

Oil Spill Task Force

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<http://wlapwww.gov.bc.ca/eeeb/taskforc/tfhome.htm>

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Docket Management Facility (USCG –2003-14273)
U.S. Department of Transportation, Rm. PL-401
400 Seventh St. SW
Washington, DC 20590-0001
Docket Management System at <http://dms.dot.gov>

Re: Mandatory Ballast Water Management Program for US Waters

Dear Madam or Sir,

These comments are submitted on behalf of the Pacific States/British Columbia Oil Spill Task Force, which represents the oil spill regulatory agencies of Alaska, British Columbia, Washington, Oregon, Hawaii, and California. The Task Force member agencies appreciate this opportunity to comment on the Expansion of AIS Carriage Requirements for US Waters.

The Oil Spill Task Force co-chaired a project with the US Coast Guard Pacific Area from 1999 to 2002 called the West Coast Offshore Vessel Traffic Risk Management Project. The goal of the project was to reduce the risk of collisions or drift groundings caused by vessel traffic transiting 3 to 200 nautical miles off the west coast between Cook Inlet in the north and San Diego in the south. Vessels of concern included tank, cargo/passenger, and fishing vessels of 300 gross tons or larger.

We assembled a Project Workgroup of 40 persons representing the West Coast states and USCG Districts (not including Hawaii), the Canadian Coast Guard and Transport Canada Pacific Region, the Cook Inlet Regional Citizens' Advisory Council, shipping interests as represented by the BC Chamber of Shipping, the Puget Sound Steamship Operators, the Western States Petroleum Association's Marine Committee, TeeKay Shipping for INTERTANKO, the American Waterways Operators, BC's Council of Marine Carriers, the Marine Exchange of Puget Sound, the Washington Public Ports Association, the Portland Merchants Exchange, the Port of Portland, the Pacific Merchant Shipping Association, and the Chamber of Shipping of America. Workgroup members also represented the Council of American Master Mariners, NOAA HAZMAT and National Marine Sanctuaries, the US Navy and Canadian Maritime Forces, Pacific Headquarters, the California Coastal Commission, and Save Our Shores.

Working together, this Workgroup collected and reviewed data on typical coastwise traffic patterns, traffic volume, existing management measures, weather data and ship drift patterns, historic casualty rates by vessel type, the availability of assist vessels, the environmental sensitivity of the coastlines, socio-economic consequences of a spill, and projections of relevant future

initiatives. Using the drift and tug availability data, they modeled likely tug response times under both average and severe weather conditions.

The Workgroup then developed a Relative Ranking/Risk Indexing Worksheet that evaluated nine risk factors: volume of oil/vessel design; drift rates; areas of higher collision hazards; distance offshore; weather/season; tug availability; coastal route density; historic casualty rates by vessel type; and coastline sensitivity. Using this tool, they developed and ranked a total of fifty-two casualty scenarios in all the West Coast jurisdictions. These were then extrapolated into 1,296 additional scenarios on the West Coast, a modeling process which defined both average and “higher risk” areas from Alaska to California.

Workgroup members then addressed four of these risk factors considered most amenable to change: tug availability, collision hazards, historic casualty rates by vessel type, and distance offshore. They developed a set of draft findings and recommendations based on criteria that the findings and recommendations had to be supported by the data, realistic (capable of being implemented), effective, economically feasible, and flexible enough to allow for incorporation of new technology and changes in policy.

From December of 2001 through March of 2002, the Project Co-chairs, the Task Force Executive Coordinator, and Workgroup members presented these draft findings and recommendations to affected stakeholder groups and at public meetings in Alaska, British Columbia, Washington, Oregon, and California. The draft Findings and Recommendations were also available for comment on the Task Force website. At a final meeting in April of 2002, Workgroup members agreed to the consensus Findings and Recommendations found in Part VI (pages 57-62) of the final report of the West Coast Offshore Vessel Traffic Risk Management Project Workgroup, which is available on the Task Force website at <http://wlapwww.gov.bc.ca/eeeb/taskforc/tfhome.htm>.

In particular, I draw your attention to Section 1 of Part VI, Findings and Recommendations regarding Collisions Hazards on the West Coast. Item 3 reads as follows: The West Coast Offshore Vessel Traffic Risk Management Workgroup finds that different offshore ballast water exchange standards have been adopted by California, Oregon, Washington, and various Canadian west coast ports (under the auspices of the Transport Canada publication “Guidelines For The Control Of Ballast Water Discharge From Ships In Waters Under Canadian Jurisdiction”). Although the Project Workgroup does not find that these differing standards impose an increased risk of collision offshore, we recommend that the US Coast Guard, in consultation with Fisheries and Oceans Canada and Transport Canada, and consistent with IMO actions, adopt a single set of preemptive national or regional offshore ballast water exchange standards that would enhance the consistency of navigation for the purpose of ballast water exchange on the West Coast.

The proposed rule states in §151.2036 that if a voyage does not take a vessel 200 nm or further offshore, such vessel will not be required to deviate or delay in order to conduct a ballast water exchange. Further, in §151.2037, proposed language indicates that said vessel will not be prohibited from the discharge of ballast water (except in the Great Lakes and Hudson River), provided the vessel discharges only that amount operationally necessary and makes ballast water records available to the Captain of the Port upon request.

We interpret this proposed language to mean that coastwise traffic is only required to limit ballast water exchanges to “that amount operationally necessary” which does nothing to stop the transfer of non-native aquatic species between West Coast ports. Consequently, the proposed regulations will do nothing to address the concerns of West Coast authorities who

established the various legal standards described in the West Coast Offshore Vessel Traffic Risk Management (WCOVTRM) Project Workgroup's Finding noted on page 2 above. Concerns regarding the transfer of invasive species - such as the green crab from the San Francisco Bay - to other West Coast ports are very real. The WCOVTRM Project data indicates that there were over 12,000 coastwise transits from June 1, 1998 through June 30, 1999; this was considered a "snapshot in time", but representative, nevertheless. If anything, the number of transits was expected to increase in subsequent years.

Considering that there are probably more than 12,000 opportunities each year on the West Coast alone, plus in Hawaii, the Gulf Coast, or the East Coast for the transfer of invasive marine species, the proposed rule seriously ignores a major component of the risk of "unintentional introduction of non-indigenous species into US water via the discharge of vessels' ballast water (and its) significant impacts on the nation's marine and freshwater resources, biological diversity, and coastal infrastructures" (quote from the Summary section of the proposed rule).

The Oil Spill Task Force urges the US Coast Guard to establish an offshore ballast water exchange standard which also covers coastwise vessel traffic, or to at least extend the same standard as exists for the Great Lakes and the Hudson River to the rest of the US coasts and waterways. Furthermore, we recommend that adoption of this rule be done in consultation with Fisheries and Oceans Canada and Transport Canada.

Thanking you for your consideration of these comments on behalf of the member agencies of the Pacific States/BC Oil Spill Task Force, I remain,

Sincerely yours,

[Jean Cameron](#)

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cc: CAPT Rob Lorigan, Chief, Marine Safety Division, USCG Pacific Area Command