



Via Email

March 30, 2016

Dianne Black
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c/o Channel Islands National Marine Sanctuary
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Subject: PMSA and CSA on the Marine Shipping Working Group Final Report

Dear Ms. Black:

The Pacific Merchant Shipping Association (PMSA) represents the ocean going vessel and marine terminal operators on the west coast of the United States. The Chamber of Shipping of America (CSA) represents 34 U.S. based companies that own, operate or charter oceangoing tankers, container ships, and other merchant vessels engaged in both the domestic and international trades. PMSA and CSA member vessels regularly transit the Santa Barbara Channel and some also transit on the south side of the Channel Islands, for a variety of reasons.

There is one universal fact that is shared by every mariner; nobody wants to hit a whale. In an effort to minimize, and hopefully eliminate vessel strikes on whales, PMSA, CSA and our members have supported efforts to improve outreach and communications with the vessel crews, and to increase our understanding of how we can best avoid striking whales. To that end PMSA and CSA have always supported a science based approach to reduce the risk of vessel strikes on whales.

As participants in the Channel Islands National Marine Sanctuary Advisory Committee, Marine Shipping Working Group (MSWG), the Pacific Merchant Shipping Association (PMSA) and Chamber of Shipping of America (CSA) wish to commend the efforts of the Co-Chairs, Staff, and all the participants that contributed to this effort. Our intention here is more fully explain the underlying basis for our positions contained in the MSWG report.

Lessons Learned

Since 2009, NOAA has issued a notice to mariners requesting them to slow to 10 knots during blue whale season, roughly May to November. As has been documented, although there has been a general decrease in vessel speeds over the years, virtually none of the vessels are fully decreasing speeds to 10 knots. Unfortunately making this annual program an example of a failed Spatial Management Area (SMA) approach. In response, the industry worked with NOAA, NMFS, and CINMS, to produce an educational outreach poster for distribution to the vessels. Although the response from the vessel operators has been positive the posters have generated little, if any reporting response from the vessels. Part of that may be due to the poster only providing a number to report dead or entangled whales. Regardless, the poster has not achieved the results desired of enlisting commercial cargo vessels to provide actionable data.

While there is the potential for a second generation poster with clearer direction and options for reporting, we believe that other methods of outreach and communication are needed. Foremost on that list is AIS messaging. This is a system that is currently physically available, in place, and operational. All that is lacking is for the Federal Communications Commission to grant approval for the Marine Exchange of Southern California (MarEx), to use the AIS system to inform mariners of the presence and location of whales and solicit reports of the location of whales from the vessels. Clearly, much work will have to be done to develop protocols to send and receive whale data over AIS, but with the cooperation of the USCG, NOAA, and other stakeholders, we are confident that can be accomplished.

New Vessel Traffic Separation Scheme South of the Channel Islands

One of the Seasonal Management Area options under consideration in the report is for a new Vessel Traffic Separation Scheme (VTSS) on the south side of the Channel Islands. According to the USCG and MarEx, this is trying to fix a navigational safety issue that doesn't exist. There is no reason to assume that establishment of VTSS will improve navigational safety. However, there is every reason to believe that establishment of the VTSS would hinder the Navy's operational flexibility. Gaining IMO approval in establishing a VTSS would, for all practical purposes, commit our members to use it if transiting south of the Channel Islands, for liability issues if nothing else. We are concerned about the potential unintended consequences to the four unique species of whales of having a fixed route with no flexibility. But worst of all is the failure of the MSWG report to discuss any way to monitor the impacts of a new VTSS to determine if the desired results are realized. Given the paucity of whale observation data south of the Channel Islands, combined with the passive "set it and forget it" manner that this option proposes, establishing monitoring criteria for the effectiveness of the new VTSS to reduce the risk of vessels strikes on whales must be addressed before this measure can be given further consideration.

An additional concern to consider is the current practice of liquid bulk vessels (crude and petroleum products), to transit 50 nm off the coast for oil spill prevention purposes. Would that practice continue with a new VTSS or would those vessels be expected to re-route to the new VTSS?

Vessel Speed Reduction

PMSA and CSA wish to be clear on our objections and concerns with Seasonal Management Area for a Vessel Speed Reduction (VSR). Unfortunately, the MSWG report does not designate the boundaries of a potential VSR. Regardless, there are two parts to this option, risk reduction for whales and air quality.

Risk Reduction for Whales

There is no evidence that reducing vessel speed will affect the frequency that whales are struck. The premise of this measure is that reduced speeds will dramatically improve the survivability of a struck whale. Two papers have been cited in the MSWG report, Vanderlaan & Taggart (2007), and Conn & Sibling (2013). Both papers develop methodologies to estimate the probability of a lethal strike at different speeds. While it is true that Vanderlaan & Taggart, showed results that estimated that a vessel at 12 knots (reduced from 24 knots) is 50% less likely to cause a lethal strike on a whale, those results have been eclipsed by the 2013 Conn & Silber paper. Conn & Silber, took the data from Vanderlaan & Taggart, almost doubled the sample size with more recent observations, and then estimated the probability of a lethal strike on a large whale. The larger data set yielded substantially different results and show that the Vanderlaan and Taggart estimations at the lower speeds up to approximately 16 knots fell outside the 95% “credible interval” calculated (figure 3). In other words, Conn & Silber showed a much higher risk of a potentially lethal strike at lower speeds than previously thought. Conn & Silber shows a much more gradual and lesser reduction in the risk of a potentially lethal strike at 12 knots at about 30%. If you consider that the average speed of vessels is already significantly below the assumed 24 knot cruising speed, then the reduction of the potential risk of a lethal strike becomes even less. Even if we accept the more favorable 50% risk reduction estimates from Vanderlaan and Taggart, we must do better than a coin flip.

Bottom line, a VSR will not reduce the frequency of vessels striking whales and it is unlikely that 12 knots will not adequately reduce the risk of a potentially lethal strike by vessels. It is for these reasons that we do not support this SMA option. The only practical role we see for VSR in reducing risks is as a potential evasion tactic when a vessel is aware of a whale’s presence. But we also see increasing speed in the same light, an evasion tactic.

Finally, in regards to the effectiveness of a VSR to reduce the potential risk of a lethal strike, there is a clear example where a 12 knot VSR has been in place for 16 years, 20/40 miles out from Point Fermin into San Pedro Bay, that could be evaluated for effectiveness prior to expanding the concept for whale risk reduction around the Channel Islands. Finding a way to measure the effectiveness of a VSR for reducing risk is critical and must be part of any VSR proposal moving forward.

VSR for Air Quality

PMSA and CSA fully understand and appreciate the role of a VSR to reduce air emissions and greenhouse gases (GHG). We also understand the concern of the SBCAPCD in the Clean Air Act attainment challenges with the recently finalized 70 ppb ozone standard. What we do know is that there has already been substantial improvement in reducing air emissions and GHGs from vessels. Since the 2005 inventory currently being used by SBCAPCD, the number of annual vessel calls at the San Pedro Bay Ports has dropped from about 6,600 per year to 4,400 in 2015. In addition the fleets transiting about the Channel Islands, especially container vessels, have been replaced with newer and less emissive vessels. In addition to fewer and cleaner vessels, we also know that vessel speeds are reduced from 2005, with the current average being around 14 knots according to the MarEx. The air quality benefits of reducing speeds down to 12 knots would be diminished. There is also the concern that some vessels may not be able to maintain maneuverability at some of these lower speeds, potentially compromising vessel and crew safety.

By far, our major concern with this measure is the regional aspect and the unintended consequences that could result. If the vessels speed up outside of a designated VSR, that same propeller curve that shows the benefits of slowing also shows the penalty for speeding up to maintain schedule. It is very likely that this regional approach could result in exporting and increasing the overall volumes of air emissions and GHGs, a result that is unacceptable.

Another concern that we have is, depending on how a VSR is implemented, with consideration to boundaries, applicability within the VTSS, etc.; the result could be, as we saw with the CARB Low Sulfur Fuel Regulation in 2009, for vessels to spread out and approach the ports in directions different from current patterns. This could further impact the Navy's operations and would almost certainly result in longer routes with increased air emissions and GHGs. The regional solution would seem to be to make the VSR as large as possible to avoid re-routing, but that same strategy only increases the probability that vessels would have to speed up outside the region to maintain schedule.

PMSA and CSA support voluntary and incentive based programs that yield environmental benefits, and are happy to encourage our members to participate in any comprehensive and beneficial voluntary incentive VSR program that might be proposed. But PMSA and CSA are also opposed to any regional regulatory requirements on international shipping. It is our position that uniform regulations should be imposed at the highest possible levels, international or federal, to maintain competitive parity between California's ports and the rest of North America's ports.

Air quality is far too important and complex a public health issue to apply only a VSR as a single issue solution. Far greater emission and GHG reductions are already covered by international regulations in effect. It will take some time for the full benefits to be realized but what is clear is that the magnitude of those benefits will far exceed the potential benefits of a VSR. That is true even if a VSR could be applied to all vessels transiting in the southern California bight with the absolute assurance of no speed increases outside of the VSR zone.

PMSA and CSA were supportive of the first Pilot Voluntary Vessel Speed Reduction Program by the Santa Barbara County Air Pollution Control District, and CINMS, and we do support a second VSR program to address some key issues left unanswered. In particular, we would like to see an evaluation of the potential population of vessels and to greatly improve on the simplistic emission estimates of the first program. We also see this as an opportunity to interact with vessel crews and enlist the help in reporting whale sightings and to make suggestions on further improving the program. PMSA and CSA looks forward to working with SBCAPCD in an improved and more comprehensive program that should yield much better data both for air quality and whales.

Conclusions

Throughout the course of the MSWG process PMSA and CSA have carefully evaluated the management options discussed. We have formed our positions based on our experience and the current state of the science regarding vessel strikes on whales. We have come to the conclusion that the best strategy is one that focuses on keeping whales and vessels apart. It was on that basis that we supported the change in the Santa Barbara Channel VTSS to move the vessels further from areas where blue whales were known to conjugate. It is with the goal of keeping vessels and whales apart that we support the use of AIS messaging to inform vessels where whales are located, and allowing vessels to participate in reporting whale sightings. It is with the goal of keeping vessels and whales apart that we

support increased surveys, and the development of vessel mounted whale detection and avoidance equipment, such as infra-red cameras. And it is with the goal of keeping vessels and whales apart that we believe it would be of value to develop Best Management Practices (BMPs) to inform mariners of all measures that could reduce the risk of a vessel strike on a whale, and to allow that list of BMPs to expand over time as we develop better information.

PMSA and CSA view the MSWG report as a waypoint along the journey of reducing the risk of vessel strikes on whales. The value of any waypoint is the opportunity to measure progress and make any necessary course corrections before proceeding. We hope these comments will be seen as important course corrections prior to proceeding on this critical journey to enhance protection of these magnificent animals.

If you have questions, or need more information, please contact either of us by email at tgarrett@pmsaship.com or kmetcalf@knowships.org, or by phone at (310) 918-3535 or (202) 775-4399.

Sincerely,



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