

November 14, 2008

Olympic Coast National Marine Sanctuary
(Management Plan Review)
115 Railroad Ave. East Suite 301
Port Angeles, WA 98362

Re: Comments on Recommended Changes to the Olympic Coast National Marine Sanctuary Management Plan.

Dear Sir or Madam,

We appreciate the opportunity to provide the following comments to the Office of National Marine Sanctuaries (ONMS) of the National Oceanic and Atmospheric Administration (NOAA) in response to the request for comments regarding plans to update the Management Plan for the Olympic Coast National Marine Sanctuary (OCNMS). We applaud OCNMS's efforts to examine and improve the Plan. The emphasis on future challenges will give the Sanctuary the ability to respond and maintain its cultural and natural resources for many years to come. There are two specific comments that we feel should be considered as OCNMS begins the process of updating the Plan. The comment topics are as follows:

1. Cruise Ship Discharge
2. Climate Change

Comment 1: Cruise Ship Discharge

With more than 200 cruise ships traveling through the OCNMS every year, and each cruise ship having the capability to discharge hundreds of thousands of gallons of sewage, graywater, blackwater, or ballast water every day, these ships represented a significant threat to the water quality and the health of the marine life living within the OCNMS. CRS Report RL32450, titled "Cruise Ship Pollution: Background, Laws and Regulations, and Current Issues", last updated July 1, 2008 (<http://www.ncseonline.org/NLE/CRSreports/08Aug/RL32450.pdf>) contains an excellent summary of the current state of regulations and the associated environmental hazards of different forms of cruise ship water discharges. Below you will find a summary of the threats, the current state of legislation, as well as recommendations for action by NOAA on this issue.

Three Threats: Graywater, Black water, and Ballast Water

Graywater, wastewater from the sinks, showers, and galleys among other sources, is known to contain a multitude of harmful biological and chemical sources including; fecal coliform bacteria, oil and grease, petroleum hydrocarbons, food waste, and medical waste. From the CRS Report: "Sampling done by EPA and the state of Alaska found that untreated graywater from cruise ships can contain pollutants at variable strengths and that it can contain levels of fecal coliform bacteria several times greater than is typically found in untreated domestic wastewater.

Graywater has potential to cause adverse environmental effects because of concentrations of nutrients and other oxygen-demanding materials, in particular”

Blackwater

Blackwater, which is mainly wastewater from toilets, can contain harmful bacteria, diseases, viruses, and nutrients. From the CRS Report: ”Nutrients in sewage, such as nitrogen and phosphorous, promote excessive algal growth, which consumes oxygen in the water and can lead to fish kills and destruction of other aquatic life.”

Ballast Water

Ballast water can contain plants, animals, and bacteria, among other biological organisms. Ballast water can, and often does, contain non-native, invasive species that that can cause extensive harm to sensitive ecosystems, such as those found with OCNMS.

Current Regulations Applicable to OCNMS:

Although the 1994 establishment of the Area to be Avoided (ATBA) that prohibits cruise ship (and other large vessels) from traveling through a majority of the sanctuary has been highly successful (more than 98% compliance in 2007), there is little enforcement and no financial consequences that can be levied against cruise lines for non-compliance. Additionally, as the ATBA does not include the entire OCNMS boundary, more than 30% of the sanctuary can still be traversed by cruise ships. Even assuming that the cruise ships comply with the ATBA, the Clean Water Act (CWA) only prohibits the dumping of sewage within the sanctuary boundary. It does not include any provisions for the other discharge water types.

There is a well-documented ongoing legal battle between environmental groups and the EPA over ballast water discharge regulation. The EPA has long argued that ballast water should be handled under the CWA. The courts have mandated that the EPA begin regulating ballast water by September 30, 2008. The EPA has filed an appeal. The 110th Congress was also unsuccessfully worked to pass legislation limiting ballast water discharges.

A Memorandum of Understanding (MOU) was established in April 2004 and amended in May 2008 between the Washington Department of Ecology, the Northwest Cruise Ship Association, and the Port of Seattle prohibits sewage discharge in all of the waters of that make up the OCNMS. However, this MOU does not have any legal repercussions, lacking the ability to enforce and penalize the member cruise lines.

Therefore, currently there exists no legally binding, enforceable, regulation that prohibits graywater, blackwater, or ballast water discharge inside the sanctuary boundary.

The Recommendation:

OCNMS must require the regulation and enforcement of all discharges coming from cruise ships within the sanctuary boundary. Even if the Clean Cruise Ship Act (S. 2881 and HR. 6434), (originally introduced to Congress in 2005 and re-introduced in the 110th Congress), were to be enacted, it would create a federal law prohibiting cruise vessels calling on U.S. ports from discharging sewage, graywater, or bilge water into U.S. waters within 12 miles of the shore.

This would still allow the dumping of graywater, blackwater, and ballast water in over 50% of the OCNMS. In the absence of a federal law prohibiting or regulating harmful cruise ship discharges within the sanctuary boundary, it is recommended that NOAA work with the Coast Guard and the Washington State Department of Ecology to strengthen the limitations on cruise ship discharges within the entire boundary of the OCNMS, enacting guidelines that are legally binding with enforceable fines for illegally dumping any non-authorized water supplies.

As an example of how regulations need to be put in place and managed by the OCNMS, focus on how cruise ship discharge is managed in the Monterey Bay National Marine Sanctuary (MBNMS). As the CWA does not prohibit states from enacting guidelines that are more stringent than the federal guidelines of the CWA, the State of California, passed a series of laws in 2005 that prohibit dumping any waste, including gray water, black water, sewage, bilge or ballast water, within three miles of the states shoreline. However, as those laws do not cover all of the sanctuary, the MBNMS 2006 Draft Management Plan prohibits cruise ship (defined as a vessel of 250 or more passenger births for hire) from “Discharging or depositing, from within or into the Sanctuary, any material or other matter from a cruise ship except clean vessel cooling water, vessel generator cooling water, or anchor wash.”

Comment 2: Climate Change

While the causes of climate change are still under debate, the effects of temperature increases on ecosystems cannot be denied. Managing the surrounding uncertainty is the most difficult aspect of addressing this issue. Many changes can occur in the marine and upland ecosystems due to increases in water temperature. Circulation patterns will be altered by more intense weather features and species will migrate. Predicting the effects on the ecosystem may be difficult for OCNMS due to the lack of information on some portions of the Sanctuary such as habitat distribution on the seafloor.

In its preparations for climate change, OCNMS should focus primarily on adaptation rather than mitigation efforts. Due to its relatively pristine landscape and low population density, the Sanctuary does not contain many significant sources of greenhouse gases. Some work could possibly be done to reduce emissions of ships passing by or through the Sanctuary, but the resources might be better used elsewhere. Instead, OCNMS should concentrate projects and plans on adapting to the changes brought by rising temperatures and more intense weather events. This will bring the Sanctuary a greater return on its investments by protecting many of the cultural and ecological resources it holds so dear.

In order to begin preparing for the effects of climate change, OCNMS should conduct a vulnerability assessment of as much of the Sanctuary’s resources as possible. Even if the initial assessment does not include the seafloor, an overall picture of the Sanctuary’s vulnerable points will give a better understanding of the possible areas and resources affected. This assessment will allow OCNMS to prioritize projects and manage the resources more effectively regardless of the situation encountered.

Throughout the planning process, OCNMS should utilize many of the resources available through the U.S. Climate Change Science Program (CCSP), NOAA, and U.S. Environmental

Protection Agency (US EPA). Two reports completed by the CCSP will be particularly helpful: “SAP 4.1: Coastal Elevations and Sensitivity to Sea Level Rise” (<http://www.climate-science.gov/Library/sap/sap4-1/default.php>) and “SAP 4.4: Adaptation Options for Climate-Sensitive Ecosystems and Resources” (<http://www.climate-science.gov/Library/sap/sap4-4/default.php>). In addition to reports, OCNMS should try to learn from other areas and programs that have been working to prepare for the uncertainties of climate change. Several other marine sanctuaries and estuaries are in the process of conducting vulnerability assessments or have completed them. While all of the information may not be directly applicable to the OCNMS, the processes and tools used may be especially useful. Monterey Bay, CA and the Florida Keys have been working to address changes as well as the San Francisco Estuary and the Partnership for the Delaware Estuary.

In addition to learning from specific areas and other Sanctuaries, OCNMS should utilize information from estuary programs as well. The US EPA recently developed a program to prepare estuaries for the effects of climate change. Their new program Climate Ready Estuaries (www.epa.gov/cre) has developed an extensive coastal toolkit with information on adaptation planning and tools as well as example vulnerability assessments conducted in coastal areas. Information from some of these example assessments may guide OCNMS in completing one of their own. The program is currently working with six pilot estuaries to improve their management of uncertainty. Information and lessons learned from these pilots should be ready and available soon for OCNMS to utilize.

We sincerely appreciate the opportunity to provide input into the scoping stages of the Management Plan Review. If you have any questions or would like to discuss any of our comments further, please feel free to contact us at the email addresses provided below. Thank you again for your time and consideration.

Sincerely,

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