

**Channel Islands National Marine Sanctuary  
Sanctuary Advisory Council**

**Final Meeting Notes<sup>1</sup>  
November 16, 2007**

**Robert J. Lagomarsino Visitor Center Auditorium,  
Channel Islands National Park Headquarters  
1901 Spinnaker Drive Ventura Harbor, CA**

*Note: Audio tape recordings of this Sanctuary Advisory Council (SAC) meeting are available upon request; contact the SAC Coordinator at 805-884-1464.*

**Attending:**

<u>Government Representatives:</u>	<u>Community Representatives:</u>
<u>US Coast Guard</u> Alternate      Scott Young	<u>Tourism</u> Member          Lauri Baker
<u>Minerals Management Service</u> Member          Dr. Fred Piltz	<u>Non-Consumptive Recreation</u> Member          Scott Dunn Alternate          Carolyn Greene
<u>CA Department of Fish and Game</u> Alternate          John Ugoretz	<u>Business</u> Alternate          Manny Aschemeyer
<u>CA Coastal Commission</u> Member          Steve Hudson	<u>Conservation</u> Member          Linda Krop
<u>Department of Defense</u> Member          Steven Schwartz Alternate          Walt Schobel	<u>Commercial Fishing</u> Member          Jim Marshall
<u>NOAA Fisheries</u> Member          Melissa Neuman Alternate          Elizabeth Petras	<u>Recreational Fishing</u> Member          David Bacon Alternate          Merit McCrea
	<u>Research</u> Member          Bob Warner Alternate          Bernardo Broitman
	<u>Chumash Community</u> Member          Paulette Cabugos

---

<sup>1</sup> Adopted by the Sanctuary Advisory Council on January 25, 2008.

**Absent:**

<u>Government Representatives:</u>	<u>Community Representatives:</u>
<u>National Park Service</u>	<u>Commercial Fishing</u>
Member Russell Galipeau	Alternate Bruce Steele
Alternate vacant	
<u>US Coast Guard</u>	<u>Chumash Community</u>
Member Ronald Fien	Alternate Reggie Pagaling
<u>Minerals Management Service</u>	<u>Public-At-Large</u>
Alternate Dr. Ann Bull	Member Phyllis Grifman
	Alternate John Rennell
<u>CA Resources Agency</u>	Member Eric Kett
Member Brian Baird	Alternate Matt Lum
Alternate Amy Boone	
<u>Ventura County</u>	<u>Tourism</u>
Member Lyn Krieger	Alternate Andrea Moe
Alternate Marilyn Miller	
<u>CA Coastal Commission</u>	<u>Business</u>
Alternate Barbara Carey	Alternate Capt. Manny Aschemeyer
<u>CA Department of Fish and Game</u>	<u>Conservation</u>
Member Marija Vojkovich	Alternate Greg Helms
<u>Santa Barbara County</u>	<u>Education</u>
Member Dianne Black	Member Barbara LaCorte
Alternate Michelle Gibbs	Alternate Dan Powell

Eleven of the Council's 21 voting seats were present at roll call, increasing to 14 voting seats. The total number of Council representatives (members and alternates) ranged from 16 at roll call to 19 at the peak. Seven voting seats were absent for the day: Education, both Public-at-large seats, National Park Service, California Resources Agency, Santa Barbara County, Ventura County. Public attendance varied from 5 to 15 people.

**Administrative Actions and Announcements**

The September 21, 2007 draft meeting notes were unanimously adopted as final.

**Council Member Announcements**

Melissa Neuman (National Marine Fisheries Service) explained that at the last Advisory Council meeting, Reggie Pagaling had made a request for whale bones for use in ceremony and for decoration at a recreated Chumash village site in Malibu. NMFS had some whale bones that were confiscated by NOAA enforcement and Melissa looked into how they could be loaned to the Chumash. It looks like that loan to the Wishtoyo Foundation will go through and Melissa

will announce when that happens. Melissa also announced that it looks like a notice will be released regarding potential listing of black abalone under the Endangered Species Act.

Bob Warner (Research seat) reminded the Council about the California Islands Symposium and the special session on marine reserves in February 2008. The California Islands Symposium is February 5-7 and the marine reserves session is the evening of the 7<sup>th</sup> and the 8<sup>th</sup>.

Scott Dunn (Non-consumptive recreation seat) discussed his recent first recreational fishing charter trip. He didn't have a positive experience and he didn't get much feedback on the email he sent to the SAC describing the trip from anyone, except today Capt. David Bacon said he was able to use it for some outreach to folks. Scott would like to see if it could be an item for discussion at the SAC or possibly go through Capt. Bacon's new non-profit organization or some other NGO that addresses water quality. This incident did not happen in the sanctuary but in the waters around it, and the only reason they did not go to the sanctuary was because of the weather. Also, the Coast Guard looked into the incident and provided some follow up. Finally, Scott added that the Santa Barbara Ocean Film Festival was really great, and it was the first time it was a multiple day event.

John Ugoretz (California Department of Fish and Game, CDFG) announced that CDFG has been involved in the recent San Francisco Bay oil spill and has taken a lot of resources from the Department. John encouraged everyone to attend the California Islands Symposium and the marine reserves special session.

Linda Krop (Conservation seat) announced that the Coast Guard suspended the application of the Clearwater Port LNG proposal because of the need for more information. Also, she announced that she and some other Council members had the opportunity to be on board the R/V *Shearwater* with staff from Lois Capps's office at Anacapa Island on November 2<sup>nd</sup>, the day before the National Marine Sanctuaries Act reauthorization hearing at UCSB.

Captain Manny Aschemeyer (Business seat) stated that although he recently announced his retirement he intends to remain a representative on the Council through the end of 2008. He also announced that the Marine Exchange of Southern California has also been involved in the oil spill in San Francisco, and they are learning lessons from that accident. The shipping industry is under scrutiny and this will likely have repercussions throughout the industry. There will probably be criminal investigations among other actions. Manny will keep the Council informed.

Capt. David Bacon (Recreational Fishing seat) announced that he talked to Scott Dunn about Scott's experience on a recreational fishing charter, and that he wants to try to get the industry to clean up operations by using outreach to the industry. Capt. David would like to use the email that Scott sent out for outreach purposes, and Scott indicated that would be ok with that. Capt. David received a response from the President of the Sportfishing Association of California about Scott's experience. Capt. David read this letter which indicated that some people in the industry are bad apples and that they must work to clean up the industry so that this does not taint the recreational fishing sector. Capt. David stated that on his boat he provides information on proper

behavior, such as what to do with trash. Capt. David even makes sure that cigarette butts do not go overboard and thanked Scott for bringing this bad apple situation to his attention.

Jim Marshall (Commercial Fishing seat) announced that the Abalone Advisory Group (AAG) continues to meet and discuss management scenarios for the possible re-opening of the red abalone fishery. A technical panel was formed to discuss the total allowable catch. The AAG advises the CDFG on the expenditure of the fund that was created when the fishery was in operation and they hired some experts from the east coast who have experience with modeling and addressing similar issues on the east coast. Also today, the sustainable fishing group is meeting to investigate market solutions. One issue that applies to the AAG is how the fishery will be managed if it does re-open.

Fred Piltz (Mineral Management Service) reminded the Council that he is the MMS representative to the West Coast Governors' Agreement on Ocean Health. He stated that the draft plan for the agreement is now online and comments are being accepted. They have been working hard to get that plan out. Fred and others recently went to Washington DC to brief Admiral Lautenbacher and others. They expressed a lot of support for the effort. Fred has been attending a lot of meetings on behalf of this effort and recently he was at a California Ocean Protection Council (OPC) meeting. The OPC expressed support and pledged 15 million dollars for habitat mapping. The type of habitat mapping is fine scale that can be used for MPAs, alternative energy proposals, etc. Comments on the plan are due Dec 1, 2007 and the final will come out in 2008. MMS has published in the Federal Register a notice for request for proposals for demonstration projects on alternative energy. Fred stated that it is unlikely to be wind projects, but more likely to be wave energy. Fred also announced that MMS recently published a final programmatic alternative energy EIS.

Scott Young (U.S. Coast Guard) announced that the Coast Guard has sent two representatives to the meeting today. They are attending and the decision will be made soon as to who will be the SAC representatives. Scott had no further information about the oil spill.

Elizabeth Petras (National Marine Fisheries Service) announced that NMFS has received a petition to list pacific loggerhead turtles as endangered and a petition to add critical habitat for leatherback turtles. The area that is included in the gill net closure is included in this habitat. It is currently under 90-day review. Also, Elizabeth announced that the marine mammal stock assessment for 2008 is coming out soon, and she can share the link when it is available.

Carolyn Greene (Non-consumptive recreation seat) commented that the Channel Islands Naturalist Corps volunteers are a presence on the islands and many volunteers are retired and have flexible schedules and are eager to learn more. She asked that Council members please consider how these volunteers might help at various public events. Mike can get the notices out on the volunteers' email list serve. Carolyn also announced that the gray whale season kicks off soon in December and officially begins the day after Christmas. In regards to the issue of debris from boats, Carolyn is out on the water a lot and sees a lot of balloons. She expressed dismay at how much debris comes from the mainland, in addition to what comes from boats.

## **Administrative Announcement**

Mike Murray announced that nine Advisory Council seats are coming open for recruitment. The seats are: Education member and alternate, Chumash Community member and alternate, Recreational Fishing member and alternate, Tourism alternate, and two Public-at-large alternates. Emails will be distributed soon and current members are welcome to reapply.

## **Superintendent's Report:**

Chris Mobley highlighted several items contained in the printed report (distributed to SAC members in advance and now available on the CINMS web site here:

<http://www.channelislands.noaa.gov/sac/super.html>).

Chris also highlighted three recent items that were not in the report.

- Gary Davis retirement dinner is the evening of November 16 and he is celebrating 42 years of service including starting marine monitoring programs in National Parks.
- The oil spill in San Francisco is affecting Gulf of the Farallones National Marine Sanctuary and Monterey Bay National Marine Sanctuary. Staff from those sites are very involved in activities that include damage assessment. In addition, Bob Schwemmer, CINMS Maritime Heritage Coordinator, is assisting.
- A hearing for the reauthorization of the National Marine Sanctuary Act was held at UCSB on November 3, 2007. Dianne Black was a witness and addressed what the Advisory Council does.

## **Updates and Presentations on Blue Whale Deaths**

Presentations and reports were provided by Natalie Senyk (CINMS), Michelle Berman (Santa Barbara Museum of Natural History), Sean Hastings (CINMS), with comments from Elizabeth Petras (NMFS), Captain Manny Aschemeyer (Marine Exchange of Southern California).

Todd Jacobs, CINMS Deputy Superintendent, provided a general introduction to the session, summarizing the types of activities that the Sanctuary had been involved in since the blue whale deaths were first reported (coordination with NMFS and the Santa Barbara Museum of Natural History, providing data to partners, arranging overflights, monitoring ship speeds), and thanking many partners.

**Natalie Senyk**, CINMS Science Advisor, provided a presentation (available upon request) about Sanctuary response activities. Natalie began by showing maps showing where and when the stranded blue whale sightings came into our area, and then described how CINMS used GIS, aircraft and data from Automated Identification System (AIS) ship transponders. Natalie described the role of key partners in response efforts, including the US Coast Guard and Department of Fish and Game, both of which were essential to getting aircraft deployed for whale survey flights. Natalie showed various maps of composite sightings of blue whales observed in the Santa Barbara Channel, noting their proximity to the shipping lanes and showing comparisons with sightings from previous years. Natalie was careful to note that the sightings data, while useful, are not comprehensive and conclusive. Bob Warner added that weighting the

sightings data could help address some of its limitations. Natalie also explained some of the AIS data that Sanctuary staff have been reviewing, such as ship speeds in the Santa Barbara Channel.

**Michelle Berman**, Assistant Curator and Marine Mammal Stranding Coordinator with the Santa Barbara Museum of Natural History, provided a presentation (available upon request) about the Museum's role in responding to the recent stranded blue whales.

Michelle began with a review of blue whale stranding history in California since 1980, and a summary of known ship strikes in southern California. Other charts that Michelle reviewed included ship strike charts showing strike locations and effects on whales (mortality, injury, or unknown), and a timeline review of the blue whale strandings in September 2007. Michelle also used maps to show sighting locations for the stranded whales, drift routes, and landing sites.

Through a series of photo slides, Michelle explained the condition of the first blue whale that was worked on by Museum staff after it landed near Faria County Park in Ventura. Michelle provided even more detail on the second stranded blue whale, taking the Council through the details of the necropsy operation, including logistics, crowd management, and media relations. She explained how the ship strike cause of death was confirmed.

Michelle also explained domoic acid and the effects it can have on marine mammals, and reported that tests for the presence of domoic acid indicated that it was not present. Michelle also discussed the possibility of hearing damage, and explained that no sign of hemorrhaging near the ear was seen. She also commented on the Navy's recent mid-frequency sonar activities in southern California, noting that it probably would not interfere with blue whales (but low frequency sonar could).

Michelle mentioned a long list of organizations and individuals that were deserving of thanks for their help in responding to the strandings.

**Elizabeth Petras** with the NMFS Office of Protected Resources explained that the incident was declared by NMFS as a UME, or Unusual Mortality Event, and that the designation allowed some resources to become available to help with response activities such payment for necropsy tests. Elizabeth also mentioned that 1,384 is the current population estimate for this stock of blue whales.

**Captain Manny Aschemeyer**, Executive Director of the Marine Exchange of Southern California, described the efforts made by his organization and the shipping industry to respond to the blue whale deaths. Capt. Manny explained that the big ships using the Santa Barbara Channel are can be traveling as fast as 26 knots at full bore, and they have bulbous, blunt bows.

Capt. Manny explained how email, radio, AIS messaging, and other methods were used to reach ship captains to warn them of the situation, and commented that he feels they had 100% coverage. Incoming vessels (to LA/Long Beach) were reporting that they were getting the word about the blue whales while they were north of Point Conception. Capt. Manny also mentioned that the whale sighting maps produced by CINMS were very helpful.

Capt. Manny also explained how Department of Homeland Security rules, enforced with zero tolerance for violations, severely penalize ships that arrive at port more than 6 hours later than their reported 96-hour estimated time of arrival. Due to the possibility of encountered whether issues or facing mechanical problems, some ships find they must run at full bore as they approach the port (and transit CINMS and the Santa Barbara Channel) to avoid being late and getting penalized. Capt. Manny suggested that while some ships were observed to have slowed down after the 10-knot speed recommendation began being posted, other ships that did not slow down were probably up against their 96-hour late window and made a decision to keep moving quickly. Ships that received earlier notice about the 10-knot speed recommendation were able to adjust the 96-hour ETA that they provided such that they could slow down in the Santa Barbara Channel and still stay on schedule for Homeland Security purposes.

### **Questions and Discussion**

Bob Warner commented that there does not seem to be good data available on all the areas that blue whales use in our region. Chris Mobley agreed and said that efforts can be made to normalize various data to get a better picture.

Elizabeth Petras said she could share a report from NMFS on results from line transect surveys of marine mammals in the area.

Fred Piltz asked Natalie if any regular whale survey efforts had been in operation, to which Natalie said that the Sanctuary's Aerial Monitoring and Spatial Analysis Program (SAMSAP) has been surveying marine mammals around the Sanctuary for several years.

In response to questions from Caroline Greene, Michelle Berman stated that whale experts John Calambokidis and Bruce Mate have said they do not feel there were more whales present this year in the Santa Barbara Channel.

In response to a question from Caroline Greene about what legal requirements might be triggered by this, Elizabeth Petras explained that under the ESA a Section 7 consultation applies to federal actions, and it isn't clear that there is one in this case. Melissa Neuman added that perhaps shipping companies might need to receive ESA Section 10 incidental take permits, but she wasn't certain if that is actually the case.

Captain Manny Aschemeyer, responding to earlier public comments, noted that ships don't arbitrarily discharge their bilges because the penalties for doing so are severe.

Bernardo Broitman suggested that perhaps something like a whale "weather report" could be created that would communicate the status of whales in the area. Then, he suggested, that if a certain level is exceeded, then warning or ship slowdowns could be triggered.

Bob Warner, noting that routing ships outside the Channel Islands would obviously create a benefit to air and water quality, and a reduction in noise, asked if such a change would even be possible. There was no direct response provided, but Sean Hastings said that the Sanctuary is interested in slowing down to look at all of the available information first before moving to policy solutions. Todd Jacobs added that we, at the Sanctuary, don't have any particular

preference for or assumptions about particular solutions going into this, but rather would want the process to help find workable solutions.

Sean Hastings asked the Advisory Council if they would be supportive of forming a Subcommittee that could work with staff to develop a proposal for how the SAC might take on this issue. Sean suggested that ideal SAC Subcommittee members would include NMFS, the Coast Guard, Captain Manny, the SAC Chair, SAC Vice Chair, Bob Warner (Research), and Steve Schwartz (Navy). Acting Chair Linda Krop asked for a straw poll showing of hands in support for forming such a subcommittee, and the result was unanimous support among voting representatives present.

### **Public Comments** (morning)

Dan Pearson from the Point Mugu Wildlife Center stated that he was very distressed about the blue whale deaths. He recalled when there were more whales in the ocean and stated that the population is in trouble. He stated that he would like to learn more about the process of moving the shipping lanes as was done on the East Coast.

Shiva Polefka from Environmental Defense Center expressed concern for ship strikes and blue whale deaths. He stated that large ships cause underwater noise, air pollution, and ship strikes. The Conservation Working Group of the Sanctuary Advisory Council is interested in a collaborative effort to permanently reduce ship speed in the Santa Barbara Channel. Shiva stated that there is published literature that suggests slower ships are quieter, safer, and cleaner. Shiva looks forward to working with the Council on this.

Jessie Altstatt from the Santa Barbara Channel Keeper announced that she had learned about a water trail that was put in Chesapeake Bay to commemorate Captain John Smith's historic journey. The water trail is marked by interpretative buoys which provide information, web site links, phone numbers, and podcasts. Jessie thinks this would be a great idea for the Sanctuary to inform the public about habitats, such as eelgrass, or in special areas such as marine reserves. Jessie brought some information about the effort and provided it to sanctuary staff. Jessie stated that the project in the Chesapeake Bay was a collaborative effort between National Parks, NOAA, and other organizations. Jessie also added that she was informed of a small amount of spilled oil, approximately three or four barrels, which spilled from Platform Hondo and for which response teams had been mobilized.

Jim Hensley expressed dismay for the condition of the air and water quality of the coastal area and asked why we can't get the shipping lanes moved, and why we can't get the transport of bunker fuel out of the channel.

Michelle Berman stated that there are published reports that indicate impacts to whales by ships traveling at 10-19 knots result in injury, over 20 knots results in mortality, and no injury is

observed below 10 knots. Michelle thanked Capt. Manny Aschemeyer for his effort in getting the word out about ship speed.

Ingrid Overgard introduced herself as the director for Seaflow, a non-profit organization based in Marin County. She stated that she came down to the area to learn more about the ocean noise issue. The oil spill in San Francisco has affected her beach and she views the container ships as a threat to resources. She would like to open a dialogue between northern and southern California on anthropogenic noise in the ocean.

## **Presentation on Supplemental Proposed Action regarding Large Vessel Sewage and Graywater Discharge**

Mike Murray, CINMS Management Plan Coordinator, provided a summary presentation about the forthcoming release of a Supplemental Notice of Proposed Rulemaking and Supplemental Draft Environmental Impact Statement (SNPR/SDEIS) pertaining to the issue of large vessel discharges of sewage and graywater.

Mike began by reminding Council members that there were three regulatory alternatives that had been presented in the Draft EIS previously released, which he summarized as follows:

### Status Quo (No Action) Alternative

- Regulations on: oil & gas, discharging & depositing, altering the seabed, nearshore operation of vessels, disturbing seabirds & marine mammals by aircraft, impacts on historical resources, DOD activities

### Proposed Action

- Regulates same types of activities as Status Quo, plus: mineral activities; abandoning materials; taking and possessing marine mammals, sea turtles, or seabirds; tampering with signs; introduced species; operation of motorized personal watercraft; DOD activities
- Removes outdated language and requirements found in Status Quo
- Sewage discharges must be treated, exception for graywater discharges
- Provides size limit for prohibited nearshore operation of vessels (300 GRT or more)

### Alternative 1

- Regulates same types of activities as Proposed Action, plus lightering
- Prohibits all sewage discharges from vessels 300 GRT or more, exception for graywater discharges (all vessels)
- Provides size limit for prohibited nearshore operation of vessels (150 GRT or more)

Mike then explained the types of comments that had been received on the DEIS which related to the discharge regulation and the issue of large vessel discharges, summarized on his slides as follows:

- Adopt the stricter discharge regulation under Alternative 1
- Prohibit cruise ship discharges in Sanctuary waters
- Implement SAC water quality recommendations, including prohibiting cruise ship discharges

- Proposed exception for graywater discharges is inconsistent with the California Clean Coast Act
- To be found consistent with California's Coastal Management Program NOAA must revise the proposed discharge and deposit regulation to prohibit vessels of 300 GRT or more from discharging sewage or graywater into the waters of the Sanctuary.

Mike noted that commenters that contributed these points were: Channel Islands National Park, California Resources Agency, California State Water Resources Control Board, California Coastal Commission, Bluewater Network, Santa Barbara Channelkeeper, Environmental Defense Center, Sanctuary Advisory Council, SAC Conservation Working Group

Mike explained that following receipt of these comments, the NMSP:

- determined that the range of alternatives needed to be modified to better address potential impacts of sewage and graywater discharges from large vessels (300 GRT or greater)
- developed a Supplemental Draft Environmental Impact Statement (SDEIS) to supplement and where indicated to replace information contained in the May 2006 DEIS

Addressing the question of why action should be taken, Mike summarized the NMSP's views on the need for action as:

- To prevent potentially harmful effects of large-vessel sewage and graywater discharges on Sanctuary resources and qualities.
- To take a risk-averse approach that will maintain water quality and resource protection while still allowing for continued large vessel use of and transit through Sanctuary waters.
- To make the Sanctuary regulations in state waters consistent with the standards of the California Clean Coast Act.

Mike then highlighted a variety of information contained within the SDEIS related to oceangoing ship traffic in and around CINMS:

- In 2006, about 6,980 large vessels (e.g., container ships) going to or coming from LA/Long Beach transited the Santa Barbara Channel and CINMS (McKenna 2007)
- The containerized trade at LA/Long Beach grew 150 percent from 1990 to 2002 (Port of Long Beach 2003)
- The Los Angeles Port Authority plans to expand capacity of the harbor by 100 percent by the year 2020, which will increase both the number and size of the vessels that use the Santa Barbara Channel (Port of Long Beach 2003)
- In 2006, 410 cargo vessels docked at Port Hueneme, the deep-water international port closest to the Sanctuary, (Oxnard Harbor District 2007)
- Oceangoing ships have crew sizes ranging from five to fifty people
- The average container ship that travels at 25 knots would spend less than one hour in Sanctuary waters when using the northwest-bound TSS lane (~18 nmi), and approximately one-and-a-half hours when using the southeast-bound TSS lane (~37 nmi)

Mike then highlighted a variety of information contained within the SDEIS related to cruise ship traffic in and around CINMS:

- While cruise ships have stopped in the Sanctuary in the past (and the cruise line industry could do so again in the future), they are not presently known to stop in the Sanctuary
- SAMSAP observations demonstrate that cruise ships do use the TSS
- Between 2002 and May 7, 2007 Santa Barbara received eight cruise ship visits from six different cruise ships (Santa Barbara Waterfront Department 2007, personal communication with B. Slagle), they ranged in size from 16,927 to 116,000 GRT, and carried between 296 and 3,700 people on board.
- The overall growth trend in the cruise industry could yield increased cruise ship traffic through the Santa Barbara Channel, and consequently the Sanctuary.
- Given that cruise ships travel at between 15 to 20 knots, they should only be in Sanctuary waters for approximately one hour when transiting north in the TSS (~18 nmi), and approximately two to two-and-a-half hours when transiting south in the TSS (~37 nmi).

Mike then explained some of the factors concerning large vessel discharges of sewage that concern the NMSP:

- Most large vessels use Type II marine sanitation devices (MSDs), which are designed to treat sewage
- Sewage holding tank capacities for large vessels are highly variable
- Large cruise ships produce between a low of 5-7 gallons of sewage per person per day, to a high of 17 gallons per person per day (EPA 2006c, d, e, f)
- Alaska studies have shown high rates of failure in the ability of conventional MSDs to meet legal discharge standards (Alaska Department of Environmental Conservation 2004)
- Monitoring and testing of MSD discharges (outside of Alaska) is not legally required, so reductions in treatment effectiveness may go undetected
- Treated sewage discharges increase concentrations of nitrogenous wastes and other chemicals that could affect the Sanctuary food web

Mike then explained some of the factors concerning large vessel discharges of graywater that concern the NMSP:

- Graywater can contain a variety of substances including (but not limited to) detergents, oil and grease, pesticides and food wastes (Eley 2000)
- Many of the chemicals commonly found in graywater are known to be toxic (Casanova *et al.* 2001)
- Alaska studies found levels of fecal coliform and total suspended solids in cruise ship graywater that exceeded the federal standards for Type II MSDs (Alaska Department of Environmental Conservation 2001)
- Large cruise ships typically generate 50 gallons of graywater per person per day. The average large cruise ship with 2,500 passengers and crew onboard produces 211,200 gallons of wastewater per day, and 90 – 95% of this is graywater (Alaska Department of Environmental Conservation 2004a).
- Graywater holding tank capacities for large vessels are highly variable, and data on these capacities have only recently begun to be collected.
- Graywater is not required to be treated or monitored

Mike described some basic concepts of the SDEIS:

- NOAA's SDEIS proposes Sanctuary regulation of graywater and sewage discharge from large vessels (300+ GRT)
- NOAA's SDEIS will give consideration to the fact that some older ships still cannot retain graywater and currently receive an exception under state law
- Pending NOAA approval, the SDEIS will propose a modified discharge regulation that would, in effect, prohibit graywater and sewage discharge from large vessels, except for graywater from large vessels that do not have the capability to retain it.
- If implemented, the following impacts are expected:
  - o beneficial impacts on the Sanctuary's physical, biological, esthetic, and recreational resources
  - o less than significant adverse socioeconomic impacts to operators of large vessels (based largely on the small amount of time large vessels spend within CINMS)
  - o no adverse socioeconomic impacts on other Sanctuary users.

Mike then described some basic concepts of the Supplemental Proposed Rule, noting that it will:

- Will be published in the Federal Register
- Will show how NOAA is proposing to modify the Proposed Rule published in May 2006

Finally, Mike described next steps in the process, as follows:

- NOS, NOAA and Department of Commerce grant clearance for public release of the SDEIS / Supp. Proposed Rule (December?)
- Public Release (SAC members to receive hard copy)
- 45 day (or possibly longer) public review/comment period
- Sanctuary Advisory Council comments at upcoming meeting
- Sanctuary staff address public and agency comments on the SDEIS
- NOAA will decide on final regulations
- Sanctuary staff make any necessary adjustments to the Final Management Plan / Final EIS
- Final Management Plan and Final EIS completed and released

An Advisory Council discussion followed the presentation:

In response to a question about whether the sanctuary can take action on discharge activities just outside the sanctuary, Mike stated that the sanctuary does not directly have such jurisdiction. He did mention, however, that EPA has authority to designate areas as No Discharge Zones. Mike also explained that the still-pending modification to the Sanctuary's discharge regulation would allow for the possibility that a discharge which originates outside the Sanctuary could be treated as a regulatory violation if NOAA could prove that the discharge entered and injured sanctuary resources.

In response to a question about what is being done to manage air pollution from ships, Mike responded that other agencies have jurisdiction over ship-generated air pollution.

In response to a question about tracking cruise ship traffic, Mike stated that the Sanctuary now has access to data from Automated Identification System transponders, which all large ships are required to have. The AIS data, he explained, can provide information on the frequency, heading, speed, and other aspects of cruise ships and other large vessel traffic.

A question was asked about coordination with Senator Boxer, who is interested in the effects ships are having on ocean resources. Mike responded that CINMS had not been contacted by Senator Boxer's office.

## **Lost Fishing Gear Removal/Recovery Project: Request for Council Letter of Support**

Mike Murray explained that Kirsten Gilardi with the SeaDoc Society is asking for a Council letter of support for her grant application to the California Wildlife Conservation Board (CWCB). The proposed draft letter, which was provided to all Council members, describes her previous work within the Sanctuary and drew upon language from a similar March 2007 SAC letter supporting her work.

Bob Warner asked if it was known what Kirsten's grant proposal would be competing against. Mike responded that we don't know, but we have heard that it is the only marine-related proposal the CWCB has considered. John Ugoretz also commented that the proposal is very unique for the CWCB, and that the California Department of Fish and Game has sent a support letter for it.

**In response to a motion from Scott Dunn for approval of the proposed letter, which was seconded by Fred Piltz, the letter was approved by a vote of 11-0.** Those voting were Scott Dunn, Fred Piltz, Melissa Neumann, Bob Warner, John Ugoretz, Steve Hudson, Linda Krop, Capt. David Bacon, Jim Marshall, Steve Schwartz, and Scott Young.

## **Agency Informational Session on Proposed Clearwater Port LNG Terminal Project**

An informational presentation was provided by Karen Ladd from Ecology and Environment Consulting Firm. Informational talks were given by Crystal Spurr of California State Lands Commission, Lt. Cmdr Peter Gooding of the US Coast Guard, and Steve Hudson with the California Coastal Commission. Melissa Neuman with the National Marine Fisheries Service (NMFS) also described the role of NMFS in project review and permitting.

**Karen Ladd** provided a power point presentation to the Council (copies available upon request). Karen explained that Ecology and Environment (EE) is working to prepare the EIS/EIR for Clearwater Port and, as such, she is here to describe the role of Ecology and Environment and the scope of the project. The role of EE is to assist the State Lands Commission in review of the project. The proposed Clearwater Port project would receive LNG, regasify the liquid and then transport the product onshore. This would require an expansion of onshore pipelines and use a new underwater pipeline. Karen displayed a map to orient the project site. She described that LNG is supercooled until it becomes a liquid and can be transported, then it can be reheated and gasified. Karen described the modifications to platform Grace that would be required to accommodate the LNG tankers, including moorings, an ambient evaporation facility and others.

**Crystal Spurr**, a staff environmental scientist with the California State Lands Commission and project manager for the state in the preparation of the EIS/EIR provided the following statement:

The State Lands Commission received an application from Clearwater Port LLC, a subsidiary of NorthernStar Natural Gas, Inc. for a pipeline right-of-way lease across state lands. [State lands include the mean high tide line on shore, waterward to 3 nautical miles]. Staff at the State Lands Commission reviewed the application and on May 23, 2007, deemed the application to be complete. The State Lands Commission's practice is to make a decision on the lease after the appropriate environmental document has been prepared. In this case, the environmental document is a combined Environmental Impact Statement (EIS), which is required under the National Environmental Policy Act (NEPA); and Environmental Impact Report (EIR), which is required under the California Environmental Quality Act (CEQA).

The State Lands Commission is the state lead agency under CEQA, and we are preparing the EIS/EIR jointly with the US Coast Guard and the US Maritime Administration. Our responsibility is to consider the whole of the proposed project, both onshore and offshore, not just on the lands within state jurisdiction.

An NOI/NOP of an EIS/EIR was distributed for a 30 day public review from September 19 through October 18, 2007. We held open houses and scoping meetings in Oxnard and Santa Clarita on October 3 and 4, 2007. The scoping meetings were intended to receive comments regarding the scope, focus and content of the EIS/EIR.

Once the draft EIS/EIR is completed, a Notice of Availability of the document and the dates and locations of any public hearings to be held to take comments on the EIS/EIR will be mailed to those on the mailing list, those that submitted comments, and the notice will be published in local newspapers. Once the comment period is finished, a Final EIS/EIR will be completed. The public will have an additional opportunity to provide comments on the environmental document before the California State Lands Commissioners once the Final EIS/EIR is completed. A notice regarding the hearing date before the Commissioners will be mailed to those on the mailing list, those that submitted comments, and the notice will be published in local newspapers.

At this time the USCG and Maritime Administration have suspended the timeline required by the Deepwater Port Act for processing the license application because of additional information required from the applicant. The agencies have submitted 428 data gap questions to the applicant and are waiting for their responses and additional information. Since the timeline has been suspended, we do not have a completion date for the Draft EIR.

**Lieutenant Commander Peter Gooding**, Chief of the Waterways Management Division at U.S. Coast Guard Sector Los Angeles – Long Beach read the following statement:

#### **Introduction**

It is my pleasure to be with you this afternoon to discuss the Coast Guard's role in providing for the safety and security of proposed Deepwater Liquefied Natural Gas (LNG) port and associated LNG vessels.

The Commander of Sector Los Angeles – Long Beach is responsible for the navigable waters that stretch from the Orange County/San Diego County Line to the San Luis Obispo/Monterey County Line and performs several functions including Captain of the Port to ensure safe navigation. The

Sector Commander is also the Federal Maritime Security Coordinator, Officer in Charge of Marine Inspections, and Federal On-Scene Coordinator for environmental response.

As the Federal Government's lead agency for Maritime Homeland Security, the Coast Guard plays a major role in ensuring all facets of marine transportation of LNG, including LNG vessels and deepwater ports, are operated safely and securely, and that the risks associated with the marine transportation of LNG are managed responsibly. Today, I will briefly review the applicable laws and regulations that provide our authority and the requirements for the safe and secure operation of LNG vessels and deepwater ports and also cover the application process.

#### **Deepwater Port Application Process:**

The Maritime Administration and the United States Coast Guard (USCG) were delegated joint responsibility by the U.S. Secretary of Transportation for processing deepwater port license applications. The Secretary of Transportation has delegated to the Maritime Administrator the authority and responsibility to issue deepwater port licenses.

Congress mandated that a deepwater port application be processed 330 days from the first publication in the Federal Register. However, if during the processing of an application, the Coast Guard or MARAD needs more information to complete or environmental impact analysis, we can stop the clock, similar to what we have done currently with the Clearwater Port project.

The Maritime Administration, when determining whether to issue a deepwater port license, looks at:

- The applicant must be financially responsible.
- The applicant is able to comply with relevant laws, regulations, and license conditions.
- The deepwater port is in the national interest and consistent with national security, energy sufficiency and environmental quality policy goals.
- The deepwater port should not unreasonably interfere with international navigation.
- The deepwater port will be constructed and operated to prevent or minimize adverse impact on the marine environment.
- The deepwater port will comply with national environmental laws.
- There must be in place an approved coastal zone management program.
- The Secretaries of the Army, State, and Defense were consulted and the effect on their programs considered.
- Whether the Governor of the adjacent coastal state (in this case California) approves or has presumed to approve the deepwater port.

At Coast Guard Headquarters, the Deepwater Ports Standards Division (CG-5225) is responsible for developing and maintaining regulations and standards for deepwater ports, and processing deepwater port license applications. The Maritime Transportation Security Act of 2002 (MTSA) amended the Deepwater Port Act (DWPA) of 1974, 33 United States Code 1501, et seq., to include natural gas. This allowed for the construction and operation of offshore facilities to import and process natural gas for distribution through the country's pipeline infrastructure.

Activities the Deepwater Ports standards division is involved in:

- Developed and updates the regulations for deepwater ports, 33 Code of Federal Regulations Subchapter NN
- Develops Interagency Memorandums of Understanding, Memorandums of Agreement, and Cooperating Agreements among Federal and State Agencies for licensing deepwater ports
- Manages the development of Environmental Impact Statements for compliance with the National Environmental Policy Act of 1969 (NEPA) for deepwater port license applications
- Coordinates interagency review of and public comment to deepwater port license applications

- Develops guidance for oversight of post-licensing activities associated with the development of deepwater ports including the design, construction, and activation phases, environmental monitoring programs, operational procedures, risk assessments, security plans, safety and inspections.

I will now discuss some of those roles the Coast Guard plays in pre- and post- licensing.

### **LNG Vessel Safety**

Today, there are over 200 LNG vessels operating worldwide and another 100 or so under construction. While there are no longer any US flag LNG vessels, all LNG vessels calling in the U.S., including at a Deepwater Port, must comply with certain domestic regulations in addition to international requirements. Our domestic regulations for LNG vessels were developed in the 1970s under the authority of the various vessel inspection statutes now codified in Title 46 United States Code. Relevant laws providing the genesis for LNG vessel regulation include the Tank Vessel Act (46 U.S.C. 391a) and the Ports and Waterways Safety Act of 1972, as amended by the Port and Tanker Safety Act of 1978 (33 U.S.C. 1221, *et seq.*). Regulations located in Title 46, Code of Federal Regulations (CFR) Part 154, "Safety Standards for Self-Propelled Vessels Carrying Bulk Liquefied Gasses," specify requirements for the vessel's design, construction, equipment and operation. Our domestic regulations closely parallel the applicable international requirements, but are more stringent in the following areas: the requirements for enhanced grades of steel for crack arresting purposes in certain areas of the hull, specification of higher allowable stress factors for certain independent type tanks and prohibiting the use of cargo venting as a means of cargo temperature or pressure control.

All LNG vessels in international service must comply with the major maritime treaties agreed to by the International Maritime Organization (IMO), such as the International Convention for the Safety of Life at Sea, popularly known as the "SOLAS Convention" and the International Convention for the Prevention of Pollution from Ships, popularly known as the "MARPOL Convention." In addition, LNG vessels must comply with the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, known as the "IGC Code."

Before being allowed to trade in the United States, operators of foreign flag LNG carriers must submit detailed vessel plans and other information to the Coast Guard's Marine Safety Center (MSC) to establish that the vessels have been constructed to the higher standards required by our domestic regulations. Upon the MSC's satisfactory plan review and on-site verification by Coast Guard marine inspectors, the vessel is issued a Certificate of Compliance. This indicates that it has been found in compliance with applicable design, construction and outfitting requirements.

The Certificate of Compliance is valid for a two-year period, subject to an annual examination by Coast Guard marine inspectors, who verify that the vessel remains in compliance with all applicable requirements. As required by 46 U.S.C. 3714, this annual examination is required of all tank vessels, including LNG carriers.

### **LNG Deepwater Ports Safety and Security**

While conventional crude oil DWPs have been in operation around the world for many years, LNG DWPs were allowed when the Deepwater Port Act was amended in 2002. Currently, there is only one in operation, off the coast of Louisiana. The Coast Guard's regulations apply a "design basis" approach, rather than mandate a series of prescriptive requirements. Under a "design basis" approach, Clearwater Port is evaluated on its own technical merits, using relevant engineering standards and concepts that have been approved by recognized vessel classification societies and other competent industrial and technical bodies.

Since September 11, 2001, additional security measures have been implemented, including the requirement that all vessels calling in the U.S. must provide the Coast Guard with a 96-hour advance notice of arrival (increased from 24 hours advance notice pre-9/11). This notice includes information on the vessel's last ports of call, crew identities and cargo information. This notice is also required before a vessel can call on a deepwater port. From this information, the Coast Guard runs it through various intelligence databases to ensure the crew does not pose a threat to the deepwater port. If a vessel does not provide the 96 hour advance notice of arrival, it will not be able to arrive at the deepwater port until it meets that requirement.

From this information, the Captain of the Port reviews the vessel's history and conducts his/her own risk assessment to determine if the vessel should be boarded at-sea, where Coast Guard personnel would conduct special "security sweeps" of the vessel and ensure it is under the control of proper authorities before it is allowed to moor with the Deepwater Port and offload its cargo.

In addition to the requirement to provide the 96 hour advance notice of arrival, every SOLAS certificated vessel is required to carry an Automatic Identification System (AIS). This system gives the vessel's name, course, speed and location on the waterway. We then compare this AIS signal to the radar coverage and ensure that the vessel is transiting as we would expect.

Of course, one of the most important post-9/11 maritime security improvements has been the passage of the Maritime Transportation Security Act of 2002 (MTSA). Under the authority of MTSA, the Coast Guard developed a comprehensive new body of security measures applicable to vessels, marine facilities and maritime personnel. Our domestic maritime security regime is closely aligned with the International Ship and Port Facility Security (ISPS) Code. The ISPS Code, a mandatory requirement of the SOLAS Convention, was adopted at the IMO in December 2002 and came into effect on July 1st 2004. Under the ISPS Code, vessels in international service, including LNG vessels, must have an International Ship Security Certificate (ISSC). To be issued an ISSC by its flag state, the vessel must develop and implement a threat-scalable security plan that, among other things, establishes access control measures, security measures for cargo handling and delivery of ships stores, surveillance and monitoring, security communications, security incident procedures, and training and drill requirements. The plan must also identify a Ship Security Officer who is responsible for ensuring compliance with the ship's security plan. The Coast Guard rigorously enforces this international requirement by evaluating security compliance as part of our ongoing port state control program.

Another requirement under ISPS and MTSA is for LNG carriers to have a ship security alert system. This is a hidden button that only the crew of the vessel knows that, if triggered, sends a radio signal that the vessel is involved in a Transportation Security Incident, which the Coast Guard has a predetermined response to this signal.

In order to ensure the deepwater port is protected from external attack, the Coast Guard's DWP regulations require that all LNG DWPs develop and implement a security plan that, at a minimum, addresses the key security plan elements provided in Title 33 CFR Part 106, "Maritime Security: Outer Continental Shelf Facilities." A risk and consequence analysis is completed as part of the risk mitigation strategy. Based on the results of the risk analysis, port security measures are developed between the applicant and the Coast Guard local Captain of the Port that represent operational requirements and security procedures the operator will have to follow as a condition of their license. The Captain of the Port has the option of utilizing additional assets as deemed appropriate. In addition, the deepwater port must have a person in charge of port operations who maintains radar surveillance of the deepwater port and the area to be avoided. No port operations would be permitted

unless and until the local Federal Maritime Security Coordinator is satisfied the facility can operate in a safe and secure manner.

Furthermore, the DWP regulations allow for the adjacent coastal state, in this case California, to petition the Captain of the Port to require the licensee to amend their operations and security plan if they have failed to address any hazardous items.

The basis for the operations and security plan is the Independent Risk Assessment (IRA) that is done during the environmental review. The purpose of this work is to develop a stand alone technical report on the potential risks to the public from the proposed project, in this case Clearwater Port, based on a large scale release of LNG. The primary objective of the IRA is to assess impacts to humans and property not associated with the DWP from an event(s) that compromises LNG containment.

For the Clearwater Port project, a third party assessment of the IRA was conducted by Sandia National Laboratories and will be included in the Draft EIS/EIR. The third party assessment was conducted in response to Sandia's 2004 report "Guidance on Risk Analysis and Safety Implications of a Large Liquefied Natural Gas (LNG) Spill Over Water". The IRA included Sandia's recommendations and mitigation measures were developed from the IRA. These mitigation measures will then be incorporated into the development of the operation and security plans for Clearwater Port.

Thank you for giving me this opportunity to discuss the Coast Guard's role in LNG safety and security and our relationships with other stakeholder agencies.

**Steve Hudson**, Council representative from the California Coastal Commission stated that he had hoped to have the head of the Coastal Commission's Energy Unit at the meeting, but because of a budget freeze he could not make it. Steve summarized the Coastal Commission approvals that are needed, and timelines.

Steve stated that the proposed project will require a Deepwater Port Act approval from the Governor of California, a lease of state lands from State Lands Commission, and a consistency determination from the Coastal Commission. The Coastal Commission can not approve the project without the approval of Governor. The Coastal Zone Management Act (CZMA) provides states with authority for regulation of activities in state waters. Northern Star energy has filed a notice of intent. At the conclusion of Maritime Administration (MARAD) hearings, the clock starts for the governor's deliberation for 45 days. During that time the Coastal Commission will review and act so as to inform the Governor before his decision. The standards for review are consistency with the state's Coastal Act. The Commission can concur, object, or conditionally concur. Beyond that, coastal development permits would be needed, which would require Coastal Commission evaluation against local coastal plans in Ventura and possibly Santa Barbara counties.

**Melissa Neuman** with the NMFS Office of Protected Resources, described how her office had reviewed and commented on an early draft of the Clearwater Port application. Issues that had been raised in that review, she said, included the protected species list for the project area, noise disturbance to marine mammals, marine mammal ship strike risk, pipeline impacts to white abalone. Melissa also mentioned that NMFS had commented on fishery issues. Melissa noted

that she did not see that the NMFS comments had been addressed in the second draft of the project proposal application.

### **Questions and Discussion**

Following the agency talks, Sean Hastings added that the Sanctuary had also commented along with NMFS on the Clearwater Port application, raising questions related to possible noise impacts, light impacts to seabirds, and shipping traffic. He added that a decision will be made in the future as to whether or not formal federal agency consultation with the Sanctuary Program would be required pursuant to the National Marine Sanctuaries Act.

Captain David Bacon asked if the project site area would be closed to fishing. LCDR Peter Gooding replied that such an area would likely be designated an Area To Be Avoided, and as such could have flexibility with regard to access and use.

Chris Mobley asked how long it would take to offload a laden LNG tanker. Karen Ladd responded that it would be about 59 hours.

Linda Krop asked about who would assume responsibility for Platform Grace. Fred Piltz responded that ultimately the USCG/MARAD would have to take over. Scott Dunn asked who would assume responsibility for platform decommissioning, to which Fred was not certain how that would be handled by USCG/MARAD.

Chris Mobley asked if sea water is used for warming the LNG. Karen Ladd responded that ambient air is used for warming, not sea water.

Sean Hastings asked where a second vessel would wait while a first vessel is being offloaded. LCDR Peter Gooding responded that it would wait much further offshore, and that arrivals would be scheduled to avoid overlap and offloading delays.

Melissa Neuman asked how the undersea pipeline would be installed, and if it would avoid rocky substrate. LCDR Peter Gooding responded that it would be laid on the seafloor until about the last 2 miles approaching the coast, where it would be buried. Billy Owens, Vice President with NorthernStar, responded that the pipeline route was selected, in part, because of the sandy substrate.

Linda Krop asked how the public can follow along and comment. LCDR Peter Gooding responded that on regulations.gov the public can look up federal docket number 28676 to access about 300 documents that have been posted. He added that even though the scoping period has closed, the Coast Guard will still accept and review written comments.

Bernardo Broitman commented that before offering comments on the project, more information would be helpful, such as species and habitats in the project area.

Final discussion lead to the understanding that the Council would like to offer comments on the project, when documents become available for review and comment, and that the Council's comments might be best sent to Chris Mobley.

## **Update on Marine Reserves Process and Implementation**

John Ugoretz explained that the Fish and Game Commission had recently filed the final package to fill the gaps between the state and federal marine reserves with the Office of Administrative Law, and that no delays have been identified. John mentioned that, as the Advisory Council had suggested, the Fish and Game Commission requested an expedited handling of the process, and it had been granted. The filing was made at the end of October and the results should be known soon. The Office of Administrative Law usually takes the full 30 days to review, so mid-December would be the expected time to hear about the decision.

Sean Hastings reminded the Council of the dates (the evening of February 7<sup>th</sup> and all day February 8<sup>th</sup>) and the topics (marine reserves education, enforcement, socioeconomics, and biological monitoring) for the upcoming special symposium on Channel Islands MPAs. Also, Sean stated that the updated “Protecting Your Channel Islands” brochure, the main outreach product for the reserves, is almost ready to print. It has updated maps that include the new reserve boundaries, and is awaiting going to print based on completion of the network by the state of California.

## **Public Comments (afternoon)**

Kira Redmond of Santa Barbara Channel Keeper (SBCK) stated that their organization is very concerned about the proposed Clearwater Port LNG project and how it will affect the resources of the Sanctuary. SBCK will conduct a thorough review of the project and they have hired Environmental Defense Center to do so on their behalf. They are particularly concerned about water quality and human users. They are concerned about tankers traveling through the Sanctuary about once a week and the potential collisions with marine mammals and boats. If LNG spills it could create fires. Kira strongly encouraged the Sanctuary and Advisory Council to review and comment on the project.

Mary Whitney from the Fluke Society in Carmel stated that she is looking into creating a network for the state of California to address the issue of marine debris. She asked Sanctuary staff if marine debris and entanglements is among the threats that will be addressed as a threat to marine mammals and staff responded that yes, we would. Mary then asked NMFS if marine debris is considered a threat to marine resources to that agency. Melissa Neuman responded yes and added if the fishing gear is left by a commercial fisher, an Endangered Species Act Section 7 consultation would be required.

Jim Hensley stated that LNG is a hidden agenda and does not represent energy independence. He stated that it would be better to buy energy from Alaskan or Canadian sources rather than supporting foreign LNG projects.

Al Sanders from the Sierra Club stated that the diagrams that show the Clearwater Port project do not include the offshore county lines. Al stated that the maps need to address all the issues

that have been brought up today. The maps should include species' distribution, fisheries, view corridors, and these should be available on line. Al said that the hearing held in Santa Clarita had low attendance and there has been no meeting in Santa Barbara. The public meeting that was held in response to BHP Billiton was a very good hearing and the SAC should consider having something like that for this project. Al stated that if a meeting is held it would be good to have it in both Santa Barbara and Oxnard.

Larry Godwin introduced himself as a former physicist. Larry stated that while the Coast Guard is required to verify the financial responsibility of the company proposing the project, and the law requires the companies to demonstrate financial responsibility, there are some indications in the application that would bring this into question. Larry advised everyone to read through the document and see if that has changed. Larry also encouraged everyone to take Clearwater Port's safety numbers with a grain of salt because they are computer generated and take into account creditable threat, not the confluence of events that would bring about a "perfect storm". But you should consider the catastrophic threat of a tanker running into the islands, which would cause the whole island to ignite; a fully engulfed tanker can ignite wood from 2 miles away. Also, Larry stated that there are high population densities near the area of operation and we should consider the "perfect storm" scenario and have some outside investigators look at the safety of the project.

Shirley Godwin introduced herself as a resident of Oxnard and a member of the No-LNG Community Alliance which is opposed to all LNG projects. Shirley stated that the same consulting company, Ecology and Environment, which prepared the BHP Billiton EIS/EIR, is preparing this one for Clearwater Port. Some of the information they are using is proprietary and not open to the public and this is a concern to Shirley.

Lupe Aguillado introduced herself another member of the No-LNG Community Alliance and she encouraged the Council to have an education forum to bring together people from Ventura and Santa Barbara County. Ventura County has consistently opposed LNG with the support of the community. Lupe has enjoyed the beaches in Ventura County and sees the Grace platform from Mandalay Bay. Lupe has been to many meetings where agencies promise that effects will not be much, but still she has seen the degradation of the ocean. For example, the water seems to be getting worse. Ocean conditions affect our health as well as the health of the ocean. The quality of the ocean continues to deteriorate and she encourages young people to take up these issues.

## **Presentation on Artificial Reefs by John Ugoretz, California Department of Fish and Game**

John Ugoretz provided an informational presentation on the California Department of Fish and Game's involvement in and policies on creating artificial reefs. John made the following points in his presentation:

- What is an artificial reef? Not tires, not shipwrecks, not trash. Artificial reef means manmade or natural objects that mimic the natural environment.
- Who is responsible? The State Lands Commission, US Army Corps of Engineers, CCC, US Coast Guard, US EPA, CDFG, NOAA fisheries

- California Artificial Reef history: The first installation took place in 1958 with the construction of Paradise Cove reef in Santa Monica Bay. It was designed specifically for sportfishing.
- A variety of materials have been used since, including quarry rock, subway cars, and experimental structures.
- About 100 reefs have been created since the 1980s in about 30 locations.
- A second wave of reefing in the 1980s was designed to enhance fishing.
- There is a new federal government document (from NMFS) with guidelines for creating artificial reefs.
- San Onofre Nuclear Generating Station (SONGS) – as part of the mitigation for the power plant, an experimental artificial reef was installed. This reef has been heavily studied.
- What about rigs to reefs? There have been proposals in California to turn oil platforms into reefs but they had been determined not to be suitable. In 2000 there was a California state senate bill that proposed a rigs to reefs program but they were unable to resolve a variety of issues.
- In 2004, California State Lands Commission approved Bird Island in Santa Barbara County in Goleta.
- Future possibilities – Pitas Point has been proposed as part as the hard bottom mitigation account using money generated by CCC permits for the removal of gas wells and pipelines in the Santa Barbara area.
- There is a new proposal by California Ships 2 Reefs seeking support to sink naval vessels offshore of central CA.
- The Department put forth a recommendation to use Diablo Canyon mitigation funds for a reef project.
- The California Resources Agency is starting a process to discuss rigs to reefs.

In response to questions, John made the following points:

- CDFG is not certain who the correct agency for dealing with ships to reefs proposals is and is trying to find out.
- There have been a few sites, such as SONGS and Pitas Point, where preliminary studies were done to get baseline data and to measure any changes against that.
- The state considers reefs the best mitigation for specific projects, as was the case with Diablo Canyon.
- CDFG is trying to hire a person to deal specifically with proposals for artificial reefs because they are receiving proposals for various purposes and need to decide which are most suitable and have the most appropriate design.
- Artificial reefs would be subject to all other applicable jurisdictions for permitting.

## **Working Group Reports**

*Conservation Working Group (CWG)*: Linda Krop announced that the CWG met on Tuesday Nov. 13 and the meeting report is available in hard copy today at the SAC meeting. At the CWG meeting, they discussed the issue of ocean acidification and decided that this will be the topic of the next CWG research report. They also discussed the initiative from Dan Basta for greening

the community. Ingrid Overgard from Sea Flow was present at the meeting to discuss noise in sanctuaries.

*Research Activities Panel (RAP):* Bob Warner announced that the RAP has not met but that many members have been very busy with NCEAS working group workshops to prepare talks for the upcoming symposium on Channel Islands MPAs.

No other working groups had met since the last meeting.

## **Meeting Wrap-Up and Future SAC meeting schedule for 2008**

Final meeting discussions included more conversation about Scott Dunn's experience aboard a local charter sportfishing vessel, and his contention that more than 10% of operators might be engaged in dumping waste/trash overboard. Scott emphasized that his concern was not just that an operator had dumped bleach, detergent and monofilament into the ocean, but also that sixty passengers watched this happen and might then assume that such behavior is acceptable. Scott suggested that he is certain this happens inside Sanctuary waters. He noted that this company operates two boats and had planned to go to the back side of Anacapa Island but was turned away by weather, and commented that he doubts operators would change practices based on location (e.g., inside or outside CINMS). Scott expressed his deep concern about this problem, and remarked that it seems to be overshadowed by seemingly larger issues at hand.

Linda Krop suggested that creating awareness might help through beach clean up events held at the islands. Merit suggested that the most effective way to deal with particular operators that are not running clean operations is to have the Coast Guard contact the Sportfishing Association of California.

In response to these discussions, Shiva Polefka reminded Council members that the water quality report they had adopted a few years ago contains a recommendation for addressing marine debris, and that there was support expressed for more on-water debris removal from the kayaking community and possibly Santa Barbara Channel Keeper.

Reminders were given about upcoming SAC meetings:

- Friday January 25 (Santa Barbara)
- Friday March 14 (Ventura)
- Friday May 16 (Santa Barbara)
- Friday July 18 (Ventura)
- Friday September 19 (Santa Barbara)
- Friday November 14 (Ventura)

*Meeting notes respectfully submitted by:*

*Dani Lipski ([danielle.lipski@noaa.gov](mailto:danielle.lipski@noaa.gov))*

*Channel Islands National Marine Sanctuary*

*Michael Murray ([michael.murray@noaa.gov](mailto:michael.murray@noaa.gov))*

*Channel Islands National Marine Sanctuary*