

THE SENSITIVE SITE EXERCISE PROGRAM
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ABSTRACT:

California Plan Holders are required by law to protect environmentally sensitive sites which may be impacted by an oil spill resulting from their ship or facility. To protect these sites, plan holders must own or contract the required response resources and know the response strategies in the geographic areas in which they operate. The Sensitive Site Exercise Program (SSEP) is a program by which the California Department of Fish and Game (DFG), Office of Spill Prevention and Response (OSPR) intends to test and evaluate the readiness and effectiveness of those oil spill response strategies in the event of an oil spill. With over 300 designated environmentally sensitive sites in California's coastal waters, plan holders are required to ensure that a well thought out plan is in place and they are ready to call out the necessary equipment and personnel within the first few hours of a spill to protect those resources

In general, the program will consist of scheduled (announced) exercises designed to familiarize the plan holders and oil spill response organizations (OSROs) with the locations of the sites and their site-specific Area Contingency Plan (ACP) response strategies. OSPR will evaluate the effectiveness of each site-specific response strategy during the scheduled exercise, and will oversee, monitor and evaluate a maximum of twenty four (24) exercises per year over a five year period. Upon completion of the program, the OSPR will reevaluate the effectiveness of the announced exercise program, and ensure the program is meeting California's commitment to best achievable protection.

DISCUSSION:

To ensure the best achievable protection, a response resource assessment program was comprised of a total of four components were presented to maritime community in 1999. The first component stated that OSPR would visually inspect, test and document plan holder's contracted response resources listed in their oil spill contingency plans. These verifications were part of the Oil Spill Response Organization ongoing approval / rating application process that continues to take place every three years. The second component was to conduct unannounced drills on plan holders who were listed in our Contingency Plan database, along with their approved contracted Oil Spill Response Organizations (OSROs), to ensure those resources could arrive on-scene, be deployed and operate in a timely manner before oil could spread into the environment. The third component is to verify those sensitive sites that may be vulnerable to the activities of plan holders, are protected with the necessary equipment, personnel, and that both the OSROs and plan holders are knowledgeable of the Area Contingency Plan (ACP) strategy, the location, and are able to implement an adequate response. A Sensitive Site is one which has ecological resources that are vulnerable to oiling (or collateral cleanup impacts) and is sensitive to spill impacts. Finally, we intend to validate the OSROs ability to perform these strategies through unannounced drill,

namely, the plan holders need to be able to protect sensitive sites before oil could impact them. This unannounced sensitive site program will be operated similarly to the plan holder unannounced drills, but will involve a trajectory based scenario. The SSEP is the third component of the four.

PROCESS:

Government Code, section 8670.28 requires the Administrator to adopt and implement oil spill contingency plan regulations. California Code of Regulations, Title 14, section 820.01 (f) requires a plan holder to exercise reasonable protective response strategies, and beginning in 1998, plan holders were required by regulation to submit a schedule of exercises sensitive sites. With an enormous task at hand, plan holders turned to their contacted OSRO to submit a schedule to OSPR. OSROs accomplished this by adding proposed exercise dates to the Response Resource Availability Worksheet (RRAW). Worksheets were developed cooperatively by the State and industry to ensure OSROs had the necessary resources to meet their plan holder's reasonable worst case scenario spill. While the intent of the RRAW was a good one, the addition of sensitive sites was not. Faced with the decision of having to either raise their retainer costs or ask for more money throughout the year, for-profit OSROs did not begin exercising sites as listed on the RRAW. Instead, they requested that OSPR send a letter advising plan holders to pay their contracted OSRO to exercise sensitive sites. This caused OSPR to consider how OSROs could meet plan holder exercise requirements. With the addition of approximately 953 non-tank vessels plans, the State was faced with finding solutions to the issues of exercising over 300 sites with over 1200 different plan holders. Additionally, OSPR needed to clarify the number of different schedules needed, which plan holder tested which site, and strive toward a "level playing field".

More effort has been put forth in the past year towards exercising sensitive site strategies than has been done since the inception of the oil spill contingency plan regulations over nine years ago. In this short period of time, a California Environmental Quality Act (CEQA) document has been filed, a proposed guidance document been drafted, and an initial meeting was held with plan submitters. A list of proposed sensitive sites to be exercised (Enclosure #1) was filed along with the CEQA document.

Early in the program, it was decided to begin with the exercising of sites in the San Francisco Bay and Delta areas. OSPR felt that if the State was able to get a handle on the large number of sensitive sites in the Bay Area, the rest of the State would be easier to exercise. Also, the San Francisco Bay Area has the most complete Site Information and Spill Response Strategy (SISRS) data.

SISRS is a database of sensitive site information and oil spill protection strategies and is part of the California coastal contingency planning process. SISRS approach enables involvement and ownership of Area Contingency Plans (ACP) strategies among stakeholders, as well as consistency in site documentation and strategy development for the widely variable habitats of the California coast. Through

site visits and tabletop discussions, the Area Committee incorporates the input of State and Federal trustees, contingency planners, and stakeholders (industry, spill response co-ops and contractors, environmentalists, and other agencies) to form a consensus on the appropriate site protection strategies and response resources. Data about a Sensitive Site is compiled in the SISRS database in the form of a Site Summary page which describes the ecological, physical, and geomorphological information about the site and a Site Strategy page, which includes the directions to the site, hazards identified, protection and injury concerns, site-specific strategies, equipment lists, and access and logistical considerations. This information is maintained in the SISRS database and used in the preparation of Area Contingency Plans.

SSEP is designed to increase the effectiveness and response capabilities that, in the event of an actual oil spill, will reduce the potential for damage to environmentally sensitive resources. The response strategies to be tested under SSEP are intended to be done in a manner that avoids any potential adverse impacts to the natural resources. The program consists of scheduled exercises designed to test the site-specific response strategies and familiarize OSROs with the locations of the sites. OSPR will evaluate the effectiveness of each site-specific response strategy during the scheduled exercise and, as necessary, provide recommendations to modify and improve the site response strategy through the ACP process.

There are 260 environmentally sensitive sites and their associated response strategies identified in the San Francisco Regional ACP. Examples of environmentally sensitive sites listed in the ACP include wetlands; estuaries; lagoons; eelgrass beds; habitats of species that are listed or candidates for listing as rare, threatened, or endangered sites with significant concentrations of vulnerable and/or sensitive species, and species experiencing significant population declines though not yet threatened.

To begin the tracking process, a database was created that would allow OSPR's Marine Safety Branch to receive and process the submitted schedules. The new database (Enclosure #2), is linked to the Contingency Plan database and the SISRS database. It will allow OSPR to:

- a. Evaluate new schedules.
- b. Randomly generate plan holders selected to test site.
- c. Track scheduled, pending and completed exercises.
- d. Generate reports.
- e. Eventually allow access to exercise testing information via the OSPR website.

But, the guidelines are still being worked on. The proposed guidelines may state that...

After plan holders receive the initial letter requesting they submit schedules, they or their plan submitters will have 60 days to submit a schedule to the Office of Spill Prevention and Response (OSPR). Each schedule will be approved or denied within 180 days. If the dates conflict

with others, the Marine Safety Branch will suggest modification or alternatives. Plan holders will be selected and notified of their exercise dates. After the exercise is completed, a final report will be generated by the OSPR within 90 days of completion. Each exercise will be limited in duration to no more than six hours. Upon completion of the exercise and final report, it will be forwarded to the U.S. Coast Guard Area Contingency Planning Committee within 90 days. All sites will be entered into a database. Plan holders, who are selected and complete an exercise, will be given credit for that site tested and will not have to test any more sites for the remainder of the initial five year cycle. All State, Federal, and local agency equipment and personnel costs will be borne by each respective agency. All other costs will be borne by the Plan Holder selected for the exercise.

In general, each site-specific exercise will involve the assembly of OSRO resources in a designated area, deployment and retrieval of mechanical shoreline protection and oil-recovery equipment, and implementation of measures to protect sensitive resources at the site. Site-specific exercises will test, in particular, protective response strategies that are designed to exclude or divert spills away from environmentally sensitive sites.

Exercises will focus on the deployment of personnel and equipment of the site response strategy in the ACP unless directed otherwise by OSPR to avoid injury or disturbance to sensitive natural resources. Exercises typically will concentrate on the deployment of protective barriers (floating booms) that prevent oil from entering a sensitive site. The floating booms will be deployed and anchored offshore of the sensitive site by small boats and held in place by t-post stakes and/or anchors, depending on site-specific water depth, and sea and tidal conditions.

To avoid adverse impacts, OSPR will establish parameters describing specific conditions for access to and from site areas, timing of the exercise, equipment and personnel deployment, and pre-exercise surveys.

Overall, the SSEP is intended to address one of the primary difficulties in designing protective response strategies, namely, the inability to evaluate whether a response strategy will perform as expected during an actual oil spill emergency. Weather conditions, for example, as well as sea state and tides vary tremendously, and those factors may affect deployed equipment. The need to evaluate response strategies, as a consequence, is critical to protect sensitive resources. Thus, while all response strategies have been designed and reviewed by teams of spill responders and scientists during site visits, few site-specific response strategies have actually been tested for effectiveness or practicality through actual equipment deployment. Implementation of the SSEP will, however, provide previously unavailable feed-back to OSPR. By verifying the sensitive site protection strategies through the SSEP, the oil spill response community will be better prepared, and the public more assured that contingency plans are valid and functional. SSEP, as a consequence, will ultimately

benefit the public at large through the protection of important coastal trust resources in California.

As a State agency, DFG-OSPR is mandated to comply with all laws regarding CEQA. By design, sensitive sites have been identified for protection from oil spills due to their sensitivity and/or vulnerability to oil. Either the species present and/or the habitat itself is at risk and in need of protection. Those sites deemed “at risk,” but capable of being tested in a manner that would avoid any potential impacts to the sensitive resources at issue are included in the SSEP. Some sensitive sites listed in the ACP will not be tested because of possible environmental impacts as a result of the response strategy (e.g. sites that require berming or diking of streams or other waterways). SSEP excludes certain coastal sites where mechanical shoreline protection is not possible and strategy calls for skimming offshore or applied response technologies; or sites with response strategies previously tested by the OSROs and deemed appropriate by OSPR.

For the purposes of prioritizing sites for this SSEP, sites were categorized as “high risk”, if the site-specific resources could be impacted by a spill within 24 hours, based on the spill trajectories in the ACP. Sites impacted after 24 hours were prioritized as “low risk”. High risk sites will be tested first in SSEP (Enclosure 2).

With regard to CEQA and previously identified sites that could be exercised without significant effect, the determination was made that SSEP was categorically exempt from the CEQA (Public Resources Code, section 21000 et seq.) pursuant to the “Class 7” and “Class 8” exemptions. The Class 7 categorical exemption applies to actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration or enhancement of a natural resource, where the regulatory process involves procedures for protection of the environment (California Code Regulations, Title 14, section 15307). The Class 8 exemption applies to actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment.

OSPR’s implementation of SSEP constitutes an activity subject to the Class 7 and 8 categorical exemptions because the program implements and is consistent with an overall state mandate to protect California’s natural resources from the risk of oil spills. In doing so, SSEP is an action by OSPR to assure the maintenance of protected natural resources against the backdrop of a state and federal regulatory scheme intended to protect the environment. The goal of SSEP, in fact, is to increase the effectiveness and response capabilities that, in the event of an actual oil spill, will reduce the potential for oil spills to enter and subsequently damage environmentally sensitive resources. Moreover, the sites response strategies to be tested under SSEP can be done so in a manner that avoids any potential adverse impacts to the natural resources at issue.

CONCLUSION:

Now is the right time for the Sensitive Site Exercise Program. Great strides have been made over the past year. Accomplishments such as the CEQA document, the creating of the SSEQ database and documenting the past exercises all ready completed. We must continue to move forward, making every effort to ensure that all plan holders contribute to the protection of California's natural resources. Therefore, a fair and equitable program must be established; considering the costs of each exercise; the review the actual number of sites to exercise and make sure the overall process is both fair and equable. To this end, California will once again create a program that truly defines best achievable protection.