




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, California 93940

July 17, 2008

MEMORANDUM FOR: Daniel J. Basta
Director, ONMS

FROM: *for* Paul Michel 
Monterey Bay NMS Superintendent

SUBJECT: Monterey Bay National Marine Sanctuary Advisory Council letter of concern regarding compliance and monitoring of the vessel traffic lanes within the Monterey Bay National Marine Sanctuary

On June 20, 2008 the Monterey Bay National Marine Sanctuary Advisory Council approved a letter to be sent to Dan Basta of the Office of National Marine Sanctuaries expressing their concern regarding the compliance and monitoring of the vessel traffic lanes within the Monterey Bay National Marine Sanctuary.

Attachment

Cc: William Douros, Office of National Marine Sanctuaries



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Paul Michel
Monterey Bay NMS

Sanctuary Advisory Council
Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, CA 93940
(831) 647-4201

July 7, 2008

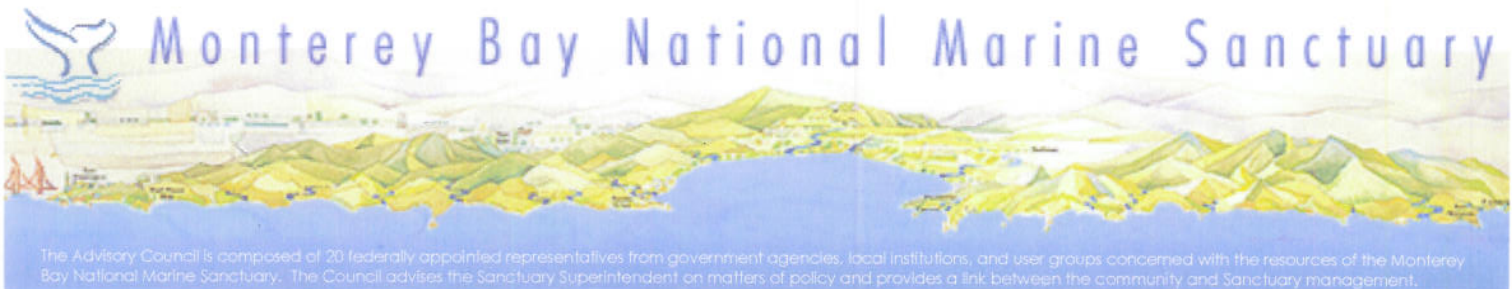
Daniel J. Basta
Director, Office of National Marine Sanctuaries
1305 East West Highway
Silver Spring, MD 20910

Dear Mr. Basta:

The Monterey Bay National Marine Sanctuary (MBNMS) includes over 5,300 square miles of water off central California, spanning over 275 miles of coastline. The MBNMS is home to an extraordinarily diverse array of marine mammals, sea birds, fishes and invertebrates, including many species that are particularly sensitive to the impacts of spilled oil or other hazardous materials.

There are approximately 4,000 coastal transits of the MBNMS each year by large vessels. Approximately 20% of these transits are crude oil tankers. The majority of the remainder are large commercial vessels such as container ships and bulk product carriers. Recognizing that spills can potentially occur from any transiting vessel containing crude oil, bunker fuel, or other hazardous material, reducing the risk of a spill is critical to protecting MBNMS resources. Spills and impacts on resources can occur from vessel groundings, nearshore vessel breakups, and vessel collisions. The open ocean conditions, remote nature of long stretches of coast, and the distance vessels capable of giving aid (response time from San Francisco or Los Angeles) have to travel, increase this risk.

Large vessel (over 300 gross tons) traffic within the MBNMS was a major issue of concern raised during the MBNMS designation process. The historical record of spills for the Pacific Coast indicates that the total number of spills from transiting vessels is relatively small in number, but the potential impacts can be very significant given the number and volume of these vessels and the potential size of a spill. Congress mandated that MBNMS research, consult, and develop recommendations for large vessel traffic control measures to protect the environmental resources of the MBNMS. Section 102(d) of Public Law 102-368 and section 2203(d) of the National Marine Sanctuary Program Amendments Act of 1992 (Public Law 102-587) mandate that "the Secretary of Commerce and the Secretary of Transportation, in consultation with the State of California and with adequate opportunity for public comment, shall report to Congress on measures for regulating vessel traffic in the MBNMS if such measures are necessary to protect sanctuary resources." The study and recommendations were released in January 1997.



During 1997-98, in an effort facilitated by the US Coast Guard and MBNMS, a group of industry representatives and stakeholders, agreed upon measures, routings, and offshore buffers to best avoid ship collisions and provide response time for tugs capable of stabilizing incapacitate vessels. The International Maritime Organization (IMO), a branch of the UN, adopted these *voluntary* routings in 2000.

One of the chief control measures implemented by the IMO was the establishment of several recommended shipping tracks through the MBNMS. These shipping tracks are defined by distance from shore at critical places along the coast (Pigeon Point, Point Sur, and Point Arguello). Tankers are recommended to travel in federal and international waters, at least 50 nautical miles from shore, and tank barges carrying oil or hazardous substances are recommended to travel at least 25 nautical miles from shore. Two sets of parallel north and southbound tracks were established between Point Arguello and San Francisco. Container and cargo ships carrying non-hazardous cargos were assigned to north and southbound tracks located 15 and 20 nautical miles (respectively) from shore at Point Sur. Container and cargo ships carrying hazardous cargos were assigned to north and southbound tracks located 25 and 30 nautical miles (respectively) from shore at Point Sur.

Large vessel traffic was not considered a high priority during the Management Plan review process because many felt the stakeholder group and IMO measures adequately compelled compliance; we felt the issue was dealt with. At that time and currently, MBNMS has had an enforcement program in place working with the US Coast Guard to officially notify the shipping lines of non-compliance. This program is limited due to lack of enforcement resources and computer and signal-receiving capabilities along the Big Sur coast. Recently, numerous anecdotal reports have come to our attention suggesting that most, but not all, large vessels are complying with the IMO adopted voluntary measures. We believe that non-compliance increases risk to MBNMS resources.

Evidence includes satellite images compiled by the California Department of Fish and Game, AIS vessel tracks compiled by the US Coast Guard and sightings by docents and state park rangers at the Big Sur Lighthouse who observe container ships passing inshore of the lanes. Taken together, these reports suggest an unacceptable level of non-compliance with the IMO adopted vessel traffic lanes.

The MBNMS Advisory Council requests that the Office of National Marine Sanctuaries together with the MBNMS provide and apply resources to study the level of non-compliance. Resources could include routine aerial monitoring of sanctuary waters using MBNMS program aircraft; analysis of available Coast Guard AIS vessel tracking data; and, if necessary, the augmentation of Coast Guard data with AIS tracking data gathered by the MBNMS, independent of Coast Guard data.

Further, we believe the risk is great enough and the evidence compelling enough to expand the program into active monitoring of AIS vessel tracks by the MBNMS. Once identified, the program could contact non-complying large vessels via written notice to the vessel owner to inform them of the valuable MBNMS resources and the IMO recommended tracks, and request their compliance. We request that the Office of National Marine Sanctuaries and MBNMS consider, after a second observation of non-compliance, notifying both the vessel owner and vessel insurer.

Finally, we request that the Office of National Marine Sanctuaries report back to the Advisory Council within 18 months both the level of compliance and the success of the expanded vessel notification plan.

Sincerely,



Dr. Chris Harrold
MBNMS Advisory Council Chair