

CALIFORNIA CODE OF REGULATIONS  
TITLE 14. NATURAL RESOURCES  
DIVISION 1. FISH AND GAME COMMISSION – DEPARTMENT OF FISH AND GAME  
SUBDIVISION 4. OFFICE OF OIL SPILL PREVENTION AND RESPONSE

**15-DAY COMMENT PERIOD  
ILLUSTRATION OF CHANGES**

The Office of Spill Prevention and Response is proposing additional changes to the original proposed express terms of section 828.1 of title 14 of the California Code of Regulations pertaining to Environmental Sensitive Site Protection. Those changes are illustrated as follows:

For the 45-day public comment period, the text was illustrated entirely in single underline. These illustrations remain.

For this additional 15-day public comment period, added text is illustrated in double underline; deleted text in single underline and ~~double strikethrough~~. The illustrations from the 45-day comment period remain.

**CALIFORNIA CODE OF REGULATIONS**  
**TITLE 14. NATURAL RESOURCES**  
**DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME**  
**SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE**  
**CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING**  
**SUBCHAPTER 4.1. SENSITIVE SITE PROTECTION**

**§ 828.1. Environmental Sensitive Site Protection**

This section specifies environmental sensitive site protection requirements for plan holders that pose a risk to marine waters.

(a) Use of Area Contingency Plans.

(1) The oil spill contingency plans for plan holders that pose a risk of a spill to marine waters must indicate use of applicable area contingency plans for protection of the environmental sensitive sites that could be at risk, based on the offsite consequence analysis required for a marine facility or a vessel's route of transit. Mobile transfer unit plan holders must indicate use of applicable area contingency plans for the areas where they conduct transfers. The contingency plan must describe compliance with the requirements of this section.

(2) During a spill or threatened spill a plan holder must use the strategies and the response resources as specified in each geographic response area for protection of each environmental sensitive site. However, during a spill the State On-Scene Coordinator or Unified Command may determine that different response resources or a different strategy is more appropriate for the situation.

(3) During a spill the plan holder is ultimately responsible for protecting all environmental sensitive sites that may be impacted by the spill regardless of the offsite consequence analysis or the reasonable worst case spill planning volume in the plan holder's contingency plan or the actual volume spilled.

(b) Subsections (b) through ~~(e)~~(d) and the *Site Protection Table* below apply to plan holders that pose a risk to marine waters, except mobile transfer units. By a contract or other approved means, as defined in section 790, plan holders must either have a contract with an oil spill response organization rated for environmental sensitive site protection in the geographic response areas identified by the plan holder's spill trajectory, or own or operate the response resources required by this section and ensure its availability within the protection hour identified in the *Site Protection Table*. If a plan holder chooses to own or operate the required resources, the plan holder must satisfy the sensitive site rating requirements of section 819.02.

(c) Boom and Response Times for Sensitive Site Protection.

(1) Plan holders must ensure that at least the minimum amount of protective boom can arrive and be capable of full deployment to implement the appropriate strategy for an environmental sensitive site by the identified protection hour. The boom amounts and

protection hours are specified in the *Site Protection Table* below. This boom is in addition to containment boom required by subchapter 3 and subchapter 4 of this chapter.

(A) For purposes of this section, protective boom means harbor boom or swamp boom as specified in the applicable area contingency plan to implement a strategy to protect a particular sensitive site.

(B) For purposes of this section, protection hour means the time, as designated in the *Site Protection Table* below, after discovery of or receiving notification of a spill or threatened spill by which the response resources must arrive at a sensitive site within a geographic response area and be capable of being deployed.

(2) Protection hour times are a planning standard and may not reflect the unforeseen exigencies of actual spill response.

(3) Any combination of harbor boom and swamp boom may be used to meet the protection hour requirements in the table, except where the table indicates a specific minimum amount of dedicated boom is required.

(4) All response resources necessary to accomplish a strategy must arrive ~~and be capable of in time for full deployment and implementation to occur~~ by the protection hour. ~~All response resources must be capable of being deployed and operable within one hour of arrival but no later than the protection hour.~~

(5) Notes about the *Site Protection Table*:

(A) ACP 4 GRA 8: The twelve-hour boom requirement only applies to Santa Rosa Island, not San Miguel Island, Santa Cruz Island, or Anacapa Island.

(B) ACP 5 GRA 4: The six-hour boom requirement only applies to Catalina Island, not San Nicolas Island or Santa Barbara Island.

(C) ACP 6 GRA 5: This GRA consists entirely of San Clemente Island. The table does not establish any protection hour requirements for this GRA.

(d)(1) Total Boom. The *Site Protection Table* below specifies the amount of protective boom required for each geographic response area. The boom required at each protection hour is a distinct amount, in addition to amounts required for earlier hours. A plan holder must have available the cumulative sum of the boom required by each protection hour. The Cumulative column of the table is provided to indicate the total sum required by hour 12.

(2) Dedicated Boom. For purposes of environmental sensitive site protection, a portion of the response resources to be deployed within the first six hours of a spill shall be dedicated response resources, as defined in section 790. The *Site Protection Table* specifies the type and amount of protective boom that must be dedicated for each geographic response area.

~~(3) All of the minimum dedicated boom must be located or stored within the boundary of the applicable area contingency plan State of California. The required nondedicated protective boom does not need to be located or stored within the boundary of each area contingency plan for which it is intended State of California.~~

**Site Protection Table**

<b><u>Area Contingency Plan (ACP) - Geographic Response Area (GRA)</u></b>	<b><u>Protection Hour 2</u></b>	<b><u>Protection Hour 4</u></b>	<b><u>Protection Hour 6</u></b>	<b><u>Protection Hour 12</u></b>	<b><u>Cumulative Total at 12 Hours</u></b>	<b><u>Minimum Dedicated at 6 Hours Swamp Boom</u></b>	<b><u>Minimum Dedicated at 6 Hours Harbor Boom</u></b>
<u>ACP 1 GRA 1</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>6,000 ft</u>	<u>500 ft</u>	<u>N/A</u>
<u>ACP 1 GRA 2</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>6,000 ft</u>	<u>N/A</u>	<u>500 ft</u>
<u>ACP 1 GRA 3</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>6,000 ft</u>	<u>N/A</u>	<u>500 ft</u>
<u>ACP 1 GRA 4</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>6,000 ft</u>	<u>N/A</u>	<u>500 ft</u>
<u>ACP 2 GRA 1</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>6,000 ft</u>	<u>N/A</u>	<u>500 ft</u>
<u>ACP 2 GRA 2</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>2,000 ft</u>	<u>N/A</u>
<u>ACP 2 GRA 3</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>N/A</u>	<u>2,000 ft</u>
<u>ACP 2 GRA 4</u>	<u>2,000 ft</u>	<u>2,000 ft</u> <u>4,000 ft</u>	<u>4,000 ft</u>	<u>4,000 ft</u>	<u>12,000 ft</u>	<u>N/A</u>	<u>6,000 ft</u>
<u>ACP 2 GRA 5</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>N/A</u>	<u>2,000 ft</u>
<u>ACP 2 GRA 6</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>N/A</u>	<u>2,000 ft</u>
<u>ACP 2 GRA 7</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>N/A</u>	<u>2,000 ft</u>
<u>ACP 2 GRA 8</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>6,000 ft</u>	<u>N/A</u>	<u>500 ft</u>
<u>ACP 2 GRA 9</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>6,000 ft</u>	<u>N/A</u>	<u>500 ft</u>
<u>ACP 2 GRA 10</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>N/A</u>	<u>2,000 ft</u>
<u>ACP 3 GRA 1</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u> <u>N/A</u>	<u>4,000 ft</u> <u>N/A</u>	<u>8,000 ft</u> <u>2,000 ft</u>	<u>2,000 ft</u> <u>1,000 ft</u>	<u>N/A</u>
<u>ACP 3 GRA 2</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>N/A</u>	<u>2,000 ft</u>
<u>ACP 3 GRA 3</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>N/A</u>	<u>2,000 ft</u>
<u>ACP 3 GRA 4</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u> <u>N/A</u>	<u>4,000 ft</u> <u>N/A</u>	<u>6,000 ft</u> <u>N/A</u>	<u>500 ft</u> <u>N/A</u>	<u>N/A</u>
<u>ACP 3 GRA 5</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u> <u>N/A</u>	<u>6,000 ft</u> <u>2,000 ft</u>	<u>500 ft</u>	<u>N/A</u>
<u>ACP 4 GRA 1</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u> <u>2,000 ft</u>	<u>6,000 ft</u> <u>4,000 ft</u>	<u>500 ft</u>	<u>N/A</u>
<u>ACP 4 GRA 2</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>6,000 ft</u>	<u>N/A</u>	<u>500 ft</u>
<u>ACP 4 GRA 3</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u> <u>N/A</u>	<u>8,000 ft</u> <u>4,000 ft</u>	<u>N/A</u>	<u>2,000 ft</u>
<u>ACP 4 GRA 4</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u> <u>2,000 ft</u>	<u>8,000 ft</u> <u>6,000 ft</u>	<u>2,000 ft</u>	<u>N/A</u>
<u>ACP 4 GRA 5</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u> <u>N/A</u>	<u>8,000 ft</u> <u>4,000 ft</u>	<u>2,000 ft</u>	<u>N/A</u>
<u>ACP 4 GRA 6</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>2,000 ft</u>	<u>N/A</u>
<u>ACP 4 GRA 7</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>2,000 ft</u>	<u>N/A</u>
<u>ACP 4 GRA 8</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>250 ft</u>	<u>250 ft</u>	<u>250 ft</u>	<u>N/A</u>
<u>ACP 5 GRA 1</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u> <u>2,000 ft</u>	<u>6,000 ft</u> <u>4,000 ft</u>	<u>N/A</u>	<u>500 ft</u>

<u>Area Contingency Plan (ACP) - Geographic Response Area (GRA)</u>	<u><del>Protection Hour 2</del></u>	<u>Protection Hour 4</u>	<u>Protection Hour 6</u>	<u>Protection Hour 12</u>	<u>Cumulative Total at 12 Hours</u>	<u>Minimum Dedicated at 6 Hours Swamp Boom</u>	<u>Minimum Dedicated at 6 Hours Harbor Boom</u>
<u>ACP 5 GRA 2</u>	<u><del>2,000 ft</del></u>	<u><del>2,000 ft</del> 4,000 ft</u>	<u>4,000 ft</u>	<u><del>4,000 ft</del> N/A</u>	<u><del>12,000 ft</del> 8,000 ft</u>	<u>N/A</u>	<u>6,000 ft</u>
<u>ACP 5 GRA 3</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>N/A</u>	<u>2,000 ft</u>
<u>ACP 5 GRA 4</u>	<u>N/A</u>	<u>N/A</u>	<u>1,500 ft</u>	<u>N/A</u>	<u>1,500 ft</u>	<u>N/A</u>	<u><del>1,500 ft</del> 500 ft</u>
<u>ACP 6 GRA 1</u>	<u>N/A</u>	<u>2,000 ft</u>	<u><del>2,000 ft</del> N/A</u>	<u><del>4,000 ft</del> N/A</u>	<u><del>8,000 ft</del> 2,000 ft</u>	<u>N/A</u>	<u><del>2,000 ft</del> 1,000 ft</u>
<u>ACP 6 GRA 2</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>6,000 ft</u>	<u>N/A</u>	<u>500 ft</u>
<u>ACP 6 GRA 3</u>	<u>N/A</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>6,000 ft</u>	<u>N/A</u>	<u>500 ft</u>
<u>ACP 6 GRA 4</u>	<u>N/A</u>	<u>2,000 ft</u>	<u>2,000 ft</u>	<u>4,000 ft</u>	<u>8,000 ft</u>	<u>N/A</u>	<u>2,000 ft</u>
<u>ACP 6 GRA 5</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Note: Authority cited: Sections 8574.7, 8670.7.5, 8670.28, 8670.29 and 8670.30 Government Code. Reference: Sections 8574.7, 8670.28, 8670.29 and 8670.30, Government Code.