RESPONSE TO COMMENTS

North Puget Sound Geographic Response Plan Update

Received through June 24, 2008

Comments were contributed by: (1) Tom Richards of Anacortes; (2) Fred Felleman, Friends of the Earth; (3) Jeremy Freimund & Stacy Fawell, Lummi Natural Resources Department; (4) Eric Carabba, Whatcom Land Trust; (5) Neil Clement, Port of Bellingham; (6) Ken Schacht, Marine Spill Response Corporation; (7) John Boettner, Ecosystems First; and (8) David Roberts, Washington State Department of Natural Resources (DNR). Julie Knight of Islands' Oil Spill Association provided extensive notes from her field evaluations made since the last GRP update.

We wish to thank all contributors for their time and expertise in providing the comments or data sets below. Their contributions have significantly improved this new draft of the North Puget Sound Geographic Response Plans (GRP).

The Washington Department of Ecology, United States Coast Guard and Washington Department of Fish and Wildlife reviewed all comments/recommendations.

Ecology categorized and condensed the original comments about GRPs to make them more clear and consistent within this comprehensive comment/response format. For each comment, the contributor is acknowledged by number (above), followed by our response. General comments concerning oil spill prevention, preparedness or response, but not specifically addressing GRPs are included at the end of this document.

Specific comments concerning booming and sites/areas to be evaluated.

Comment: A number of water control tide gates in the region have been converted to a self-controlling system. Can you look into opportunities to close these during a response effort rather than deploying boom as a strategy? (1)
Response: (A) During the review and field evaluation process we looked for opportunities to close tide gates and culverts. However, we invite you to please let us know if there were any we did not include. (B) A hydraulic permit (HPA) is required to block any channels or culverts that feed streams or marshes. The contact info for this is included at the beginning of Chapter 4 for the GRP. In addition, individual strategies that would require an HPA are so indicated in both a table in Chapter 4 of the GRP and in the appended 2-page detailed strategy descriptions.

Comment: In Whatcom County, the majority of herring spawn along the Cherry Point Reach north of the BP docks and into Birch Bay. Strategies that keep the oil from making landfall on Point Whitehorn and into Birch Bay should be prioritized. (2, 8)
Response: The spawning areas for the Cherry Point herring stock are a high priority concern for oil spill response. Due to the highly exposed location and the large extent of the herring spawning areas, however, the response options to minimize impacts to this resource are limited. GRPs are not intended to be the only response option during spills – they are just the beginning. For this area, aggressive on-water collection of spilled oil (i.e. skimming) and using opportunities to contain and collect oil that may be moving along the shoreline are also important response tactics that will be considered on the day of a spill. Several likely shoreline collection points have been identified in the current Geographic Response Plan; others would need to be developed opportunistically during a spill to take advantage of spill-specific conditions.

Comment: The Lily Point Marine Reserve benefits a number of species of conservation concern. Can a GRP strategy be created? (4)
Response: The Lily Point Marine Reserve was considered during the development of the current Geographic Response Plan. Unfortunately, the high exposure of this site to wind and currents, together with the extent of the area of concern, make a booming strategy impractical. GRPs are not intended to be the only response option during spills – they are just the beginning. Much like the Cherry Point Reach, aggressive on-water collection of spilled oil (i.e. skimming) and using opportunities to contain and collect oil that may be moving along the shoreline are also important response tactics that will be considered on the day of a spill.

Comment: (A) Recently there has been extensive environmental remediation to the "Log Boom" area near GRP NPS 35. Can additional boom be added to the NPS 35 strategy to mitigate impact beyond the Whatcom Creek area to the Log Boom (in other words, extending boom between the aeration stabilization basin and the shipping terminal dock)? (5)
(B) Can three exclusion booms be deployed to help protect the inner and outer marinas of Squalicum Harbor? (5)
Response: (A) During our field visit, we determined that it was not safe to deploy at the bridge or pilings, so we moved the booming strategy seaward.
(B) The Northwest Area Committee has developed a policy for listing economic resources in the GRPs. A new chapter will be developed to give guidance to decision makers about significant economic resources that may be impacted from spills. This marina will be considered for that chapter when it gets developed.

Comment: Past GRP deployments during spills and drills have shown that based on the effort required to deploy and tend boom against the strong currents of the area, most deflection strategies have proven ineffective. In addition, most pre-defined collection strategies don't allow for real-time tactical flexibility, and often are spatially insignificant in relation to the adjoining body of water. Thus, we recommend removing (or substituting an exclusion strategy) for the following deflection and/or collection strategies (NPS 1, 2, 5-7, 9-11, 15, 20, 24-27, 29-30, 49, 50, 67, 74), and suggest that response resources are better directed to exclusion or on-water efforts elsewhere. (6)
Response: We agree with your assessment and have worked to find other strategies that are more appropriate. Based on field evaluations, we removed the following strategies: 2, 5, 6, 9, 11, 24-25, 29-30, 49, 74. We modified the following "old" strategies and replaced them with new ones (the "new" number for each is in parentheses): 1(1), 7(4), 10(6), 15(11), 20(31), 26(22), 27 (25), 50(37), 67(50).

Comment: The NPS-12 collection strategy creates a significant safety hazard by attempting to collect product at the base of the refinery dock. (6)
Response: Safety is always a paramount consideration during a spill. This strategy has been removed.

Comment: Remove strategy NPS-72. Surface booming is ineffective at protecting a subsurface sea water intake from oil that has already dispersed into the water column. Consider making this GRP a point of notification so that the Shannon point research laboratory can take steps to shut down its seawater intake. (6)
Response: This strategy has been modified to become a notification rather than deployment.

Comment: NPS-13 should only be deployed if trajectory and over flight information warrants it. This particular strategy may be an exception to our other observations noted above. (6)
Response: This change has been made. This is the new NPS-07

Comment: Retain the collection strategy portion of NPS-14 and NPS-18 while noting that they should only be deployed if trajectory and over flight information warrants it. (6)
Response: These strategies have been removed based on poor access and observations from locals during the field visit.

Comment: Consider revising strategy NPS 34 as it is intended to protect a water intake. (6)

Response: This strategy has been modified to become a notification rather than deployment.

Comment: Retain the collection strategy portion of NPS-58 and NPS 62 while noting that they should only be deployed if trajectory and over flight information warrants it. Remove the deflection reference. (6)
Response: This change has been made. These are the new NPS-65 and NPS-53, respectively.

Comment: NPS-64 was field tested August 5, 2003. It requires 1500' of boom and a 5' rising tide. Modify staging area to say Shell Puget Sound Refinery recreation area. The boat ramp at Samish Indian Nation RV park, 360-293-6404, can also be used to stage this GRP. Contact the Samish Indian Nation prior to staging equipment. (6)
Response: This change has been made. This is the new NPS-57.

Comment: NPS-65 was field-tested by Marine Spill Response Corporation on March 13, 2006. It requires 2300' of boom. Modify strategy implementation to include "the tidal current is extremely strong in this area. Anchor boom on both sides to prevent boom damage. Avoid anchoring boom near the submerged wreck along the eastern shore. This area is extremely shallow and becomes mud flat at low tide. " (6)
Response: This change has been made. This is the new NPS-59.

Comment: NPS-66 was field-tested by Marine Spill Response Corporation on August 21, 2007. Modify strategy implementation to include "deploy boom in a chevron configuration with 1000 foot leg from the railroad causeway to the tip of Weaverling Spit, and a 3000 foot leg from the tip of the spit to the beach west to where the riprap begins at private property. (6)
Response: This change has been made. This is the new NPS-58.

Comment: Increase boom length for NPS-69 to 800 feet. Contact Trident Seafoods at 360-293-3133 prior to deployment, because their facility abuts this strategy. The facility does not allow unauthorized contact with their property. (6)
Response: This change has been made. This is the new NPS-47

Comment: NPS-70 was field-tested November 27, 2007 by Marine Spill Response Corporation. Increase the boom length required to 800 feet. (6)
Response: This change has been made. This is the new NPS-49.

Comment: Revisit strategy NPS-76. No attachment point is available along the eastern rocky bluff. This leaves a significant gap in the exclusion boom rendering it ineffective. Examine other options. (6)
Response: This change has been made. This is the new NPS-35.

Comment: The BP and Conoco-Philips refinery docks provide opportunities to deploy booming that could potentially increase deflection/collection of spilled oil from the beaches along the Cherry Point Reach. Is there potential to use the BP and Conoco-Philips facilities to store and stage/deploy additional booming supplies to supplement existing boom that would be used at NPS-07? (8)
Response: BP and CP both have spill response equipment staged at and near their facilities and contracts in place to access additional resources immediately. The boom can be used to contain a spill, aid in the recovery from the water, and to deploy the GRP strategies.

Comment: The Washington Department of Ecology requires the refineries to deploy boom ("pre-booming") around vessels that are loading/unloading while at the dock. Could these booming resources be used/redeployed in case of a spill and be added into GRP strategy NPS-07? (8)
Response: The pre-booming requirements were put in place to address the risk of spills that could occur during oil transfers. If a spill occurs during a transfer operation, the boom would be in place to contain the oil and prevent it from spreading and impacting other areas. The refineries have additional boom beyond what is necessary for pre-booming (see answer to previous question) and immediate access to contractors for additional resources.

General comments

Comment: ECY has a focus on reducing response time, but should have greater oversight in controlling the number of "industrial activities" sources near Samish Bay. (7)
Response: Local land use decisions are made by a variety of state and local agencies. This question is beyond the scope of the GRP project; however, prevention of oil spills is the Ecology Spills Program's number one goal. The development of updated GRPs in the area is one of the ways in which we are working to increase our preparedness and ability to minimize damages in the event of a spill. Information about additional Ecology oversight in Samish Bay can be located at: http://www.ecy.wa.gov/programs/wq/tmdl/samish/index.html

Comment: Is anyone sampling the ballast water of the vessels to determine what invasive species are being transported here? (7)
Response: The State of Washington Department of Fish & Wildlife (WDFW) is charged with implementing the ballast water management laws under Chapter 77.120 RCW. This chapter applies to all vessels of three hundred gross tons or more, United States and foreign, carrying, or capable of carrying, ballast water into the waters of the state after operating outside of the waters of the state. The owner or operator in charge of a vessel is required to ensure that the vessel does not discharge ballast water into the waters of the state except as authorized by this law. Discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange, or if the vessel has treated its ballast water, to meet standards set by the department consistent with applicable state and federal laws. A vessel that does not file a ballast water reporting form or discharges improperly exchanged or treated ballast water into waters of the state without a valid exemption will result in a civil penalty up to $27,500.
Comment: The GRP inventory database is impressive. Could it be made more user-friendly by characterizing the capability and availability of oil spill equipment for any geographic location? (7)
Response: Information on the location and availability of oil spill response equipment is available in a database that you can view. The Western Resource Response List is located at: www.wrrl.us . While this list contains much of the response equipment in the state, there is additional privately owned equipment that is not yet in the inventory. The list can be downloaded and sorted by location, equipment type or owner.

Comment: While there is considerable equipment stockpiled at the refineries near Birch Bay, it does not include "current buster" boom which would be most effective in this exposed area of high current velocity. (2)
Response: For the companies that are regulated by oil spill preparedness rules, there are standards set for quantity, location, type and appropriateness of boom, recovery and storage capability. Ecology evaluates and approves contingency plans based on their ability to meet these standards.