

CORDELL BANK, GULF OF THE FARALLONES
AND MONTEREY BAY
NATIONAL MARINE SANCTUARIES



SUPPLEMENTAL DRAFT
ENVIRONMENTAL IMPACT STATEMENT

PREPARED AS PART OF THE
JOINT MANAGEMENT PLAN REVIEW (JMPR)

MARCH 2008

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL OCEAN SERVICE
OFFICE OF NATIONAL MARINE SANCTUARIES



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NOAA Ship McArthur II – NOAA

NOAA Diver exiting R/V FULMAR – Steve Lonhart

Golden Gate Bridge – Chad King



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Dear Reviewer:

In accordance with provisions of the National Environmental Policy Act of 1969 (NEPA), we enclose for your review the National Oceanic and Atmospheric Administration, National Ocean Service Supplemental Draft Environmental Impact Statement (SDEIS) for the Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries. These central and northern California national marine sanctuaries host a rich and diverse range of marine life and habitats, unique and productive oceanographic processes and ecosystems, and culturally significant resources.

This SDEIS has been prepared pursuant to NEPA to assess the environmental impacts associated with NOAA developing revised CINMS regulations under the National Marine Sanctuaries Act, as part of the Joint Management Plan Review for the three national marine sanctuaries. NOAA is modifying the proposed regulations for three California marine sanctuaries to expand a proposed regulation prohibiting discharges from cruise ships in order to also prohibit sewage discharges from vessels 300 gross registered tons or more. The proposed rules would also prohibit discharge of graywater from vessels 300 gross registered tons or more while within the Monterey Bay National Marine Sanctuary (Cordell Bank and Gulf of Farallones National Marine Sanctuaries already prohibit graywater discharge).

The proposed regulatory changes modify the currently pending proposed regulatory changes published on October 6, 2006 with the draft management plans and draft environmental impact statement. The proposed rule publishes the proposed regulatory modifications, and announces the availability of the SDEIS, which is also available online at <http://sanctuaries.noaa.gov/jointplan/>.

Written comments on the SDEIS must be received no later than 45 days after the Notice of Availability has published in the Federal Register. Written comments should be submitted to Sean Morton, NOAA's Office of National Marine Sanctuaries, 1305 East West Highway N/ORM 6, Silver Spring, Maryland 20910. Electronic comments may be submitted via email to jointplancomments@noaa.gov, or on the Federal e-Rulemaking Portal at www.regulations.gov under docket number NOAA-NOS-2007-0844.

Sincerely,

Rodney F. Weiher
NOAA NEPA Coordinator



Supplemental Draft Environmental Impact Statement - Joint Management Plan Review

Lead Agency:

National Oceanic and Atmospheric Administration
Office of National Marine Sanctuaries
1305 East-West Highway, N/ORM-6
Silver Spring, MD 20910

Proposed Action:

Regulatory changes for Cordell Bank, Gulf of the Farallones and Monterey Bay National Marine Sanctuaries

Abstract:

This action supplements a series of regulatory changes intended to resolve inconsistencies in regulatory language and enhance resource protection within the three central and northern California National Marine Sanctuaries (NMS) -- Cordell Bank NMS, Gulf of the Farallones NMS, and Monterey Bay NMS. NOAA decided to revise the CBNMS, GFNMS, and MBNMS proposed discharge regulations to prohibit discharges of all sewage from vessels 300 gross registered tons (GRT) or more with sufficient holding tank capacity to hold sewage while within the sanctuary; and in the MBNMS limit the exception for graywater discharges to vessels less than 300 GRT, and vessels 300 GRT or more without the capacity to hold graywater while within the MBNMS. The revised proposed regulations will include prohibitions consistent with the request from the State of California for the CBNMS, GFNMS, and MBNMS.

This prohibition would result in less than significant impacts on Marine Transportation. Because any ship can comply with this regulation, the proposed modifications to the discharge exceptions would not add additional constraints to this industry and thus the adverse impacts on the marine transportation industry would be less than significant. By prohibiting some harmful discharges and pollutants, there would be an increase in water quality thereby resulting in slightly beneficial impacts to Air Quality and Climate, Biological Resources, Water Quality, Commercial Fisheries, Hazardous Wastes and Waste Disposal, Land Use and Development, Marine Transportation, Public Access and Recreation, Research and Education, Socioeconomic, Demographic, and Environmental Justice.

If you would like further information regarding this statement, please contact:

Sean Morton
NOAA's Office of National Marine Sanctuaries
1305 East-West Highway, N/ORM-6
Silver Spring, MD 20910
Phone: 301-713-7264
E-mail: sean.morton@noaa.gov

Comments should be addressed to the above person and should be received by May 9, 2008.

Further information found at the project website:

<http://www.sanctuaries.nos.noaa.gov/jointplan/>

CORDELL BANK, GULF OF THE FARALLONES AND MONTEREY BAY NATIONAL MARINE SANCTUARIES

SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT

Executive Summary

The National Oceanic and Atmospheric Administration (NOAA) is proposing draft revised management plans, revised designation documents, and revised regulations for the Cordell Bank National Marine Sanctuary (CBNMS), Gulf of the Farallones National Marine Sanctuary (GFNMS), and Monterey Bay National Marine Sanctuary (MBNMS). The proposed regulations would revise and provide greater clarity to existing regulations. In particular, NOAA proposed changes to prohibitions regarding “discharge and deposit” and a prohibition on discharging most matter from cruise ships in the CBNMS, GFNMS, and MBNMS.

On May 11, 2007 NOAA received a request from the California State Water Resources Control Board to prohibit discharges from certain vessels in national marine sanctuaries offshore California. After reviewing public comments on the proposed regulations and further analyzing vessel discharge issues, NOAA decided to revise the CBNMS, GFNMS, and MBNMS proposed discharge regulations to prohibit discharges of all sewage from vessels 300 gross registered tons (GRT) or more with sufficient holding tank capacity to hold sewage while within the sanctuary; and in the MBNMS limit the exception for graywater discharges to vessels less than 300 GRT, and vessels 300 GRT or more without the capacity to hold graywater while within the MBNMS. The revised proposed regulations will include prohibitions consistent with the request from the State of California for the CBNMS, GFNMS, and MBNMS.

The original DEIS for the management plan review of the CBNMS, GFNMS, and MBNMS includes much of the analysis for meeting requirements of the National Environmental Policy Act and is hereby incorporated by reference. The original DEIS for this project can be found at: <http://sanctuaries.noaa.gov/jointplan/drafts/eis.html>. Where methodologies, environmental consequences and mitigation measures from the new activities are the same as those discussed previously, this SDEIS will simply refer to the DEIS for further information. Where proposed action differs from the DEIS, this SDEIS will provide further information and analysis on those actions within this document.

In summary, these prohibitions would result in less than significant impacts on Marine Transportation. Because any ship can comply with these regulations, the proposed modifications to the discharge exceptions would not add additional constraints to this industry and thus the adverse impacts on the marine transportation industry would be less than significant. By prohibiting some harmful discharges and pollutants, there would be an increase in water quality thereby resulting in slightly beneficial impacts to Air Quality and Climate, Biological Resources, Water Quality, Commercial Fisheries, Hazardous Wastes and Waste Disposal, Land Use and Development, Marine Transportation, Public Access and Recreation, Research and Education, Socioeconomic, Demographic, and Environmental Justice.

Purpose and Need

The DEIS includes a description of the purpose and need in Chapter 1 and is incorporated by reference. This SDEIS evaluates the potential environmental impacts associated with the revised proposed discharge and deposit regulation for the CBNMS, GFNMS, and MBNMS. This SDEIS

provides information to supplement and, where indicated, to replace proposed alternatives in the DEIS for review of the three sanctuary draft management plans.

Proposed Action

The proposed action would revise regulations to prohibit sewage discharges/deposits from within or into the CBNMS, GFNMS, and MBNMS from vessels of 300 GRT or more. The prohibitions would only apply to vessels with sufficient holding tank capacity to hold sewage while within the sanctuary.

The proposed action would also amend the exception to the prohibition on discharging or depositing graywater from within or into the MBNMS. The revised regulation would provide an exception for discharging or depositing graywater from vessels less than 300 GRT, and vessels 300 GRT or greater without sufficient holding tank capacity to hold graywater while within the MBNMS. Discharge of graywater is currently prohibited in the CBNMS and GFNMS.

The preferred alternative described in Section 2 of the DEIS now includes this additional regulation.

Affected Environment and Impact Analysis

Please refer to Chapter 3.0 of the Jmpr DEIS for an overview of the baseline physical, biological, social, and economic conditions that occur within the region of influence (ROI) (the potentially affected area or study area for a particular resource) and is an analysis of the environmental consequences of the Proposed Action (preferred alternative), the Alternative Regulatory Actions, and the No Action alternative.

Region of Influence - National Marine Sanctuaries

The CBNMS protects an area of 526 square miles (399 square nautical miles) off the northern California coast. The main feature of the Sanctuary is Cordell Bank, an offshore granite bank located on the edge of the continental shelf, about 43 nautical miles (nmi) northwest of the Golden Gate Bridge and 20 nmi west of the Point Reyes lighthouse. The CBNMS is entirely offshore and shares its southern and eastern boundary with the GFNMS. The CBNMS eastern boundary is six miles from shore and the western boundary is the 1000 fathom isobath on the edge of the continental slope. CBNMS is located in one of the world's four major coastal upwelling systems. The combination of oceanic conditions and undersea topography provides for a highly productive environment in a discrete, well-defined area. The vertical relief and hard substrate of the Bank provide benthic habitat with near-shore characteristics in an open ocean environment 20 nmi from shore.

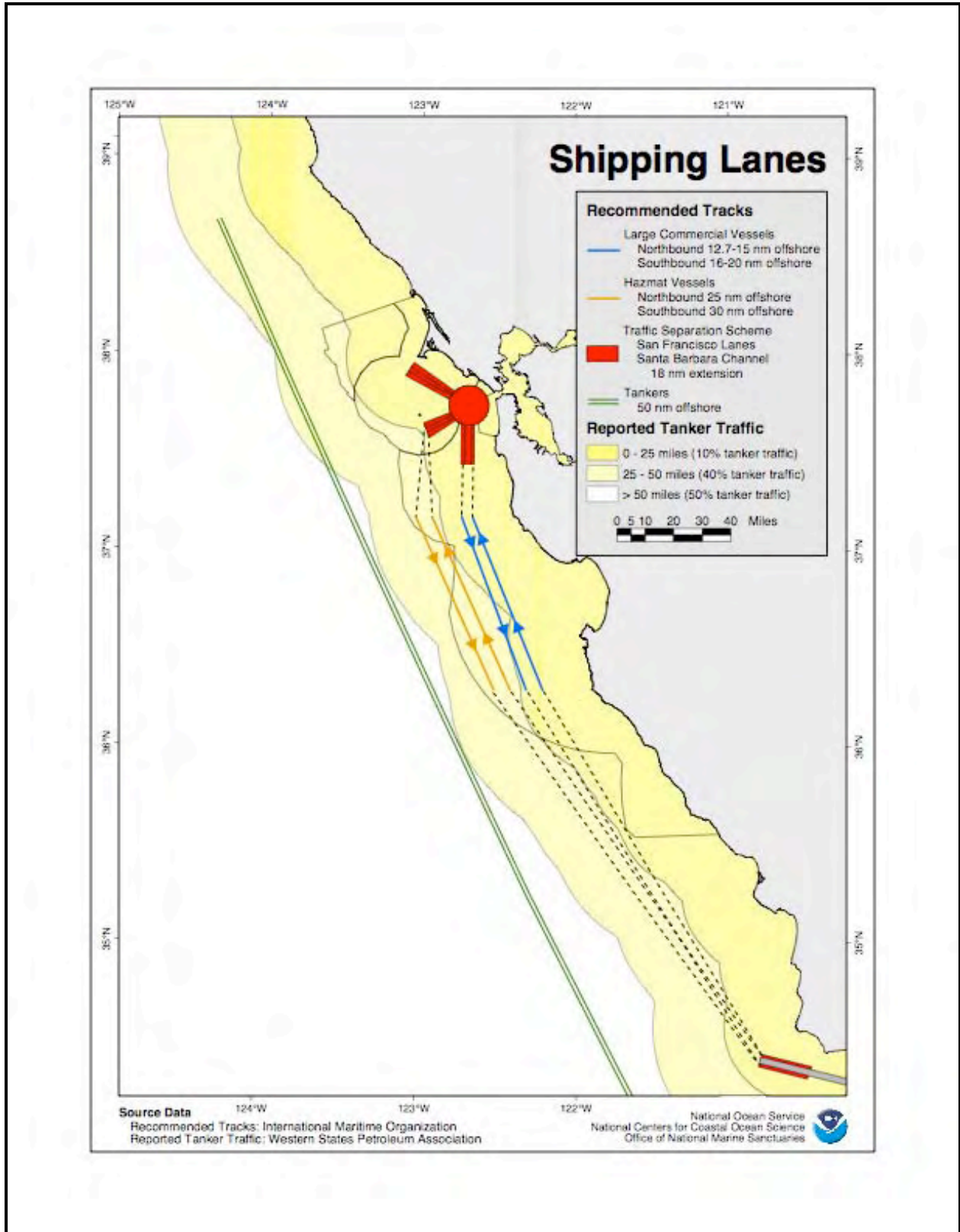
The GFNMS lies off the coast of California, to the west and north of San Francisco. The GFNMS is composed of offshore waters extending out to and around the Farallon Islands and nearshore waters (up to the mean high tide line) from Bodega Head to Rocky Point in Marin. The GFNMS is characterized by the widest continental shelf on the west coast of the contiguous United States. In the Gulf of the Farallones, the shelf reaches a width of 32 nautical miles (59 km). Shoreward of the Farallon Islands, the continental shelf is a relatively flat sandy/muddy plain, which slopes gently to the west and north from the mainland shoreline. The Farallon Islands lie along the outer edge of the continental shelf, between 13 and 19 nautical miles (24 and 35 km) southwest of Point Reyes and approximately 26 nautical miles (48 km) due west of San Francisco. In addition to sandy beaches, rocky cliffs, small coves, and offshore stacks, the

GFNMS includes open bays (Bodega Bay, Drakes Bay) and enclosed bays or estuaries (Bollinas Lagoon, Tomales Bay, Estero Americano, and Estero de San Antonio).

The MBNMS is located offshore of California's central coast, adjacent to and south of the GFNMS. It encompasses a shoreline length of approximately 268 miles between Marin in Marin County and Cambria in San Luis Obispo County and approximately 4,016 square nautical miles of ocean and coastal waters, and the submerged lands thereunder, extending an average distance of 30 miles from shore. Supporting some of the world's most diverse marine ecosystems, it is home to numerous mammals, seabirds, fishes, invertebrates, and plants in a remarkably productive coastal environment. The MBNMS was established for the purposes of protecting and managing the conservation, ecological, recreational, research, educational, historical, and esthetic resources and qualities of the area.

Specific descriptions of the affected environment for Air Quality and Climate, Biological Resources, Water Quality, Commercial Fisheries, Hazardous Wastes and Waste Disposal, Land Use and Development, Marine Transportation, Public Access and Recreation, Research and Education, Socioeconomic, Demographic, and Environmental Justice are included in the DEIS. The descriptions for these issues are adequate to describe any potential impacts associated with this proposed alternative.

Figure 1 – Shipping Lanes and Central / Northern California National Marine Sanctuaries



Regulatory Overview

The DEIS provides a description of applicable federal and state regulations and is hereby incorporated by reference. The DEIS did not include a description of the California Clean Coast Act [Senate Bill 771 (Chapter 588, Statutes 2006)]. The California Clean Coast Act, which became effective on January 1, 2006, (although not all of its provisions are yet in effect) prohibits the release from large passenger vessels (cruise ships) and other oceangoing ships (300 gross tons or more) of hazardous waste, oily bilgewater, other waste, and sewage sludge into the marine waters of the state and marine sanctuaries. The Clean Coast Act also prohibits the release of graywater from cruise ships and oceangoing ships with sufficient holding capacity into the marine waters of the state. Furthermore, the Clean Coast Act requires the State Water Resources Control Board to request the appropriate federal agencies to prohibit the release of wastes from cruise ships and oceangoing ships into state marine waters and the four National Marine Sanctuaries in California.

Significance Criteria

The DEIS includes significance criteria for the relevant issue areas including Air Quality and Climate, Biological Resources, Water Quality, Commercial Fisheries, Hazardous Wastes and Waste Disposal, Land Use and Development, Marine Transportation, Public Access and Recreation, Research and Education, and Socioeconomic, Demographic, and Environmental Justice.

Impact Methodology

The DEIS includes impact methodology for the relevant issue areas including Air Quality and Climate, Biological Resources, Water Quality, Commercial Fisheries, Hazardous Wastes and Waste Disposal, Land Use and Development, Marine Transportation, Public Access and Recreation, Research and Education, and Socioeconomic, Demographic, and Environmental Justice.

Environmental Consequences - The Proposed Action

The environmental consequences described below are in addition to the impacts described in the DEIS.

Air Quality and Climate

The proposed regulations on large vessels within the three sanctuaries are expected to provide a negligible but beneficial impact on air quality within the sanctuaries. Though the regulations do not address air pollution and engine exhaust directly, stricter regulations prohibiting cruise ships from discharging liquid and solid wastes into the sanctuaries are expected to reduce the overall amount of sewage and graywater into the sanctuaries, which could become airborne. Reducing the overall amount of discharged wastes would reduce the possibility these wastes could vaporize and degrade the overall air quality. Therefore, this regulation would have slight, though unknown, beneficial impacts to air quality.

Biological Resources

Large vessels would no longer be permitted to discharge sewage and graywater effluents if they have sufficient holding tank capacity to hold their waste while in the sanctuary. These regulations would reduce potential impacts from large vessels on sanctuary resources. Depending upon what chemicals and pathogens are in these wastes, they can impair living

resources and even cause death if the concentrations are sustained at high levels over a period of time. The primary purpose of regulating large-vessel discharges/deposits is to prevent adverse effects on biological resources as a result of potential pollutant discharges/deposits. The impacts of changing these regulations would be beneficial, as the regulations would become consistent with state law and comprehensive across the three sites. These regulations are intended to ultimately improve water quality and the health of marine biological organisms, which would be a beneficial biological effect.

Water Quality

Large vessels would no longer be permitted to discharge or deposit treated sewage, and graywater in the MBNMS, into the sanctuaries. These regulations would reduce potential impacts from these vessels on the marine environment. The revised alternative potentially reduces the quantity of anthropogenic discharges, most of which contain some amount of harmful pollutants, into the sanctuaries. By reducing harmful discharges, the Proposed Action would have potential beneficial future impacts on water quality in the sanctuaries.

Commercial Fisheries

The large-vessel discharge/deposit prohibition would result in a minor indirect beneficial impact on commercial fish species through an increase in water quality. Eliminating the potential for discharges/deposits of treated sewage and graywater would have a direct beneficial effect on water quality in the sanctuaries. Improved water quality would have indirect beneficial effects on fish habitat and fishing activities.

Hazardous Wastes and Waste Disposal

The proposed regulations would provide a beneficial impact on the management of hazardous waste and waste disposal throughout the ROI as they could prevent cruise ships from releasing pollutants, graywater, and hazardous materials into the sanctuaries and increase pollution prevention efforts.

Land Use and Development

The proposed regulations may decrease levels of contaminants in coastal waters which would have a beneficial impact on land use by furthering the recreation goals of the relevant land use plans. Very few large-vessels dock in sanctuary waters so there would be no increased demand for shore side waste processing facilities. The proposed regulations are therefore not expected to cause any changes in land use and would not cause any adverse impacts.

Marine Transportation

The proposed regulations prohibit discharge/deposit of treated sewage, and graywater (in the MBNMS), from vessels 300 gross registered tons or more. The proposed regulations would apply existing law in state waters to the federal waters of the marine sanctuaries. The regulation would not restrict vessels without capacity to hold the waste while in a national marine sanctuary.

This prohibition would result in less than significant impacts on marine transportation. The proposed modifications to the discharge exceptions would not add any more constraints to this industry and thus the adverse impacts on the marine transportation industry would be less than significant. The proposed action would not result in any increased risk of injury or death, spillage

of oil or other hazardous materials, displacement of vessels in harbors, or delay of commercial traffic.

Current state and federal law and regulations already limit the types of discharge that may occur in the sanctuaries and along the coast of California. In summary, the proposed regulations would not significantly affect the shipping industry.

Public Access and Recreation

The proposed regulations may decrease levels of contaminants in coastal waters and increase water quality. As a long-term impact, reducing pollution in the ocean would increase water quality and the health of the sanctuaries' ecosystems, both of which are key elements in recreation (e.g., fishing, scuba diving, wildlife watching, surfing, swimming and boating), and therefore the impact on recreational resources would be beneficial.

Research and Education

The proposed regulations would reduce potential harmful discharges including sewage and graywater, which degrade water quality and can impair, injure or even kill marine wildlife. Maintaining and improving water quality in the sanctuaries would provide beneficial effects for biological resources and associated research and education activities.

Socioeconomic, Demographic, and Environmental Justice.

The proposed regulations within the sanctuaries would provide beneficial impacts on socioeconomic resources within the sanctuaries. Stricter regulations could prevent large vessels from discharging unallowable pollutants affecting the quality of current water-related recreational, tourist, and commercial activities within the sanctuaries. The proposed regulations are not expected to result in increased costs for large vessels within the sanctuaries since they would not require the purchase of additional equipment or change labor needs.

Environmental Consequences - Alternative Regulatory Actions

This alternative is an addition to the alternatives, including the no project alternative, listed in the original project DEIS Alternatives Summary and can be found at:
<http://sanctuaries.noaa.gov/jointplan/drafts/eis.html>.

Cumulative Impacts

The DEIS describes cumulative impacts for each issue area and is incorporated by reference. As stated in the DEIS, commercial marine transportation is subject to increasing amounts of regulation on the federal and state level. Commercial vessel operators are currently able to safely operate under a number of state and federal regulations that govern the types of discharge activities that may occur from commercial vessels. However, these existing regulations cumulatively put an increasing burden on vessel operators with regards to when and where operations such as ballast water discharge may occur, allowable navigation routes, and other operational constraints.

Implementation of the DMPs would contribute to the ROI's regional ecosystem health by applying the various action plans in the sanctuaries. Implementation of wildlife disturbance management actions described in the GFNMS and MBNMS action plans would provide staff with information necessary to better manage vessel traffic and activities within the two sanctuaries. New management strategies in the GFNMS designed to address vessel spills would

have similar results concerning marine transportation. New cruise ship discharge and motorized personal watercraft (MPWC) management efforts in the MBNMS action plan would also have similar results.

Proposed Action

As stated in the DEIS, the Proposed Action would contribute to a cumulative adverse trend affecting vessel operations in the sanctuaries. While the Proposed Action would not result in a significant direct impact on marine transportation, it may contribute to an adverse cumulative impact on vessel traffic in the ROI by way of this increased regulatory burden. However, this cumulative effect would not be significant.

The No Action Alternative

No change to existing regulations would occur; therefore there would be no contribution to any cumulative impacts.

Other Required NEPA Analysis

The DEIS includes the necessary analysis meeting this requirement of NEPA and, as indicated above, is incorporated by reference.

Proposed Findings and Determinations

The DEIS includes the necessary findings and determinations meeting this requirement of NEPA and is, as indicated above, incorporated by reference.

Report Preparers

The DEIS includes a list of report preparers meeting this requirement NEPA and is, as indicated above, incorporated by reference.

References

The DEIS includes a list of references meeting this requirement of NEPA and is, as indicated above, incorporated by reference.