
Issue 3: Vessel Traffic

Comment

Regulation and Prohibition

NOAA should either regulate or prohibit vessel traffic within the Sanctuary area. Specifically: 1) traffic should be prohibited unless vessels are bound for a destination within the Sanctuary; 2) size of vessels to be regulated or prohibited from the Sanctuary area should be clarified; 3) vessels should either be routed offshore and avoid the Sanctuary area completely, or traffic lanes should be developed along the Sanctuary edges; and 4) vessels traveling along the Sanctuary boundaries should be limited to specific port access routes and shipping lanes established by the United States Coast Guard (USCG) and NOAA.

NOAA Response

Regulation and Prohibition

The Designation Document lists vessel operations as being subject to Sanctuary regulation. However, upon designation only the operation of a personal water craft is being regulated as part of the Sanctuary regime. There are no Sanctuary regulations planned at this time for the traffic regulation of other vessels. NOAA is currently working with the USCG, the primary source of vessel traffic regulation, to determine the need for additional measures to ensure protection of Sanctuary resources and qualities from vessel traffic. In addition, NOAA will also work closely with the U.S. Army Corps of Engineers (COE) and U.S. Environmental Protection Agency (EPA) regarding vessel traffic activities under their purview resulting from the transport of dredged material through the Sanctuary for disposal outside the Sanctuary. These consultations aim to determine which resources are most at risk, which vessel traffic practices are most threatening and which regulations or restrictions would be most appropriate to alleviate the threats, including those, if any, from foreign vessels.

These consultations will also build on newly enacted legislation. Since publication of the DEIS/MP, both the state and Federal governments have passed comprehensive legislation regarding protection of the environment from vessel traffic. For example, the Oil Pollution Act of 1990 (OPA 90) establishes national double hull requirements for tank vessels. Most tank vessels over 5,000 gross tons will be required to have double hulls by 2010, while vessels under 5,000 gross tons will be required to have a double hull or a double containment system by 2015. All newly constructed tankers must contain a double hull (or double containment system if under 5,000 gross tons), while existing vessels are phased out over a period of years. In addition, California's Oil Spill Prevention and Response Act, SB 2040, requires numerous prevention as well as mitigation measures aimed at protecting marine resources from oil spills particularly from tankers. The following chart shows sample single hull phase-out years under OPA 90:

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NOAA Response

Year Built (Sample years in multi-year increments; Act in one-year increments)	Phase Out Dates for Vessel Size Categories (Gross tons in thousands)		
	5-15	15-30	More than 30
1955	1995	1995	1995
1965	2000	1999	1995
1970	2005	2000	1997
1980	2005	2005	2003

A 10-year moratorium on vessel traffic within the Sanctuary should be imposed until double hulls become standard and adequate contingency and emergency response plans are in place. Vessels that are Sanctuary-bound and carrying hazardous cargo should be required to have special designs such as double hulls.

NOAA believes that the intent of a 10-year moratorium is already adequately addressed by the OPA 90. OPA 90 also mandates that tank vessel and facility contingency plans be prepared for a worst-case discharge, and vessel plans must be reviewed and approved by the USCG. Also, a new California law, SB 2040 (see response above), states that no tanker may use any terminal in the State after January 1, 2000, unless the vessel is double hulled. SB 2040 also requires that while entering, leaving, or navigating in harbors, large tankers be accompanied by tugboats, except under those circumstances where the harbor safety committee finds that tug escorts are not beneficial. To ensure safety and compliance, SB 2040 requests a review and evaluation of the pilotage groups, the USCG, and the maritime industry. Vessel traffic separation zones off of San Francisco, implemented by the USCG, also help protect Sanctuary resources and qualities.

No vessels containing nuclear materials or hazardous wastes should be allowed within the Sanctuary boundary, thus establishing the MBNMS as a nuclear-free zone.

All types of vessels and traffic patterns will be reviewed by NOAA and the USCG to determine appropriate action.

Vessels must be allowed to travel to and from Pacific Gas & Electric's (PG&E) Moss Landing Terminal. Hydrocarbon transport within the Sanctuary should be prohibited except to and from port terminals. Tankers should either be escorted by tugboats, or should have captains on deck while in the Sanctuary. Port access routes for smaller tankers traveling to and from Moss Landing should be analyzed and clarified, and port access routes to San Francisco Bay should be maintained.

The PG&E plant at the Moss Landing terminal will continue operations. The plant contracts with a tugboat service that takes a mooring master to the tanker where he/she stays until the tanker docks at the marine terminal. Port access routes in the Monterey Bay area and San Francisco Bay will be maintained.

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There should be no blanket restrictions imposed on oil tankers and barge traffic. Commercial vessel regulation should be carefully crafted so as to not preclude the safe operation of such traffic in the future.

Communities south of Monterey Bay have seriously considered shipping water from Canada via tankers. These tankers should be regulated separately from those carrying cargo. This issue should be addressed in the FEIS/MP.

With NOAA allowing vessel traffic in the Sanctuary, only partial protection of natural resources is provided. This does not satisfy the necessary protection based on the requirements of NEPA and the MPRSA.

Vessel Traffic Monitoring

Monitoring vessel traffic along the coast may be difficult. A monitoring system should be established which is compatible between public agencies and the USCG.

NOAA Response

If regulation of vessel traffic as part of the Sanctuary regime appears necessary, NOAA will consult with the USCG, COE, EPA, other affected Federal and State agencies, and the International Maritime Organization before imposing any such regulation. Coordination among agencies is intended to focus ongoing efforts to provide adequate protection to the Sanctuary and to emphasize the sensitivity of Sanctuary resources and qualities. In working on appropriate vessel traffic regulations, NOAA would aim to:

- 1) protect the natural resources and qualities within the Sanctuary;
- 2) consider the needs of ports adjacent to the Sanctuary; and
- 3) not unduly impact foreign and domestic traffic.

NOAA will consider the threats from all types of vessels including water tankers as part of any analysis prior to the proposition of vessel traffic regulations.

NOAA believes that the requirements of NEPA and the MPRSA have been met. The FEIS/MP was prepared in full compliance with all NEPA and MPRSA requirements. As indicated above, NOAA is currently working with the USCG to determine the need for additional measures to ensure that Sanctuary resources and qualities are protected.

Vessel Traffic Monitoring

NOAA agrees that a vessel traffic monitoring and communications system along the California coast is desirable and appropriate for the region. Pursuant to SB 2040, the state is in discussions with the USCG regarding Vessel Traffic Service Systems (a vessel monitoring system) along the California coast. An agreement may be reached by the end of 1993. OPA 90 requires the Secretary of Transportation to complete a comprehensive study on the impact of installation, expansion, or improvement of vessel traffic servicing systems, including the effectiveness of tanker-free zones. NOAA will work with the state, USCG, and appropriate public agencies during the development of these monitoring studies to determine an appropriate system for the Sanctuary and the need for any additional site-specific protective measures.