

Sanctuary Advisory Council

CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Member/Alternate

Tourism

Kathleen Fitzgerald / Andrea Mills

Business

Capt. Richard McKenna / <vacant>

Non-Consumptive Recreation

Debra Herring / Perry Ferguson

Commercial Fishing

Bruce Steele / <vacant>

Recreational Fishing

Capt. David Bacon / Merit McCrea

Education

Maria Petuell / <vacant>

Research

Dr. Robert Warner / Dr. Mark Steele

Conservation

Linda Krop / Greg Helms

Public At-Large 1

Phyllis Grifman / Amy Spandrio

Public At-Large 2

Eric Kett / Dan Powell

Chumash Community

Jacy Ontiveros / <vacant>

National Marine Fisheries Service

Peter Fischel / Elizabeth Petras

National Park Service

Russell Galipeau / <vacant>

U.S. Coast Guard

CDR Jason Collins / LT Steve Arnwine

Minerals Management Service

Donna Schroeder / Dr. Ann Bull

U.S. Department of Defense

John Ugoretz / Walter Schobel

California Department of Fish and Game

Marija Vojkovich / Kristine Barsky

California Resources Agency

Brian Baird / Amy Vierra

California Coastal Commission

Steve Hudson / Barbara Carey

County of Santa Barbara

Dianne Black / Susan Curtis

County of Ventura

Lyn Krieger / Marilyn Miller

Channel Islands Nat'l Marine Sanctuary

Chris Mobley

Monterey Bay Nat'l Marine Sanctuary

Paul Michel / Karen Grimmer

Gulf of the Farallones Nat'l Marine Sanctuary

Maria Brown / Brian Johnson

Chair

Eric Kett

Vice Chair

Bruce Steele

Secretary

Phyllis Grifman

June 1, 2010

Lieutenant Morgan Barbieri, Project Officer
Docket Management Facility (M-30)
U.S. Department of Transportation
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue, SE
Washington D.C. 20590-0001

RE: USCG-2009-0765; Port Access Route Study off Los Angeles/Long Beach, CA

Dear Lieutenant Barbieri:

On behalf of the Channel Islands National Marine Sanctuary Advisory Council (SAC) we appreciate the opportunity to comment on the U.S. Coast Guard's (USCG) recently announced port access route study (PARS) for vessel routing measures in the approaches to Los Angeles/Long Beach and in the Santa Barbara Channel. We firmly believe that this study, which is mandated under the Ports and Waterways Safety Act (PWSA), provides an excellent opportunity to not only ensure the safe and efficient flow of vessel traffic within, and in the vicinity of, the Santa Barbara Channel but also to quantify the risk that such traffic imposes on marine wildlife, especially in and around the Channel Islands National Marine Sanctuary (CINMS).

The SAC is a diverse group of twenty-one voting members and twenty-one alternates that represent the general public, tourism, business, recreational fishing, commercial fishing, non-consumptive recreation, education, research, conservation and Chumash community interests, as well as local, State and Federal government agencies. The objective of the SAC is to provide the Sanctuary Superintendent with advice on a variety of resource management activities ranging from natural and cultural resource protection to education and outreach. The SAC also provides advice to other agencies when activities carried out by these agencies affect Sanctuary resources. The SAC looks forward to working with the USCG throughout the PARS process. It is stipulated in the PWSA that the USCG "take into account all other uses of the area under consideration (including... the establishment or operation of marine or estuarine sanctuaries and activities involving recreational or commercial fishing); and, to the extent possible, reconcile the need for safe access routes with

the needs of all other reasonable uses of the area involved.” 33 U.S.C. § 1223 (3)

Together, the Ports of Los Angeles and Long Beach form the largest port complex in the country and one of the largest in the world. As activity at the ports has increased over the past several years—in 2007, an average of 43,000 containers passed through the ports each day—so too has the number of large vessels traversing the study area. This increase in traffic, while undoubtedly good for port-related business, has resulted in impacts to the local environment such as increased air pollution, acoustic noise, and whale mortalities. The Santa Barbara Channel, with its cold, nutrient-rich waters and favorable geography, has long been recognized for its exceptional beauty and extraordinary biological diversity, and for years has played host to growing populations of large whales, including the densest seasonal population of blue whales on the planet. Injuries sustained from ship strikes have long been recognized as a major threat to the recovery of blue whales, as well as several other large whale species.

Recently a change in California air quality regulations has altered the traffic patterns of commercial ships on their approach to Los Angeles and Long Beach Ports. Last year the California Air Resources Board took an important step toward reducing air emissions—namely nitrous oxides (NOx), sulfur oxides (SOx), and fine particulate matter (PM2.5)—from large vessels by requiring ships to burn low-sulfur marine fuel when within 24 nautical miles of the coast. However, in an effort to avoid the added costs of compliance, increasing numbers of ships are bypassing the established Traffic Separation Scheme (TSS) in the Channel and are instead opting for routes that split the Northern and Southern Channel Islands, where there are no official shipping lanes. Not only does this change increase the risk of collision between ships, but it also creates conflicts with the U.S. Navy, which operates a maritime training and weapons testing range in the waters south of the Northern Channel Islands. At this time it is unclear if changes in the traffic patterns pose an increased threat to whales because there is relatively little information on whale distribution on the south side of the northern Channel Islands.

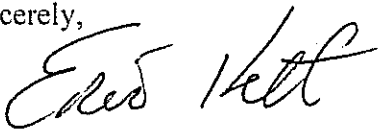
The PWSA lists “protection of the marine environment” as one of its primary legislative purposes, and the Endangered Species Act requires all federal agencies, the USCG included, “in consultation with and with the assistance of the Secretary, [to] utilize their authorities in furtherance of the purposes of this chapter by carrying out programs for the conservation of endangered species and threatened species...” 16 U.S.C. § 1536(a)(1). Thus, the SAC encourages the USCG to consider and ensure that the ultimate configuration of shipping lanes in the approaches to the Los Angeles and Long Beach Harbors not only provides vessel safety but protects the needs of large whales and other marine wildlife in and near the CINMS. Given the above we urge the USCG to consider the following:

- Consult with the CINMS staff to address potential concerns about impacts to Sanctuary resources;
- Confer with National Marine Fisheries Service and US Fish and Wildlife Service;
- Consult with other whale experts to examine all potential vessel approach options- both inside and outside the Santa Barbara Channel – and potential impacts to migrating whales;
- Address marine spatial planning concerns and potential conflicts with existing ocean uses;
- Consider potential conflicts between oil tankers and other shipping traffic to address safety issues;
- Consider the presence of oil platforms and risk of collisions;

- Examine the consequences of rule making in emission control areas that may generate potential changes in traffic behavior;
- Examine ship speeds to address concerns about whale and ship collisions;
- Examine the ability to respond to spills from vessel collisions in the study area;
- Consider the national security and Department of Defense activities in the region; and
- Examine the effect of ship speed on air quality, greenhouse gas emissions, and noise.

We thank the USCG for engaging the SAC and other stakeholders in productive discussion and look forward to working closely with the USCG throughout the PARS process. Thank you for your consideration of our comments*. Please feel free to contact us if we can answer any questions or provide additional information.

Sincerely,



Eric Kett, Chair
Channel Islands National Marine Sanctuary Advisory Council

cc: Chris Mobley, Superintendent, NOAA Channel Islands National Marine Sanctuary
William Douros, Director, West Coast Region, NOAA Office of National Marine Sanctuaries

Enclosure: Voting record of May 21, 2010 for Sanctuary Advisory Council motion to approve this letter.

** The SAC is an advisory body to the Sanctuary Superintendent. The opinions and findings of this letter do not necessarily reflect the position of the Sanctuary and the National Oceanic and Atmospheric Administration.*

Enclosure: Voting Results

Below are the May 21, 2010 voting results of a Sanctuary Advisory Council motion to send a comment letter to the US Coast Guard regarding a Port Access Route Study off Los Angeles/Long Beach, California.

<i>Name</i>	<i>Council Seat</i>	<i>Vote</i>
Kathleen Fitzgerald Andrea Mills – Alternate	Tourism	Absent for vote
Debra Herring	Non-Consumptive Recreation	Yes
Capt. Richard McKenna	Business	Absent for vote
Linda Krop	Conservation	Yes
Bruce Steele [Vice Chair]	Commercial Fishing	Yes
Capt. David Bacon Merit McCrea – Alternate	Recreational Fishing	Absent for vote
Maria Petueli	Education	Absent for vote
Dr. Mark Steele - Alternate	Research	Yes
Phyllis Grifman [Secretary]	Public At Large #1	Yes
Eric Kett [Chair]	Public At Large #2	Yes
Jacy Ontiveros	Chumash Community	Absent for vote
Peter Fischel	NOAA Fisheries	Abstain
Russell Galipeau	National Park Service	Yes
CDR Jason Collins	US Coast Guard	Abstain
Donna Schroeder - Alternate	Minerals Management Service	Abstain
John Ugoretz	Dept. of Defense	Abstain
Marija Vojkovich Kristine Barsky- Alternate	CA Dept. of Fish & Game	Absent for vote
Brian Baird Amy Vierra - Alternate	CA Natural Resources Agency	Absent for vote
Steve Hudson Barbara Carey - Alternate	CA Coastal Commission	Absent for vote
Dianne M. Black	Santa Barbara County	Yes
Lyn Krieger Marilyn Miller – Alternate	Ventura County	Absent for vote

Yes – 8

No – 0

Abstain – 4