
Issue 4: Oil Spill Response Plan

Comment

Oil Spill Prevention

An adequate oil spill response plan should be created, emphasizing prevention first and containment second. The DEIS/MP overemphasized containment relative to prevention, and failed to address the potential impacts of large spills in and around the proposed Sanctuary area.

NOAA data base information should be used to identify potential oil spill sources, therefore helping to prevent spill events.

Oil Spill Contingency Plan

If spills cannot be prevented entirely, a contingency plan should exist for emergency response and cleanup. To facilitate response actions, NOAA should work with, and build upon, the efforts of other organizations and agencies already developing plans for the area.

There is a lack of emergency equipment and there may be inadequate response capabilities in the Sanctuary region. It is important to develop a Sanctuary contingency plan which recognizes the need for ongoing spill response training and for appropriate emergency equipment and response plans.

An oil spill response facility should be constructed on the California coast, and a full emergency response team, including an ocean-going tugboat, should be centered in Monterey.

NOAA Response

Oil Spill Prevention

NOAA is taking preventative measures to address these threats by: 1) prohibiting oil and gas development within the Sanctuary boundary; and 2) exploring ways to minimize the release of oil from vessels by working to reduce vessel traffic within the Sanctuary (see NOAA's *Vessel Traffic* responses).

NOAA is currently preparing an inventory of past oil spills in and around the Sanctuary area, and will use this data to identify potential spill sources and to focus management efforts accordingly.

Oil Spill Contingency Plan

The FEIS/MP identifies existing oil spill contingency plans and efforts in the Monterey Bay area. However, NOAA agrees that the MBNMS requires its own contingency plan to ensure that resources are protected during events that threaten the environment. A prototype Sanctuary Contingency Plan is being tested at the Channel Islands National Marine Sanctuary. Once implementation experience has been gained, the plan will be adapted to other sites, including Monterey Bay. To successfully implement an organized approach to emergency response, NOAA will incorporate state and Federal legislation, as well as local efforts, into the Sanctuary Contingency Plan.

NOAA agrees that additional equipment is necessary to handle large-scale emergency response situations. NOAA is exploring the feasibility of purchasing such equipment as well as coordinating with the OCS industry and local oil spill response facilities. The USCG will be responsible for developing regional spill response training programs. NOAA will participate in periodic drills within the MBNMS to test local emergency response capabilities.

The development of an oil spill response facility and an emergency response team on the California central coast will be the responsibility of the state and the USCG. If such a team is developed, and a facility built, NOAA will participate fully to ensure Sanctuary resources are protected.

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SB 2040, a bill recently approved by the California state Legislature, will provide additional funds for emergency stations and radar equipment to monitor vessel traffic. NOAA should work with state and local radar facilities to track potential problem vessels.

Cleanup Activities

Agreements should be established between various local, regional, state, and Federal agencies to ensure adequate cleanup response.

Moss Landing Terminal

An organization such as *Clean Seas* should provide supervisory personnel when a tanker is mooring at PG&E's Moss Landing Terminal. PG&E should be responsible for cleanup if any accidental spills occur as a result of operations at the Moss Landing Power Plant.

Oil Spill Penalties

Penalties should be imposed on those responsible for catastrophic accidents.

NOAA Response

SB 2040 authorizes local governments to develop regional oil spill response plans, and provides funds for a wildlife rehabilitation facility, emergency stations, and radar equipment to monitor offshore vessel traffic. NOAA will work with state and local radar facilities to improve vessel tracking.

Cleanup Activities

Under the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300), the USCG serves as the Federal on-scene coordinator to organize all containment, removal and disposal efforts, and resources during a spill event. If a spill occurs, NOAA will take an active role, to the extent allowable, to participate, coordinate, and actively protect Sanctuary resources and qualities. During the planning phase, NOAA will work with the existing response mechanism, and will cooperate with local government, industry, organizations, and interested individuals to implement a comprehensive contingency plan. A top priority for the Sanctuary Manager will be to coordinate Sanctuary roles and responsibilities during an emergency response situation.

Moss Landing Terminal

NOAA will pursue the viability of recommending that a cleanup organization provide supervisory personnel when tankers moor at PG&E's Moss Landing Terminal following Sanctuary designation. Currently, PG&E is responsible for the cleanup of spills at the Moss Landing Power Plant.

Oil Spill Penalties

Under Section 307 of the MPRSA, any person subject to the jurisdiction of the United States who violates any Sanctuary regulation shall be liable for a civil penalty of up to \$50,000. Each day of a continuing violation constitutes a separate violation.

California's SB 2040, Article 9, allows the State to collect \$5,000-\$500,000 in penalties for violation of that act. Collected monies will be deposited into the Environmental Enhancement Fund to be used for enhanced projects adjacent to marine waters, not for cleanup of oil or restoration.

OPA 90 creates new liability limits for vessels, offshore facilities, and onshore facilities, ranging from

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NOAA Response

Wildlife Considerations

A sea otter enhancement or study facility should be created within the Sanctuary area. This facility could be converted into a rehabilitation station if necessary following a spill. NOAA should cooperate where appropriate.

\$600 per gross ton to \$350 million per facility. Monies collected go to the Oil Spill Liability Trust Fund and can be used for removal costs, damages for injury to natural resources, and public services.

Wildlife Considerations

Under California's SB 2040, funds will be available for a wildlife rehabilitation facility which will be the responsibility of the State of California. NOAA will cooperate as appropriate.