

Resolution 25-11
of the
San Mateo County Harbor District
to

**Authorize the General Manager to Execute a Hold Harmless and
Indemnification Agreement with the Department of Fish and
Game Office of Spill Prevention and Response for the Pillar
Point Harbor Sea Otter Floating Pen Project**

Whereas, the California Department of Fish and Game Office of Spill Prevention and Response (OSPR) has requested permission to locate portable floating pens at Pillar Point Harbor (PPH) to accommodate sea otters that are exposed to oil spill impacts and cleaned and rehabilitated before their habitat is restored or otherwise deemed safe and they are released back in the wild; and,

Whereas, OSPR has concluded that PPH appears to be the only available location in the region for this activity as neither OSPR's former site at Moss Landing nor an alternative location are now suitable or available.

Whereas, OSPR would store the floating pens at OSPR's Santa Cruz, CA facility until needed, at which time they would be brought to PPH and deployed.

Therefore, be it resolved that the Board of Harbor Commissioners approves the terms and conditions of the Hold Harmless and Indemnification Agreement with the Department of Fish and Game Office of Spill Prevention and Response and authorizes the General Manager to execute this agreement.

Approved this 16th day of November, 2011 at the regular meeting of the Board of Harbor Commissioners by a recorded vote as follows:

For: Bernardo, Padreddi, Parravano

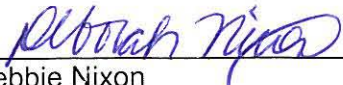
Against: None


Abstaining: None

Absent: Campbell, Tucker

Attested

BOARD OF HARBOR COMMISSIONERS


Debbie Nixon
Deputy Secretary


Pietro Parravano
President

CALIFORNIA DEPARTMENT OF FISH AND GAME
OFFICE OF SPILL PREVENTION AND RESPONSE
SEA OTTER FLOATING PEN PROJECT DESCRIPTION
PILLAR POINT HARBOR, HALF MOON BAY, CA

Background and Purpose: The California Department of Fish and Game (CDFG) Office of Spill Prevention and Response (OSPR) June 2011 Wildlife Response Plan for Oil Spills in California includes a Sea Otter Oil Spill Contingency Plan (July 2009 Version) (<http://www.dfg.ca.gov/ospr/wild-response.aspx>). As part of this Sea Otter Contingency Plan, portable floating pens were developed to provide a means to temporarily hold cleaned, rehabilitated sea otters impacted by an oil spill. Depending on the size of the oil spill, there may be a period of time in which cleaned, rehabilitated sea otters can not be released back in the wild. The sea otter floating pens provide the additional holding capabilities needed until the habitat is restored or deemed safe. Additionally, these pens may also be used to temporarily hold sea otters as a preemptive measure to avoid exposure of the otters to harm from an oil-contaminated environment pending clean-up or restoration efforts.

During a spill response, the primary facility for in-taking oil-injured sea otters is OSPR's Marine Wildlife Veterinary Care and Research Center (MWVCRC) located on the west side of Santa Cruz, CA (<http://www.dfg.ca.gov/ospr/Science/marine-wildlife-vetcare>). The MWVCRC works very closely with or under the Oiled Wildlife Care Network (OWCN) (<http://www.owcn.org/about-us/participant-organizations>). The OWCN is a state-wide network established by the Administrator of OSPR and administered by the Wildlife Health Center at the University of California at Davis. The OWCN consists of entities who have agreed to participate in the OWCN by providing response, rescue, and rehabilitation services for marine wildlife impacted by discharges of oil. The OWCN can call facilities with extensive marine mammal care capability and expertise to cooperate in a sea otter rehabilitation program. During an oil spill response, the MWVCRC generally works under the direction of the OWCN. As noted above, the MWVCRC and/or the OWCN may need to deploy the sea otter floating pens as an intermediate step between rehabilitation of sea otters and their release into the wild and/or as a preemptive effort to prevent contamination of sea otters during an oil spill event.

In addition to deployment of the floating pens in an actual oil spill scenario, CDFG OSPR may deploy the floating pens as part of an oil spill response drill or exercise conducted by the MWVCRC and/or the OWCN to ensure preparedness and readiness for an actual oil spill event.

The July 2009 Sea Otter Contingency Plan identifies Horseshoe Bay (in San Francisco Bay) and Moss Landing Harbor as locations for installation of sea otter floating pens. OSPR will update its June 2011 Wildlife Response Plan in the next version of the plan to identify Pillar Point Harbor, located on Half Moon Bay, CA, in cooperation with the San Mateo County Harbor District (SMCHD), as a potential deployment site.

Pen Structure: The floating pens are designed to be portable. They can be easily assembled and disassembled and can be transported. The pen fits on a floating dock structure. The dock structure is built of modular, plastic cubes (dock cubes are 20 inches sq) that fit and lock together to preferred configurations. The aluminum framing and netting has been designed for quick assembly and to best fit the need to maintain captive sea otters. OSPR has the equipment for 6 large floating pens (15 x 20 x 8 ft high) and 2 small floating pens (12 x 12 x 6 ft high).

Pen Deployment: The sea otter floating pens will be built at the boat launch ramp and then placed in the water and towed to a staging area(s). Multiple staging areas have been identified with the SMCHD. The pens can either be side-tied to a permanent dock in the inner harbor, tied to an existing mooring (permanent anchorage) in the outer harbor, or secured in place with CDFG anchors in approved anchorage areas as agreed to by the SMCHD (see attached map). To the extent necessary, other staging areas within Pillar Point Harbor may be identified by MWVCRC and/or OWCN staff in coordination with the SMCHD. Placement of pens, if done in the area marked "Anchor" within the inner breakwater and/or within the areas marked "Mooring/Anchor area" in the outer harbor, shall be done to avoid impeding vessel navigation and, in the case of the "Mooring/Anchor Area" located near the mouth of the outer breakwater, so as not to conflict with the abalone culture raft facility.

During a spill exercise or drill, pen deployment may last several hours. During an actual spill event, pen deployment will remain to the extent necessary to safely transition sea otters back into the natural environment. MWVCRC and/or OWCN staff will coordinate with the SMCHD in anticipation of and during deployment of the floating sea otter pens as necessary to address details of pen deployment. MWVCRC and/or OWCN staff will provide reasonable advance notice to SMCHD in advance of their intention to conduct a sea otter floating pen drill or exercise and, in the event of an actual oil spill scenario, as much advance notice as is reasonably practicable.

Safety: The pens will be clearly identified as CDFG property by placing highly visible signs on all four sides each pen that identify the pens as CDFG property and include appropriate warning such as "Danger", "No Trespassing", etc. Floating pen deployment will always be supervised by the MWVCRC and/or OWCN staff. Additionally, there will be MWVCRC and/or OWCN staff on site at all times (24/7) when the floating pen(s) are occupied with sea otters. As a public safety precaution, the SMCHD will provide for temporary closure to the public of the boat launch ramp while the pens are being assembled and moved into the water for deployment.

HOLD HARMLESS AND INDEMNIFICATION AGREEMENT
BETWEEN THE
SAN MATEO COUNTY HARBOR DISTRICT AND THE
CALIFORNIA DEPARTMENT OF FISH AND GAME
OFFICE OF SPILL PREVENTION AND RESPONSE
FOR THE
PILLAR POINT HARBOR SEA OTTER FLOATING PEN PROJECT

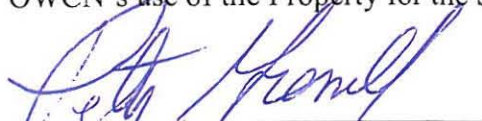
WHEREAS, the San Mateo County Harbor District (SMCHD) has jurisdiction over the Pillar Point Harbor located on Half Moon Bay, California (the "Property"),

WHEREAS, the California Department of Fish and Game Office of Spill Prevention and Response (the "Releasee") and the Oiled Wildlife Care Network desire to enter upon the Property for the limited purpose of deploying sea otter floating pens during oil spill response exercises and in the event of an actual oil spill scenario (the "Sea Otter Floating Pen Project"),


WHEREAS the Releasee and the SMCHD have agreed to the Sea Otter Floating Pen Project as described in the Sea Otter Floating Pen Project Description (Enclosure 1),
NOW, THEREFORE, in consideration of permission by the SMCHD for Releasee to enter onto the Property and to conduct the Sea Otter Floating Pen Project,
IT IS AGREED by Releasee and the SMCHD as follows:

1. Releasee waives and releases the SMCHD and its officers, agents and/or employees from any and all personal injuries, property damage, and any other claims, liabilities and damages that arise from any claim by Releasee and its officers, agents and/or employees that arises out of Releasee's use of the Property for the Sea Otter Floating Pen Project. Releasee assumes any and all risks associated with or relating to the use of the Property for the Sea Otter Floating Pen Project.

2. Releasee hereby agrees to hold harmless, defend and indemnify the SMCHD, its officers, agents and/or employees from any and all damages and claims pursued by Releasee and its officers, agents and/or employees that arise out of Releasee's or OWCN's use of the Property for the Sea Otter Floating Pen Project.


Peter Grenell, General Manager
San Mateo County Harbor District

11/07/11
DATE


Scott D. Schaeffer, Administrator (Acting)
California Department of Fish and Game
Office of Spill Prevention and Response

11/07/11
DATE

