

**Department of Fish and Wildlife
Office of Spill Prevention and Response**

GUIDANCE DOCUMENT

For use in the preparation of

Contingency Plans

Response Planning Areas

BACKGROUND

The *Lempert-Keene-Seastrand Oil Spill Prevention & Response Act* [the Act; Gov. C. §8670.1 *et seq.*; significantly amended in 2014 by Senate Bill 861 (SB 861)] requires the Administrator for oil spill response, acting at the direction of the Governor, to ensure the State fully and adequately responds to all oil spills in state waters and to represent the State in any coordinated response efforts with the federal government. The goal and purpose of the Act is for the Administrator to provide for the best achievable protection of waters of the state from oil spills. This includes establishing and periodically revising a California Oil Spill Contingency Plan that provides integrated and effective coordination for state agencies to address the results of major oil spills.

The Administrator must implement activities relating to oil spill response, such as emergency drills for preparedness, oil spill containment and cleanup, and financial responsibility. This also specifically includes adopting and implementing regulations governing the adequacy of oil spill contingency plans that must be prepared and implemented by vessels and facilities that could spill oil into state waters.

The Administrator has the primary authority to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in waters of the state. This includes authority over the use of all response methods, such as *in situ* burning, dispersants, and other oil spill cleanup agents in connection with an oil discharge. The Administrator must cooperate with any federal on-scene coordinator, as specified in the National Contingency Plan.

The Administrator is required to establish a network of rescue and rehabilitation stations for wildlife injured by oil spills in waters of the state, including sea otters and other marine mammals. This network is known as the Oiled Wildlife Care Network (OWCN), and is administered through the Wildlife Health Center at the University of California, Davis. If a plan holder has a spill that injures wildlife, plan holders are encouraged to use a local OWCN facility if there is one in the area.

Owners or operators of facilities that have the potential to spill oil into state waters are required to prepare and submit an oil spill contingency plan (C-plan) to the Office of Spill Prevention and Response (OSPR) for approval. [Ref. CA Government Code §§8670.28, 8670.28.5, 8670.29, 8670.30.5, and 8670.31] Contingency plans are prepared and used for response activities in the event of an oil spill or threatened spill into waters of the state. The Act authorizes the Administrator to require that contingency plans provide for best achievable protection taken and that sufficient response resources are capable of arriving on-scene and equipment deployed within a certain timeframe for effective containment and response.

DISCLAIMER

The purpose of the guidance document is to assist owner/operators in complying with the oil spill contingency plan (C-plan), drills and exercises, financial responsibility and other requirements established by the Office of Spill Prevention and Response. C-plans are mandated for certain vessels and facilities by the *Lempert-Keene-Seastrand Oil Spill Prevention & Response Act* (the Act; Gov. C. §8670.1 *et seq.*), which was significantly amended in 2014 by Senate Bill 861 (SB 861).

This document does not contain specific requirements, nor does it replace any statutory requirements established by the Act, SB 861 amendments, or regulations promulgated to implement the Act and SB 861 amendments. This guidance document helps explain how to comply with the Act and the implementing regulations. However, all applicable laws and regulations should be read before using this guidance document for the preparation of C-plans.

All guidance documents can be obtained by visiting our website at <http://www.wildlife.ca.gov/OSPR/Preparedness/Inland-Facilities-Contingency-Plan>. Guidance documents may be updated periodically without notice, as necessary, to reflect any changes in applicable laws or regulations. Comments or questions regarding a guidance document should be addressed to the OSPR Branch listed on the specific guidance document.

Response Planning Areas

Introduction

California is the 3rd largest state with over 158,706 square miles and with close to 37.7 million people, we have the highest state population. California has both the lowest elevation in North America at 282 feet below sea level and the highest point (Mount Whitney) in the contiguous United States with an elevation of 14,505 feet. There is approximately 3,427 miles of shoreline and about 211,513 miles of rivers and streams in California

California is a very diverse and complex state ecologically. At present, the California Wildlife Habitat Relationship System (a wildlife information system and predictive model for California's regularly-occurring birds, mammals, reptiles and amphibians) recognizes 59 wildlife habitat types, each with its distinct features and characteristics. However, it is not a comprehensive classification scheme for the conservation and mapping of California's terrestrial vegetation or its marine and estuarine habitats but demonstrates the variations of habitat types that can be encountered in our state.

Oil spill planning, response, cleanup and restoration in California have presented its challenges. Since 1991 the Department of Fish and Wildlife, the Office of Spill Prevention and Response (OSPR) has and will continue to address these challenges in the marine environment. With the start of OSPR's new responsibility in 2014, we anticipate facing similar challenges and the need to work together with various stakeholders in the balance of the state.

OSPR Statewide Response Planning Areas:

The need to split the state into manageable area has proved valuable in the marine environment for planning purposes and developed the Area Committee planning process. The Area Committee planning process is a proactive effort to deal with potential oil releases and is open to all stakeholders including federal agencies, state agencies, local government agencies, as well as industry and environmental groups. These organizations have come together to produce a comprehensive planning document that provide guidance for the first 24 hours of response.

A similar need and process is envisioned for the balance of the state without disrupting the existing coordination, structure or agreements of the Local Emergency Planning Committees. Therefore, after careful consideration, the *OSPR Statewide Response Planning Areas* were established which mirrors the existing LEPC Regions (same boundaries as the CalOES Mutual Aid Regions).

These boundaries are specifically for use in the emergency regulations for Oil Spill Response Organizations (OSRO) ratings and Contingency Planning/Geographic Response Planning.



The advantages of adopting such a boundary schema were selected because of the following reasons:

- Serves as conduit for local and regional perspectives
- Same regional boundaries as the LEPC boundaries (I-VI)
- Has dedicated LEPC coordinators
- Existing network of participating organizations; membership of LEPC includes 20 discipline categories
- Future efforts by CalOES to strengthen LEPCs through funding and development of Regional Plans
- Boundaries closely coincide with Captain of the Port (COTP) areas (except for San Diego COTP within the Southern Mutual Aid Region)
- CUPAs create Area Plans
- Opportunity for OSPR staff to integrate with LEPCs
- HAZMAT training opportunities for OSPR staff resulting from close ties with the Mutual Aid Regions

In the end OSPR understands that a successful emergency oil spill response is a team effort and requires that all resources are utilized and deployed in a coordinated manner. OSPR expertise is in the response to mitigate harmful impact to the natural resources including the wildlife and habitats and not in the traditional emergency response domain to protect human health & safety or property.