCD blowout scenario of an existing well (Point Pedernales Well #A-16), and a WCD blowout scenario for exploratory and development drilling operations (Point Pedernales proposed Well #A-29).

The *PXP 2011 OSRP* describes fully how the oil spill response equipment and personnel, on-site and under contract with Clean Seas, LLC. (a California certified oil spill response organization) provide sufficient response capability to contain and recover the increased Response Planning Volumes in the blowout scenarios. Clean Seas' response capability as described in the OSRP is sufficient for providing rapid response and meeting the Commission's response time requirements;<sup>6</sup> additional available contractor resources are also identified.

The Commission staff finds that these substantive and non-substantive updates do not create significant changes to spill response capabilities for the Point Arguello and Point Pedernales platforms and facilities. The staff further finds that the updates maintain the capability for oil spill response that was provided prior to the revisions, and do not reduce the level of protection for California's coastal and marine resources.

For the reasons stated above, the Commission staff finds the updates reflected in the *PXP 2011 OSRP* (Vols. 1 and 2, June 2011) will not affect California's coastal resources and uses in a manner substantially different from those identified in the original federal consistency certifications for platforms Harvest, Hermosa, Hidalgo, and Irene, and in the subsequent No Effects Determinations for the facilities' OSRPs. Therefore, the Commission staff finds that the

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<sup>5</sup> The April 2010 explosion and sinking of the BP Deepwater Horizon oil drilling rig, caused by the blowout of the exploratory Macondo well, resulted in the deaths of 11 people and a massive oil spill in the Gulf of Mexico. In light of this catastrophe, the former BOEMRE issued a Notice to Lessees No. 2010-N06 (effective June 18, 2010-June 1, 2015) directing operators to review and update their OSRP's worst-case discharge and blowout scenarios for the well with the highest volume discharge, as required by 30 CFR 250.21(g) and 250.243(h).

<sup>6</sup> During the federal consistency review process for the OCS platforms, the Commission, the former MMS (now BOEM), and the U.S. Coast Guard (USCG) jointly developed a three-tier strategy for the containment and clean up of oil spills:

- **Primary Response:** Primary oil spill response equipment provides the first line of defense, and consists of open-ocean boom for containment, and skimmers for mechanical recovery of oil. Primary response equipment is usually maintained at or near the platform, for quick deployment. The Commission's standards for Primary Response are for:
  - Boom to be deployed at a platform spill (or other spill site) within 15-60 minutes of spill discovery; and
  - Skimming operations to begin at a platform spill (or other spill site) within 2 hours of spill discovery.
- **Secondary Response:** Secondary oil spill response to the platforms is provided by Clean Seas, which maintains dedicated OSRVs and other support vessels that can deploy additional boom(s) and/or recovery equipment to clean up the spill. The Commission's standard for Secondary Response is for:
  - Vessels and equipment to arrive at a platform spill (or other spill site) within 2-6 hours of spill discovery.
- **Tertiary Response:** In case of a large, catastrophic spill, tertiary oil spill response is provided by additional resources which are cascaded in from outside the area. These resources can include oil spill response organizations from other regions of California or other states, the USCG Pacific Strike Team, and the U.S. Navy. These resources would be called in for a prolonged spill response if additional resources are needed.

PXP 2011 OSRP (Vols. 1 and 2, June 2011) is not at this time subject to the consistency review requirements of §307(c)(3)(B) of the CZMA.

Notwithstanding the above finding, the Commission staff expressly reserves the right afforded to the Commission under 15 CFR §930.85 to re-open this determination in the event that the oil spill response equipment and procedures described in the OSRP are not adhered to, or if they have an effect on any coastal use or resource substantially different than as described in the OSRP.

In 2012, Clean Seas will be undergoing a major equipment reconfiguration, replacing their existing two OSRVs, the Mr. Clean III and the Clean Ocean, with four smaller, faster OSRVs (*Clean Seas LLC Proposed Oil Spill Response Vessel (OSRV) Plan & Concept of Vessel Operations*, June 26, 2010). Commission staff reviewed and concurred with this proposed equipment change in NE-028-10.<sup>7</sup> Commission staff understands that after the reconfiguration, BSEE will be requesting the platform operators to review and update their OSRPs to explain the effect of the new equipment configuration on response capability. We look forward to reviewing the revised PXP OSRP again at that time.

Sincerely,



Alison Dettmer  
Deputy Director

CC via email:

Craig Ogawa, BSEE- Pacific OCS Region  
Byron Everist, PXP  
Elsa Arndt, Santa Barbara County - Office of Emergency Services  
John Day, Santa Barbara County - Energy Division  
Ted Mar, California Office of Spill Prevention and Response  
Bill Scott, California Office of Spill Prevention and Response

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<sup>7</sup> The Commission staff found that Clean Seas' proposed OSRV replacement and correspondent modifications to its response equipment configuration will substantially improve its oil spill response capability, and therefore will not adversely affect ocean and coastal resources. Accordingly, Commission staff determined that Clean Seas' proposed new OSRV configuration will not cause effects on coastal resources substantially different than those reviewed in the original federal consistency determinations for the platforms and their associated subsea pipelines.