California Shoreline Protection Regulations

Regulatory requirements, introduced last year, affecting tank and non-tank vessels operating in California ports have generated contention regarding the practical implications for California Contingency Planholders. The California Department of Fish and Game, Office of Spill Prevention and Response (OSPR), Marine Spill Response Corporation (MSRC) and National Response Corporation (NRC) have authored advisory letters on this subject. This article, based on ECM Maritime Services Client Alert 12-2007, is intended to provide ECM's interpretation and clarification of these advisories and the new requirements.

On 17 July 2006, OSPR issued new shoreline protection requirements which call for increased performance and response times in order to further protect California's shoreline and sensitive Area. These areas are identified in the California regulation's Shoreline Protection Tables (found in CCR, Title 14, Chapter 3, Subchapter 3, Section 818.02(f) and Subchapter 4, Section 827.02(l)) and can also be found on California's Office of Spill Prevention and Response (OSPR) website at www.dfg.ca.gov/marine. These changes came into effect for high volume ports on 1 May 2007 and for low volume ports on 1 September 2007.

The new regulations will not affect the vast majority of tank and non-tank vessels operating in high volume ports in California. However, because of the limited amount of vessel activity in certain low volume ports, the OSROs will pre-stage equipment upon request in order to meet the new requirements rather than permanently cache the equipment. Where pre-staging is required, 24-hour advance notification must be provided to the OSRO(s) and separate fees will be charged.

Ports not impacted

Tank and non-tank vessels operating in "high volume" ports in California such as San Francisco and Los Angeles/Long Beach will not be impacted. The ports of Sacramento and Stockton are also not impacted.

Non-tank vessels calling Humboldt Bay (Eureka) and San Diego that have OSRO contracts in place with both MSRC and NRC will not be impacted.

Ports impacted

Non-tank vessels calling Humboldt Bay (Eureka) and San Diego that only have a contract in place with NRC will need to provide advanced notice to NRC. For vessels making frequent calls to Humboldt Bay and San Diego it may be more cost effective to enter into contract with MSRC in addition to NRC.

Tank vessels calling Humboldt Bay (Eureka) and San Diego will also need to provide 24-hour advanced notice to their contracted OSRO whether that be NRC or MSRC.

All vessels (tankers and non tankers) transiting/operating in Monterey Bay, Santa Barbara Channel*, or Port Hueneme, as well as any of the small harbors (included in the Shoreline Protection Tables) must notify MSRC and/or NRC 24-hours in advance.

Where 24 hour advanced notice is required

Tank vessels and non tank vessels should continue to utilize QI Notification and Vessel Position forms. Vessels must complete these forms and submit them in a timely manner to ensure that the proper OSRO coverage is arranged.

Cost

Both MSRC and NRC have indicated that they will charge a fee when standby coverage is required.

Summary

Accurate and timely notifications from vessels will be key to ensuring compliance with this regulation. Because the ports/areas in California that will require this advanced notice and extra OSRO standby fee experience very little commercial vessel traffic, the majority of vessels are unlikely to be affected by these new requirements.

<table>
<thead>
<tr>
<th>Port/Location</th>
<th>Tank Vessel</th>
<th>Non Tank Vessel with NRC &amp; MSRC</th>
<th>Non Tank Vessel with NRC only</th>
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<tbody>
<tr>
<td>San Francisco</td>
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<tr>
<td>Los Angeles/Long Beach</td>
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<tr>
<td>Stockton, Sacramento</td>
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<tr>
<td>Humboldt Bay (Eureka)</td>
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<tr>
<td>San Diego</td>
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<tr>
<td>Monterey Bay, Moss Landing</td>
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<tr>
<td>Port Hueneme/Channel Islands Harbor, Santa Barbara Channel*</td>
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<tr>
<td>Small Harbors - Alhon, Bodega</td>
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</table>

*Note: Humboldt Bay includes the Town of Scotia and the Town of Petrolia.

**Note: Santa Barbara Channel includes the City of Santa Barbara, the City of Carpintera, the City of Santa Maria, the City of Goleta, and the City of Lompoc.**

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**Accuracy Note:**

The information provided is based on the regulations as of the date of this document. It is important to consult the most recent regulations and notices from OSPR, MSRC, and NRC for the most current requirements and updates.
pay; Bona; crescent cay; con; Bragg; morro bay; pt. arena; pt. reyes; pillar point; port san luis/avila; Santa Barbara harbor; Santa cruz; Ventura harbor

* = 24 hour advanced notice and equipment pre-staging is required

OSPR has advised that vessels navigating in the Santa Barbara Channel en route to Los Angeles/Long Beach are technically not in California State waters since the Channel is not within the State’s 3 mile limit. There is only one exception. Vessels traveling southbound are in State waters for just a short time as per the attachment image received from the OSPR. However, in that location there are no sensitive areas that require standby coverage. This is an important issue since vessels traveling in a southerly direction bound for LA/LB use the Santa Barbara Channel.

Based on ECM Maritime Services Client Alert 12 2007