

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
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W 9

ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT

FOR THE

APRIL 11, 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
E-12-003-W Chevron U.S.A., Inc.	Construct a new fire suppression system on the Chevron property.	Chevron Marine Terminal Humboldt County
E-12-004-W Ultramar, Inc., Wilmington Refinery	Construct two identical pressure vessels to filter selenium from the effluent discharged from the refinery's sour water stripper.	Wilmington Los Angeles County

NEGATIVE DETERMINATIONS		
APPLICANT	PROJECT	LOCATION
ND-050-11 Federal Aviation Administration	Rehabilitate existing air navigation equipment used for aircraft landings. Action: Concur , 1/11/2012	San Diego International Airport San Diego



NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-005-12 U.S. Fish & Wildlife Service	Seating wall and access/education improvements Action: Concur, 3/19/2012	San Diego Bay National Wildlife Refuge, Imperial Beach San Diego Co.

NO EFFECTS DETERMINATIONS

APPLICANT	PROJECT	LOCATION
NE-003-12 Bureau of Safety and Environmental Enforcement	Biennial Update of Exxon Mobil Oil Spill Response Plan for Platforms Hondo, Harmony, and Heritage Action: No effect, 3/12/2012	Offshore of Santa Barbara Co.



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

DATE: March 28, 2012 **PERMIT NO:** E-12-003-W
TO: Coastal Commission and Interested Parties
SUBJECT: Waiver of Coastal Development Permit Requirements

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

Applicant: Chevron USA, Inc.

Background: Chevron proposes to install a new fire suppression system at its marine terminal in Eureka. The new fire suppression system is required to meet the California State Lands Commission's Marine Oil Terminal Engineering and Maintenance (MOTEM) regulations. The new system is to provide adequate facilities and equipment to respond to an accident at the Chevron Terminal. The proposed project will not change the type or frequency of industrial activity at this facility. The project is located within both the Coastal Commission and the City of Eureka's coastal permitting jurisdictions. The dock is located over Humboldt Bay and is within the Coastal Commission's retained jurisdiction and the upland area, where most of the fire suppression system will be installed, is within the City of Eureka's jurisdiction and located on property owned by the City and leased to Chevron. Chevron, the City and the Coastal Commission agreed to a consolidated permit process.

Project Location: 3400 Christie St., City of Eureka, Humboldt County

Project Description: Chevron proposes to install a new fire suppression system on the west portion of its marine terminal property and on the existing Chevron dock. It includes a new fire water pump skid to be constructed on a pedestal and a new AR-FFF foam-agent tank on a concrete pad adjacent to the fire water pump. A 480V electrical service will be installed to power the fire water pump. The system also includes a fire hydrant and a new ten inch fire water line running north from the pump and routed on the westerly side of Chevron's dock. This system will replace the existing six inch water line that services the dock. Pull stations and fire pump system notification devices will be installed on the dock and on the land.

Other Agency Approvals: The City of Eureka supports the project. No other agency approvals are required.

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 the policies of Chapter Three of the Coastal Act:

The new fire suppression system is to be located within the boundary of an existing marine terminal site on a paved area within a general area of industrial activity. The new foam-agent tank will be constructed on a concrete pad that will slope towards a trench on the northwest side of the tank, between the tank and Humboldt Bay. In the event of a leak or spill from the foam-agent tank, the leaked material will be wholly contained in the trench and will not reach Bay waters. The project will thus not impact biological resources of the coastal zone. The new equipment will result in minor visual differences to the existing marine terminal but because it will be installed within a facility where visual quality is already heavily dominated by industrial equipment and processes, it will be visually compatible with the existing character of the area.

The project does not require any modification to existing structures and will not alter the type or frequency of industrial operations at the facility.

Important: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver will be reported to the Commission at the meeting of April 11-13, 2012 in Ventura. 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

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

DATE: March 30, 2012 **PERMIT NO:** E-12-004-W

TO: Coastal Commission and Interested Parties

SUBJECT: Waiver of Coastal Development Permit Requirements

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

Applicant: Ultramar, Inc., Wilmington Refinery

Background: The applicant owns and operates the Refinery, located in the coastal zone within the City of Los Angeles. The Refinery is adjacent to the Dominguez Channel, which flows to Los Angeles Harbor, and is near several other heavy industrial facilities, including another refinery, marine cargo transport facilities, a hydrogen plant, storage areas and other related activities. More than a century of port, industrial, and oil and gas development has heavily disturbed the coastal zone in the vicinity of the Refinery.

This purpose of a new selenium carbon filtering system is to remove selenium from stripped sour water at the refinery. Ultramar is required by the Sanitation District of Los Angeles County to control selenium in the refinery discharge. The project will not change the type or frequency of industrial activity at this facility. The refinery currently operates a Vibratory Shear Enhanced Processing (VSEP) module to remove selenium from the effluent. The proposed system is necessary to ensure Ultramar achieves the required selenium removal rate in the event the VSEP system fails, requires maintenance, or fails to remove a sufficient amount of selenium from the effluent.

Project Location: 2402 East Anaheim St, Wilmington, Los Angeles County

Project Description: Ultramar proposes to construct two identical pressure vessels to filter selenium from the effluent discharged from the refinery's sour water strippers. The selenium filtration system will be located in an existing tank farm in the central part of the refinery. The construction will include a 19 ft. x 23 ft. x 2.5 ft. deep mat foundation for the steel service platform, two vessels 6 ft. in diameter and 15 ft. tall, and a horizontal Heat Exchanger. An existing concrete pad will be removed. Construction is estimated to take approximately two and a half months.

Other Agency Approvals: The South Coast Air Quality Management District (SCAQMD). SCAQMD has processed the permit application for a Permit-to-Construct and sent it to the Environmental Protection Agency for final review. Ultramar has obtained approval in concept for construction of the proposed project from the City of Los Angeles Planning Department. Only non-discretionary building permits will be required from the City.

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 the policies of Chapter Three of the Coastal Act:

The equipment is to be installed within the boundary of a primarily paved industrial site that is also surrounded by other industrial facilities. There will be no impacts to biological resources of the coastal zone.

Project construction will result in a minor and temporary increase in traffic due to construction vehicles, although this increase is not expected to substantially impact existing traffic in the vicinity of the refinery and interfere with the public's ability to get to the coast. Construction, excavation and soil handling activities will result in a temporary increase in air emissions that will be addressed under SCAQMD's Permit to Construct or will be conducted according to existing SCAQMD rules and approved plans. Potentially contaminated soil will be handled according to Ultramar's interim waste discharge permit for soil management in connection with excavation from the Los Angeles Regional Water Quality Control Board. The Refinery is subject to spill prevention, containment, and control (SPCC) plans to avoid or minimize effects to coastal waters and those plans will be implemented for this project. The proposed project will result in minor visual differences to the existing facilities. Since the facility is in an area already heavily dominated by industrial equipment and processes, the addition of this equipment will be visually compatible with the existing character of the area.

Important: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver will be reported to the Commission at the meeting of April 11-13, 2012 in Ventura. 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

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W 9

DATE: April 4, 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]

PROJECT #:	ND-050-11
APPLICANT:	Federal Aviation Administration
LOCATION:	San Diego International Airport, San Diego
PROJECT:	Rehabilitate existing air navigation equipment used for aircraft landings
ACTION:	Concur
ACTION DATE:	1/11/2012

PROJECT #:	NE-003-12
APPLICANT:	Bureau of Safety and Environmental Enforcement
LOCATION:	Offshore of Santa Barbara Co.
PROJECT:	Biennial Update of ExxonMobil Oil Spill Response Plan for Platforms Hondo, Harmony, and Heritage
ACTION:	No effect
ACTION DATE:	3/12/2012

PROJECT #:	ND-005-12
APPLICANT:	U.S. Fish and Wildlife Service
LOCATION:	San Diego Bay National Wildlife Refuge, Imperial Beach, San Diego Co.
PROJECT:	Seating wall and access/education improvements
ACTION:	Concur
ACTION DATE:	3/19/2012

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January 11, 2012

John J. Louie
FAA Air Traffic Organization
WSA Engineering Services
222 W. 7th Avenue, Suite 14
Anchorage, AK 99513-7587

Subject: Negative Determination ND-050-11 (San Diego International Airport MALSR Rehabilitation Project, San Diego County)

Dear Mr. Louie:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Federal Aviation Administration (FAA) proposes to rehabilitate existing air navigation equipment used for aircraft landings on San Diego International Airport's Runway 9 (the runway designation for west-to-east landings onto the airport's sole runway that occur during inclement weather conditions). The FAA owns and maintains the Medium Intensity Approach Lighting System (MALS) and Runway Alignment Indicator Lights (RAIL), which in combination are referred to as the MALSR system. The system is comprised of signal lights that are sited along the runway centerline, beginning at the landing threshold at the west end of Runway 9 and extending westward into the approach zone, and provides pilots with visual information regarding runway alignment, height perception, roll guidance, and horizon references.

The FAA proposes to rehabilitate six of the MALS light platforms; four are located in a boat channel immediately west of the airport and two in a city park just west of the channel. The platforms and supporting pilings were installed in 1982 and have deteriorated to a point where the structural and operational integrity of the platforms are in question. Additionally, the platforms do not comply with current Occupational Safety and Health Administration (OSHA) standards for workplace safety and are a safety hazard for FAA technicians who maintain the MALSR. The FAA also notes that the proposed maintenance activities will not increase the throughput of the airport or permit larger planes to land. Construction is planned to commence in fall 2012 and will last approximately ten weeks.

The Commission staff previously concurred with negative determination ND-046-11 in September 2011 for geotechnical investigations to characterize subsurface conditions in the vicinity of the existing platforms in the boat channel prior to completing the design of the replacement platforms. The proposed action consists of the following:

- Cut at the mudline and remove six existing timber piles (two each at three stations located within the boat channel: Stations 17+00, 19+00, and 21+00) and install six new piles.
- Remove the wooden platforms and replace with a wider platform made of composite material and including an anti-bird perching design at the four stations within the boat channel: Stations 15+00, 17+00, 19+00, and 21+00.
- Install OSHA-compliant ladders and guardrails at the four boat channel stations and the two land stations (23+00 and 24+85).
- Replace submarine power/control cables that run from the airport property underwater and beneath the sea floor to all six stations, if necessary (i.e., if cables are found to be damaged or become unusable during new pile installation). Any new cables would be enclosed in conduit and laid on the sea bed.

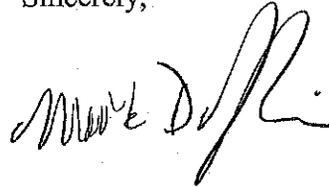
The negative determination states that if the existing underwater power cables must be replaced, the existing cables would be left in place. Commission staff asked the FAA to provide additional information to justify leaving the existing cables in place if they are no longer operational after the MALSR platforms are rehabilitated. The FAA replied that the existing cable is buried between 1 and 2+ feet beneath the floor of the boat channel and that to remove the cable would require a dredging operation with increases in turbidity and the potential release into the water column of contaminants found within boat channel sediments. Pile removal and installation will disturb bottom sediments but this activity will be limited to the immediate pile area and will be further contained by the use of silt curtains. The existing cables span a linear area of 1,000 feet and their removal would require much greater sediment disturbance which would be more difficult to contain. As a result, the FAA believes that in order to avoid the potential for significant adverse effects on water quality, the disturbance of bottom sediments should be kept to the absolute minimum and existing cables, if they are replaced, should be left in place.

As the boat channel is a foraging area for the endangered California least tern, all construction work will take place outside the nesting season. Prior to construction in the channel, the FAA will file a "Notice to Mariners" with the U.S. Coast Guard in order to alert recreational boaters who transit the channel to and from the Marine Corps Recruiting Depot marina located immediately to the north of the MALSR platforms. Boating access to the marina will be maintained at all times during the construction period. To protect water quality in the boat channel during construction, sediment disturbance must be minimized. To that end, decayed piles targeted for replacement will be cut at the mudline and removed, turbidity curtains will be used to limit the transport of any sediments placed in suspension due to construction work, and vibratory hammers will be used to install new wood or steel marine pilings to minimize noise and lessen sediment disturbance. (The FAA states that if fiberglass or concrete composite marine piles are used, conventional diesel or air hammers will be used for installation since vibratory hammers have proven damaging to piles made of these materials. The FAA reports that given the existing noise environment at the project site, temporary construction noise due to installing

the replacement piles would not create a significant impact.) Standard best management practices for construction on the marine environment will be designed and enforced by the FAA.

In conclusion, the Commission staff **agrees** with the FAA that the proposed MALSR rehabilitation project adjacent to San Diego International Airport will not adversely affect coastal resources. In addition, although the Commission typically requires that sea floor equipment be removed if it is no longer in use, it has also found that occasionally there are situations where removal of buried equipment can lead to greater impacts to marine habitat and resources. In the proposed MALSR project, the Commission staff agrees with the FAA that should the existing cables need to be replaced, it is more protective of marine resources in the boat channel to not excavate and remove these cables. 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,



(fwd)

CHARLES LESTER
Executive Director

cc: CCC – San Diego Coast District

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March 12, 2012

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

Subject: No Effects Determination NE-003-12: Biennial Update of ExxonMobil U.S. Production's Pacific Region Oil Spill Response Plan for Platforms Hondo, Harmony, and Heritage and Associated Emulsion Pipelines, dated August 2011

Dear Mr. Masri:

On November 9, 2011, the Bureau of Safety and Environmental Enforcement (BSEE)¹ submitted to the California Coastal Commission Oil Spill Program staff (hereafter, referred to as Commission staff) the above-referenced biennial update of the *Pacific Region Oil Spill Response Plan* (OSRP) by ExxonMobil U.S. Production (ExxonMobil), dated August 2011. This OSRP covers ExxonMobil's facilities in the Santa Ynez Unit, located in the Santa Barbara Channel in the federal waters of the Outer Continental Shelf (OCS), including Platforms Hondo, Harmony, and Heritage and associated subsea emulsion pipelines. Hereafter, this revised document will be referred to as the *ExxonMobil 2011 OSRP*.

The BSEE approved the revised *ExxonMobil 2011 OSRP* effective September 15, 2011, and found that the capability for oil-spill response meets or exceeds that which existed for ExxonMobil'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 *ExxonMobil 2011 OSRP* will not cause effects on California's coastal uses and resources in a manner substantially different from those identified in the Commission's original federal consistency certifications for ExxonMobil's Santa Ynez Unit platforms Hondo, Harmony, and Heritage and their associated pipelines (CC-7-83, CC-7-83R, CC(E)-64-87). Therefore, the Commission staff finds this biennial OSRP 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).

¹ 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 *ExxonMobil 2011 OSRP* wholly replaces the previous versions of the OSRP. This OSRP details oil spill response analysis, equipment, and procedures for ExxonMobil's OCS platforms in the Santa Ynez Unit (Platforms Hondo, Harmony, and Heritage) and the associated subsea pipelines that connect the platforms and transport the oil emulsion to shore.

The Commission staff determined in previous No Effect Determinations² that previous OSRPs for ExxonMobil's Santa Ynez Unit OCS facilities did not cause effects on California's coastal zone substantially different than those reviewed in the Commission's original federal consistency certifications for Hondo, Harmony, and Heritage platforms and their associated subsea pipelines.³ Accordingly, the staff found that the previous OSRPs that staff reviewed 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

Commission staff reviewed revisions in the *ExxonMobil 2011 OSRP* in comparison to the 2006 OSRP biennial update for these facilities, which was approved by MMS⁴ on August 2, 2007.⁵ (Commission staff did not receive and thus did not review the 2008 biennial update, which was approved by MMS on July 9, 2009). For the most part, the submitted *ExxonMobil 2011 OSRP* biennial update contains minor information updates, and improvements in organization and formatting that increase the document's clarity. However, Commission staff has noted several substantive changes, and recommends some corrections and additions be made in the next OSRP revision:

- Worst Case Discharge scenarios and response capability
Substantive changes were made to the worst-case discharge (WCD) scenarios, including: 1) significant revisions to the WCD volume calculations, 2) addition of a WCD scenario from a pipeline, and 3) addition of a WCD scenario for a blowout from a development well.

² For more detail, see the Coastal Commission's No Effects Determinations NE-008-05 (dated January 10, 2006), NE-002-04 (dated January 21, 2004), NE-089-03 (dated September 22, 2003), NE-016-03 (dated March 11, 2003), NE-108-01 (dated March 7, 2002), and NE-051-01 (dated June 18, 2001) that were sent to MMS-Pacific OCS Region by Alison Dettmer, Manager of the Coastal Commission's Energy and Ocean Resources Unit. Commission staff did not conduct No Effects Determinations for the 2006 or 2008 biennial OSRP updates.

³ The Coastal Commission's original federal consistency certifications for these facilities are: CC-7-83, CC-7-83R, and CC(E)-64-87. For a summary of the Commission's federal consistency certifications of these platforms, see No Effects Determination NE-051-01, dated June 18, 2001.

⁴ See Footnote 1.

⁵ Coastal Commission staff reviewed and commented on the July 2006 biennial OSRP update for these facilities; see the December 4, 2006 comment letter to Nabil Masri of MMS-Pacific OCS Region from Ellen Faurot-Daniels, Supervisor of the Coastal Commission's Oil Spill Program.

In the Worst Case Discharge Scenarios section (Appendix H), the WCD volumes were recalculated for each of the platform facilities,⁶ resulting in a substantially decreased volume for the platform with the highest volume discharge (Platform Heritage, including well, tanks, and pipelines). In other words, after this recalculation, the expected worst case spill would involve significantly less oil than was previously expected (5,388 bbl in the 2011 OSRP (Page H-24) vs. 15,845 bbl in the 2006 OSRP (Page H-6)). The reason for the decreased WCD volume is not explicitly stated, so Commission staff requests that BSEE have Exxon Mobil explain the basis for this significant decrease in WCD in the next OSRP update.

A separate WCD scenario was added for a pipeline spill (the pipeline from Platform Harmony to Las Flores Canyon onshore), with the WCD volume calculated as 6,210 bbl oil (Page H-3). A WCD scenario was also added for a blowout from a development well (Heritage Platform – SA12ST1), with the WCD volume calculated as 33,986 bbl oil/day, modeled for 170 days (Page H-41). Commission staff finds that the new WCD scenarios for the pipeline spill and development well blowout are informative additions that are helpful for improving regional oil spill response preparedness (including assessments of additional spill technologies and strategies that may be needed to protect coastal and marine resources) in the event of a long duration ongoing catastrophic platform or pipeline spill. Commission staff recommends that ExxonMobil continue to include the pipeline spill and development well blowout WCD scenarios in future OSRP updates.

The *ExxonMobil 2011 OSRP* describes fully how the oil spill response equipment and personnel, on-site and under contract with the oil spill response organizations (OSROs) Clean Seas, LLC (Clean Seas) and the Marine Spill Response Corporation (MSRC) provide sufficient response capability to contain and recover the Response Planning Volumes in each of 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;⁷ additional available contractor resources are also identified.

⁶ 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).

⁷ 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.

- Removal of spill response vessel "Santa Ynez Jr." from OSRP

In No Effects Determination NE-009-11 (dated March 15, 2011), Commission staff concurred with ExxonMobil's proposal to permanently remove the spill response vessel (SRV) "Santa Ynez, Jr." from Platform Harmony and from ExxonMobil's OSRP; Clean Seas' vessels were proposed to fulfill this SRV's boom tender requirements. However, the Onsite Spill Equipment Inventory (Table E-1) in the *ExxonMobil 2011 OSRP* has not changed, in comparison to the 2006 OSRP, to reflect the removal of this SRV; both versions state that two crew boats equipped with boom and other response equipment will be available for response at all times. It is not stated where these two crew boats are stationed, and it is therefore not clear whether with the removal of the SRV Santa Ynez, Jr. there are still two crew boats available at the platforms. Commission staff requests that this equipment inventory be clarified in the next OSRP update to address this issue.

- Dispersant inventory

Important new information was added on dispersant toxicity and effectiveness (Section 18-2 through 18-6), based on U.S. EPA studies of dispersants in the Gulf of Mexico following the 2010 BP Deepwater Horizon spill. A useful new section was added on Subsea Dispersant Application (Section 18-7), also as a consequence of the Deepwater Horizon spill response experience. However, staff noted that the Dispersant Inventory (Section 18-19, Figure 18-5) was last updated in April 2008, which was prior to the 2010 Deepwater Horizon spill. If the types and amounts of dispersant that Clean Seas and MSRC have stockpiled has changed since 2008 (e.g., because the OSROs sent dispersants to the Gulf of Mexico in 2010 to assist with the Deepwater Horizon spill response), staff requests that this table be updated.

- Incorrect notification phone number listed for the Coastal Commission

The telephone number listed twice for the Coastal Commission in the "State of California Notifications Table" (Sections 1-17 and 8-5) is incorrect. In the next OSRP update, please have ExxonMobil correct the phone number to 415-693-8375, and provide a note explaining that it is the CCC oil Spill Program's 24-hour emergency cell phone number,

The Commission staff finds that these substantive and non-substantive updates do not create significant changes to spill response capabilities for ExxonMobil's Santa Barbara Channel platforms and associated pipelines. 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 *ExxonMobil 2011 OSRP* (August 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 Hondo, Harmony, and Heritage, and in the subsequent No Effects Determinations for the facilities' OSRPs. Therefore, the Commission staff finds that the *ExxonMobil 2011 OSRP* (August 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-028-10.⁸ 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 ExxonMobil OSRP, with the inclusion of the requested changes described above, at that time.

If you have any questions regarding this matter, please contact Jonathan Bishop, Oil Spill Program Coordinator, at (831) 427-4873 (Santa Cruz office), 415-693-8375 (24-hour cell phone), or Jonathan.Bishop@coastal.ca.gov.

Sincerely,



Alison Dettmer
Deputy Director

CC via email:

Craig Ogawa, Bureau of Safety and Environmental Enforcement – Pacific OCS Region
Brian Hansen, ExxonMobil – USP Emergency Response Coordinator
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
John Victoria, California Office of Spill Prevention and Response

⁸ 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.

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March 19, 2012

Andrew Yuen
Project Leader
U.S. Fish and Wildlife Service
San Diego National Wildlife Refuge Complex
6010 Hidden Valley Rd., Ste. 101
Carlsbad, CA 92011

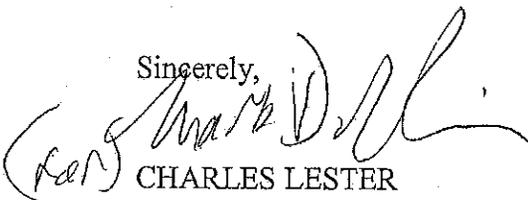
Re: **ND-005-12** Negative Determination, Fish and Wildlife Service, Construction of Concrete Pad, Seating Wall, and Access Trail, San Diego Bay National Wildlife Refuge

Dear Mr. Yuen:

The Coastal Commission staff has reviewed the above-referenced negative determination submitted by the U.S. Fish and Wildlife Service (Service) for the construction of a Concrete Pad, Seating Wall, and Access Trail, which would be part of the Habitat Heroes Environmental Education and Native Plant Restoration Project, at the South San Diego Bay Unit of the San Diego Bay National Wildlife Refuge. As your determination notes, this proposal is related to a previous negative determination we concurred with for the Habitat Heroes Project (ND-065-07). The Service is working with San Diego County, and the current proposal includes, working with San Diego County, constructing a 936 sq. ft. concrete pad, seating wall, climbing and sitting rocks, drainage pipes, and an access trail, which will serve as both an education center and a memorial.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or is similar to activities for which consistency determinations have been prepared in the past." The proposed project is similar to and a subcomponent of the Habitat Heroes Project with which we recently concurred, thereby qualifying it for review under the negative determination process. Thus, we agree with your determination that the proposed project would be similar to previously concurred with activities, and we therefore **concur** with your negative determination made pursuant to 15 CFR 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,


CHARLES LESTER
Executive Director

cc: San Diego District Office