

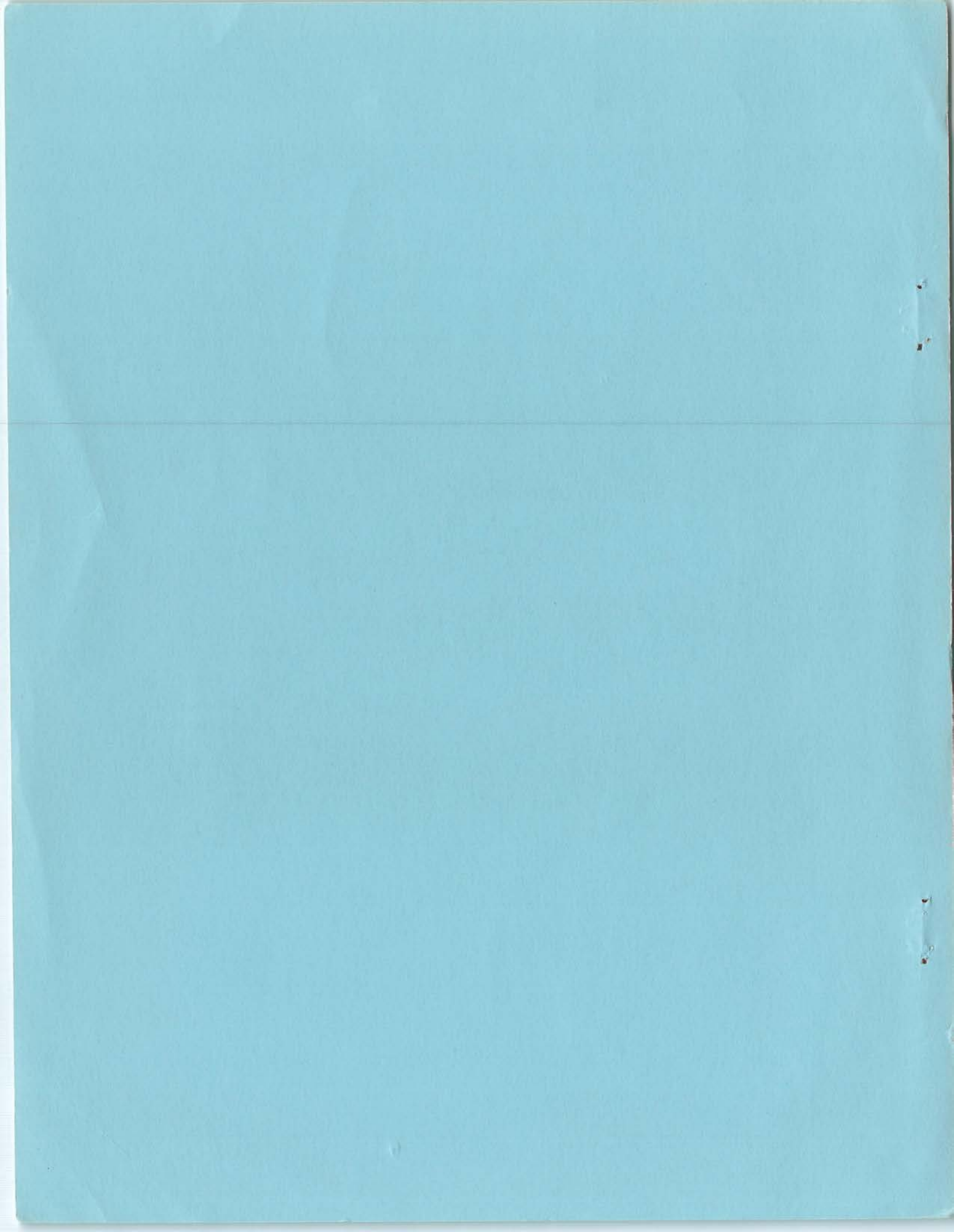


FINAL
ENVIRONMENTAL
IMPACT STATEMENT
ON THE PROPOSED
POINT REYES-FARALLON
ISLANDS MARINE
SANCTUARY

VOLUME TWO



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Coastal Zone Management



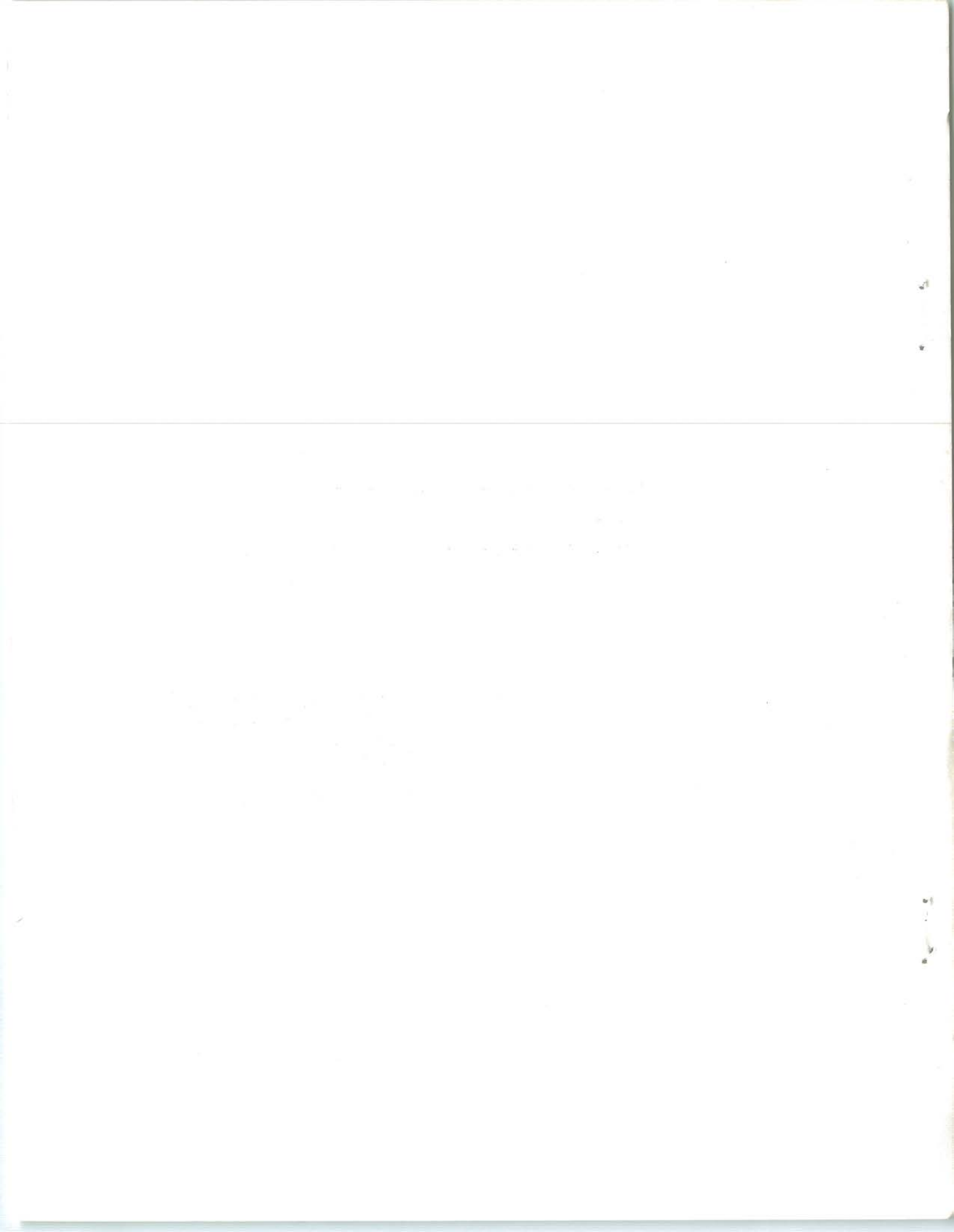
VOLUME TWO

FINAL ENVIRONMENTAL IMPACT STATEMENT

Prepared on the Proposed

Point Reyes/Farallon Islands Marine Sanctuary

U.S. Department of Commerce
National Oceanic and Atmospheric
Administration
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235



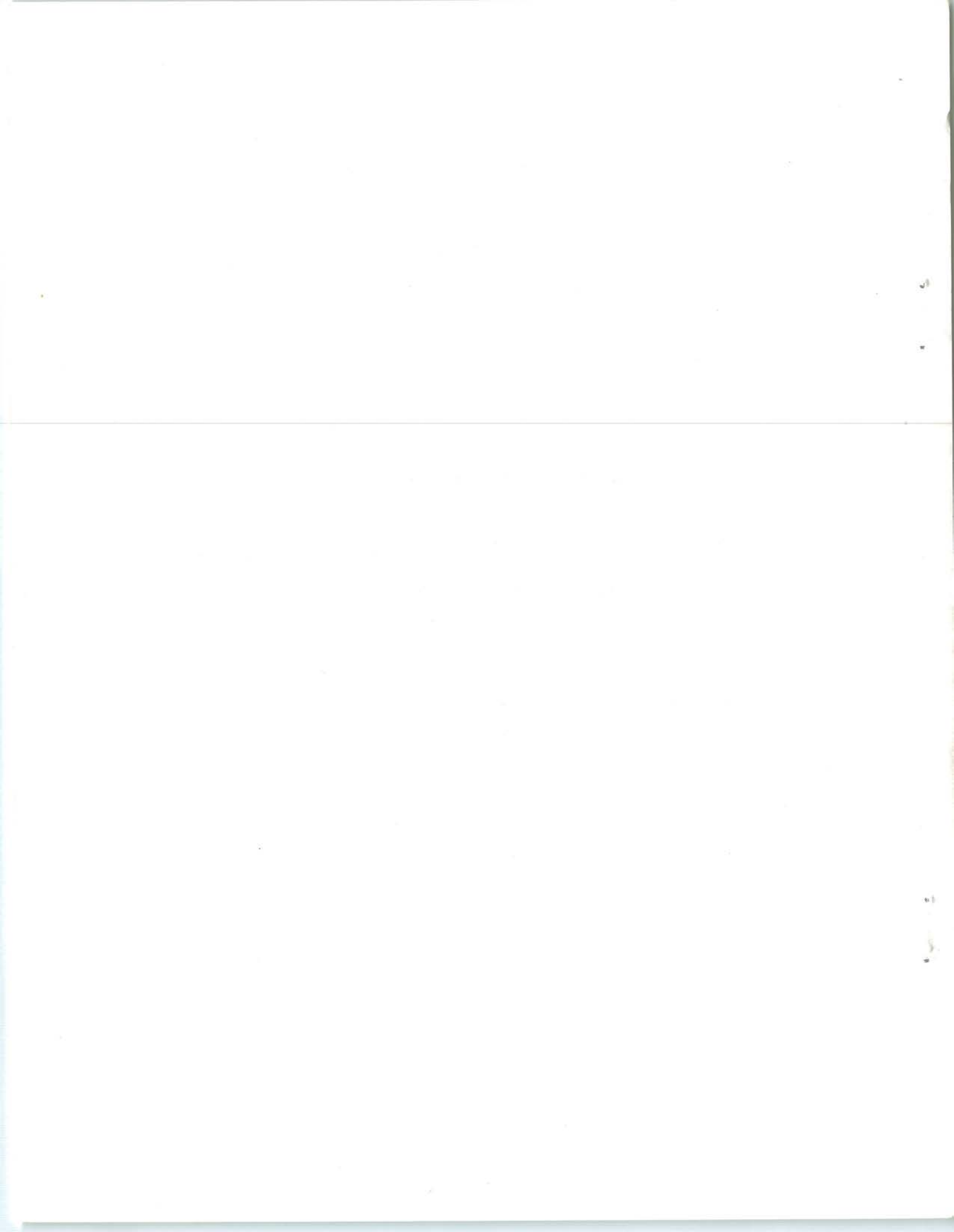
The following Section includes the comments received on the Draft Environmental Impact Statement prepared on the proposed Point Reyes/Farallon Islands Marine Sanctuary, and provides OCZM's responses to these comments. Generally, the responses to comments are provided in one or a combination of forms:

1. Expansion, clarification or revision of the- EIS,
2. Generic Responses to comments raised by several reviewers, and/or
3. Brief responses to detailed comments received from each reviewer.

Written comments received from individuals, organizations, State and local governments and Federal, State and local agencies are printed verbatim, and verbal comments have been summarized at the end of this Section.

Generally, the comments are printed on the left side of the page and OCZM's response is on the right side of the page. Comments requiring no response are printed on the right side of the page.

Seven general issues were raised frequently by reviewers of the DEIS. The responses to these issues are presented below. Commenters will be referred to these generic responses in the text.



Generic Comment A

Some commenters felt that the FEIS should present and discuss the management plan before the designation of a sanctuary.

Generic Response A

The discussion of the management plan for the proposed Point Reyes/Farallon Islands marine sanctuary has been revised and expanded to include a more exact formulation of management objectives and additional information on enforcement mechanisms (see Section F.2.b.). The California Department of Fish and Game is working under a cooperative agreement with NOAA to prepare recommendations for a specific management plan, which will address in further detail, the issues of coordination, public participation, research, monitoring, assessment, education, and enforcement. Preliminary recommendations may be available before sanctuary designation.

Furthermore, the details of a management program will evolve only with actual experience. The elements of the management plan itself will depend on the final form of the Designation document and final regulations. The details of some management issues will probably first be identified after the administration of the sanctuary begins. It is not at all unusual for a management plan to be developed after the formal protection of an area has already begun. For example, the management plan for the Point Reyes National Seashore was not finished until years after the creation of the park.

Generic Comment B

Numerous commenters supported the concept of a sanctuary advisory committee and asked to be represented.

Generic Response B

NOAA supports the creation of a sanctuary advisory committee (see Section F.2.b.). Federal, State, and local agencies, user groups, environmentalists, and citizen associations would be represented on an advisory committee.

Generic Comment C

Existing authorities already provide enough environmental protection to the area. A marine sanctuary would only add an unnecessary and expensive layer of Federal bureaucracy.

Generic Response C

The many Federal and State agencies which exercise authority in the proposed sanctuary provide a considerable degree of regulatory protection to the resources of the area. However, an area as rich in biological activity as this requires a management program which addresses the entire range of issues involved in long-term preservation of its natural resources. A marine sanctuary will provide such a management framework. (See Section F.2.b.)

The marine sanctuary program unlike most other regulatory programs with jurisdiction in this area, can focus on this particular location and provide comprehensive planning to preserve its marine resources. Other statutes either focus on management of much smaller areas, or single resources or have resource protection only as an ancillary goal. Marine sanctuary planning and management also include provisions for research and monitoring of the condition of the resources to assure long-term protection and maximum safe use and enjoyment; other statutes do not provide in most cases the same geographically focused, comprehensive research and monitoring effort. An educational element of the program heightens public awareness of the value of the resources and thereby reduces the potential for harm; again, this aspect of the marine sanctuary program is unavailable under the present system. The marine sanctuary proposal can also fill an important regulatory role. Specific activities which may adversely affect the resources of the sanctuary are identified in Section F.1.c. and proposed sanctuary regulations are discussed in Section F.2.c.

The extraordinary level of living marine resources in this area deserves additional attention beyond that provided by the present institutional structures. For instance, the resource protection afforded by the parks and refuges along the Point Reyes coast and on the Farallon Islands is aimed primarily at the land areas and includes only the near shore zone of the water.

At this time certain uses of the area do not seriously threaten resource quality, but in the future these uses could have a significant impact if and when activity levels increase. The current multitude of regulatory authorities, many of which have different resource management objectives and jurisdictions, may not be able to respond to issues of cumulative ecosystem management as these uses intensify. Because these waters contain so many valuable resources which in turn support so many beneficial uses, the special planning and study possible in a marine sanctuary is necessary to ensure that they are used and preserved in the future as effectively as possible.

Generic Comment D

Although the proposed regulations in the DEIS prohibited the disposal of dredged material in the sanctuary, there is an interim dredged material disposal site at the 100 fathom contour about 10 nautical miles south of Southeast Farallon Island. While some commenters supported the prohibition of toxic dredged material, other commenters requested that dredged material disposal be allowed to continue at the 100 fathom site.

Generic Response D

Any ocean disposal of dredged material must occur at an EPA designated disposal site and must conform to both EPA and COE regulations. As discussed in Generic response E, an interim site now exists within the proposed sanctuary and the proposed regulations would allow disposal at the site if the Assistant Administrator certifies the permits for such activity (See Generic Response E.) Other than for disposal at the existing interim site, NOAA has not modified its proposed prohibition of ocean dumping. Since it appears that the permanent disposal site will be established outside the proposed sanctuary boundaries, further modification of the proposed regulation was unnecessary. NOAA could not authorize dumping of toxic materials in any case. Regulations issued in 1977 by EPA pursuant to Title I of the Marine Protection, Research and Sanctuary Act of 1972 (MPRSA) prohibit the ocean disposal of any material that "unduly degrades" the marine environment. However, the disposal of dredged material may harm marine biota by smothering and increased turbidity, even if the material is not toxic. These effects of ocean dumping are likely to cause the most damage in shallow, nearshore waters that have a high concentration of benthic organisms. In addition, dumping may interfere with fish trawling operations in waters less than 100 fathoms (183 m). These effects, among others, will be considered in certification of disposal at the interim site.

Generic Comment E

The proposed regulation on discharges discussed in the DEIS prohibited the dumping of dredge materials in the marine sanctuary. Several commenters objected to this blanket prohibition and suggested instead that NOAA allow the disposal of nontoxic, dredged material in the marine sanctuary on a case-by-case basis.

Generic Response E

Until the designation of the permanent disposal site, NOAA will allow the continued use of the interim site, on a case-by-case basis. The Assistant Administrator for Coastal Zone Management must certify each permit for ocean dumping or proposed Corps of Engineers (COE) disposal activities as consistent with the purposes of the sanctuary.

The environmental review which must precede the designation of a permanent site has already begun. The EPA and COE are preparing an environmental impact statement to evaluate the final designation of dredged material disposal site. No decision will be made on the location of the permanent site until the results of the environmental impact analysis are available. The EIS will address environmental and economic impacts, possible user conflicts, alternative sites, and monitoring provisions. The Draft EIS is scheduled for release in March 1982.

Because of the infrequent use of the site and existing regulations of disposal, the certification of permits at the interim site will not be administratively burdensome nor will it pose threats to sanctuary resources. First, the interim disposal site has not been used since 1978. Between 1975 and 1978 about 50,000 cubic feet per year were dumped at the 100 fathom site. Several dredging projects currently in various stages of planning may require deep ocean disposal before the final designation of a disposal site in 1982. Plans currently call for all dredged material disposal at the Alcatraz disposal site within San Francisco Bay, largely because of the great expense of transporting dredged material to the interim dumpsite.

Second, under the 1977 regulations issued pursuant to the Marine Research, Protection and Sanctuaries Act of 1972 (MPRSA), no ocean disposal of "toxic" wastes is allowed. All proposed dumping must comply with the regulations implementing Title I of the MPRSA, including findings that the activity will not "unduly degrade" the marine ecosystem. (42.F Reg. 2477, Part 922, Subpart B). Thus, although before those regulations went into effect the 100 fathom site might have been used for disposing dredged material classified as polluted, the current regulations impose more protective standards to control use of the interim site. Certification will assure a special review by NOAA.

Generic Comment F

Section 936.6 (a)(4) of the proposed regulations presented in the draft EIS prohibited, to the extent consistent with international law, vessels engaged in the trade of carrying cargo or supplying offshore hydrocarbon installations from entering the waters within one nautical mile of the Farallon Islands, Bolinas Lagoon, and Areas of Special Biological Significance, designated by the State. Numerous commenters recommended that the buffer zone excluding such vessel traffic from around these sensitive areas be expanded to two nautical miles.

Generic Response F

NOAA had adopted this recommendation. Such an expanded area would provide a greater measure of assurance that marine mammals and birds in such a sensitive area would not be disturbed by such vessel traffic. It would also increase the buffer zone between these and any pollutants from vessel operations or accidents. While discharge of oil is prohibited in the area by other authorities, a buffer zone is the only viable protection from the impacts of accidental discharges. The expanded buffer zone would not conflict with any customary shipping routes or with any of the options considered by the U. S. Coast Guard in its port access routes study for this area, and would not impose any additional costs on shipping. It might somewhat increase the cost of enforcing sanctuary regulations, but the added environmental protection justifies the possible cost.

Generic Comment G

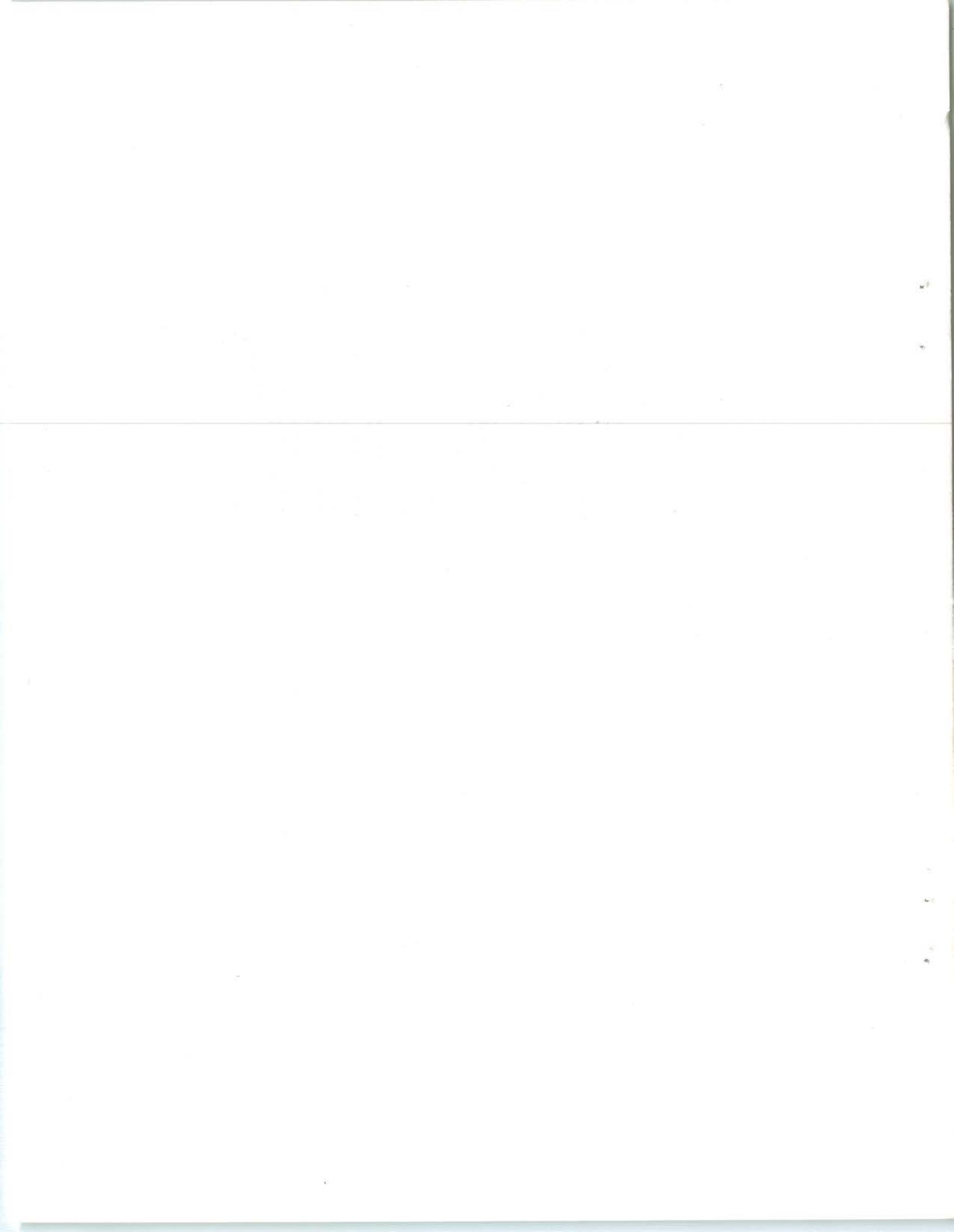
Several commenters recommended that the marine sanctuary should require vessels transitting the sanctuary to adhere to the U.S. Coast Guard's Vessel Traffic Separation Scheme (VTSS). Some commenters also suggested that tankers and barges transporting hydrocarbons be excluded from the proposed sanctuary.

Generic Response G

Although the suggested changes might decrease the risks of vessel accidents and associated polluting incidents to some presently unquantifiable degree, the provisions appear premature in light of the on-going Coast Guard evaluation of vessel routing issues. NOAA will coordinate its future review of both these issues closely with the Coast Guard after the results of the study are available.

The Coast Guard estimates that virtually all commercial vessel traffic currently complies with the San Francisco Vessel Transportation Scheme (VTSS). Making the VTSS mandatory within the sanctuary would therefore not substantially change present operating conditions. In addition, under International Law, foreign flag vessels beyond the limits of the territorial sea cannot be regulated except under limited circumstances. Any regulation of navigation on the high seas must be endorsed by the International Maritime Consultative Organization (IMCO) to be recognized under International law, and apply to foreign flag traffic.

The Coast Guard must seek IMCO's designation of any mandatory PAR or VTSS in international waters. Thus the full cooperation of the Coast Guard is essential in order to deal effectively with vessel navigation issues. The Coast Guard is currently conducting a port access route study (PARS) for the central and northern California Coast, and the entrance to San Francisco is under careful consideration as part of the study. Under the 1978 amendments to the Ports and Waterways Safety Act, the Coast Guard has the authority to make shipping lanes mandatory and will exercise that authority if that is the best course of action. Recommendations from the study will be available in January 1981. Several of the options under consideration would eliminate the northern VTSS which goes through the Gulf of the Farallons and would require all vessels to enter San Francisco Bay from either the western or the southern lanes. The implementation of any such option would virtually eliminate the need for any separate regulation of hydrocarbon transport in the Sanctuary. Even though such a measure would not in itself prohibit vessel traffic, including hydrocarbon transport, through the Sanctuary, failure to utilize a designated VTSS has sufficiently influences the determination of liability in case of an accident that most ships' masters adhere to such systems and would likely avoid the Gulf. NOAA has commented on the PAR study, and the Coast Guard will take the proposed Point Reyes-Farallon Islands marine sanctuary into consideration in its decision. Finally, NOAA will consult with the Department of the Interior concerning the routing of vessels related to OCS Lease Sale #53.



COMMENT

RESPONSE

Advisory
Council On
Historic
Preservation

ADVISORY COUNCIL ON HISTORIC PRESERVATION
LAKE PLAZA-SOUTH
SUITE 618
44 UNION BLVD.
LAKEWOOD, COLORADO 80228

1522 K Street NW.
Washington D.C.
20005

April 14, 1980

Ms. JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler:

This is in response to your request of March 21, 1980, for comments on the draft environmental statement (DES) for the proposed Point Reyes-Marillon Islands Marine Sanctuary.

The Council has reviewed the DES and notes that the Office of Coastal Zone Management has determined that the proposed undertaking will not affect properties included in or eligible for inclusion in the National Register of Historic Places. Accordingly, the Council has no further comment to make at this time. It is suggested, however, that the final environmental statement contain the California State Historic Preservation Officer's concurrence in the determination of no effect.

Should you have any questions or require additional information regarding this matter, please contact Charles M. Niquette of the Council staff at (303) 234-4946, an FTS number.

Sincerely,


Louis J. Wall
Chief, Western Division
of Project Review

1. The Resources Agency of California has reviewed the EIS.

COMMENT

RESPONSE



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT CORPS OF ENGINEERS
211 MAIN STREET
SAN FRANCISCO, CALIFORNIA 94105

COPIES
REMOVED

NOV 17 11 23 39

SPNED-E

9 April 1980

MAIL ROOM

Ms. JoAnn Chandler
Sanctuary Programs Office
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler:

We have reviewed the Draft Environmental Impact Statement on the proposed Point Reyes-Farallon Island Marine Sanctuary and have the following comments:

The Draft EIS correctly identifies the Corps' dredged material disposal site within the sanctuary boundaries (page E-67). Under the proposed sanctuary regulations future dumping of dredged material at this site or anywhere within the sanctuary boundaries would be prohibited. Our research indicates that this prohibition may be unwarranted.

In 1974, the Naval Undersea Center, Department of the Navy by agreement with the San Francisco District Corps of Engineers conducted field studies of dredged material disposal at a 100-fathom site in the Gulf of the Farallones (Dredge Disposal Study, San Francisco Bay and Estuary, September 1975, Appendix L). That study found that cohesive sediments with low water content deposited at the 100-fathom site fall nearly vertically, and concentrate in clumps on the bottom. Water quality conditions in the vicinity of the site did not show any signs of degradation from the disposal activity. Thus, it does not appear that the disposal operations in deep water pose a threat to marine resources. We would therefore like to see the existing designated disposal site excluded from the dumping prohibition.

Regarding other activities within the sanctuary, we concur with the proposal to automatically certify other permits that do not conflict with sanctuary regulations. This step will eliminate potential duplications of effort and avoid processing delays.

Thank you for this opportunity to comment on the Draft EIS. Please send us a copy of the final document.

Sincerely,

JAMES C. WOLFE
Acting Chief
Engineering Division

1. See generic response D and E for a brief discussion of possible impacts of deep water disposal.
2. No response necessary.



DEPARTMENT OF THE ARMY
 SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
 311 MAIN STREET
 SAN FRANCISCO, CALIFORNIA 94108

SPMED-E

30 MAY 1980

Ms. JoAnn Chandler
 Sanctuary Programs Office
 Office of Coastal Zone Management
 3300 White Lane Street, N.W.
 Washington, D. C. 20235

Dear Ms. Chandler:

We would like to take this opportunity to restate and emphasize our previous comments dated 9 April 1980 on the DEIS for the proposed marine sanctuary for the Pt. Reyes-Farallon Island Complex. The prohibition preventing future dredged disposal or ocean dumping within the proposed sanctuary boundaries appearing on page F-96 of your DEIS forecloses any option available under the Marine Resources, Protection and Sanctuaries Act of 1972, previously described on page F-57 of your DEIS. Although no present dredged disposal activities are occurring in ocean waters adjacent to Bodega Bay or Bolinas Lagoon from Federal activities, future programs may require ocean dumping be considered as indicated for Bolinas Lagoon and Bodega Harbor on page F-57 of your DEIS. As you must be aware, the ocean dumping criteria facilitates a biological evaluation of the potential for adverse impacts as well as providing some guidelines for appropriate siting of a disposal site. Numerous studies to date have not demonstrated a significant adverse impact upon marine organisms resulting from dredged disposal activities.

We would also like to clarify our position on the designated interim disposal site located at the 100-fathom contour within the proposed sanctuary boundaries. At this time, there are no plans to move this site to a location outside of your proposed marine sanctuary boundaries. We suggest that you consider adjusting your boundaries to exclude our 100-fathom site which has been used historically for dredged material disposal. To discontinue its use with a prohibition of dredged material disposal without providing for its replacement would be unwarranted.

Sincerely,

John M. ADSIT
 JOHN M. ADSIT
 Colonel, CE
 District Engineer

Copy furnished:
 W. R. Morden, WRSC-D, Water Resources Support Center, Ft. Belvoir, VA 22060
 Mr. Westler, Marine Protection Br., EPA, Washington, D. C. 20460

1. See generic response D.

2. See response to comment from COE, Waterways Experiment Program, May 28, 1980.

COMMENT

RESPONSE



DEPARTMENT OF THE ARMY
WATERWAYS EXPERIMENT STATION, CORPS OF ENGINEERS
P. O. BOX 631
VICKSBURG, MISSISSIPPI 39180

WE SEVE TO WESEV

28 May 1980

Ms. Jo Ann Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven St., N.W.
Washington, D.C. 20235

Dear Ms. Chandler:

This letter is to confirm my discussions via telephone with Ms. Diane Mayerfeld of your office concerning the Draft Environmental Impact Statement (EIS), on the Proposed Point Reyes - Farallon Islands Marine Sanctuary. The dredged material disposal site known as the "Farallon Islands Site" and also called the "100 Fathom Site," received interim designation by the U. S. Environmental Protection Agency (EPA) in January 1977. In late 1979 the site was moved approximately three miles shoreward to a depth of 59 fathoms, although the name "100 Fathom Site" is sometimes still used to distinguish it from the much shallower site at the San Francisco Channel Bar. Both of these deep sites are within the proposed sanctuary, although the 59 fathom site is very close to the southern boundary. Extensive environmental studies are underway for final designation of the 59 fathom site, involving seasonal sampling, literature synthesis and specialized assessment procedure.

Final designation of the site is the responsibility of EPA and the required studies are being performed under an EPA contract. Technical management of the contract has been assigned to the Dredging Operations Technical Support (DOTS) Program by the Dredging Division of the Corps' Water Resources Support Center (WRSC). At the direction of the Chief of the Dredging Division, DOTSC is also responsible for coordinating the Corps efforts to resolve problems associated with the site's being located within the proposed sanctuary.

We are presently considering all options for resolving the situation. We are coordinating our efforts with the WRSC, the San Francisco District, and EPA. As agreed to by Ms. Mayerfeld, a meeting to review all options and alternatives and hopefully resolve the situation will be held in the Page Building at 2001 Wisconsin Avenue, in her Office on 13 June 1980 at 1300. It is our understanding that the comment period will be extended to allow the results of the meeting to be incorporated into the final EIS. Hopefully the situation can be resolved prior to 13 June and a meeting will not be necessary.

We will continue to communicate directly with Ms. Mayerfeld on all matters unless otherwise notified by your office.

Sincerely,

CHARLES C. CALHOUN, JR.
Manager Dredging Operations
Technical Support Program

1. Later information referenced in the FEIS, indicates that EPA and COE will evaluate alternate sites for permanent designation outside the boundaries of the proposed sanctuary. The proposed regulations have been modified to allow use of the interim site.

COMMENT

RESPONSE



Department of Energy
Washington, D.C. 20461

JUN 4 1980

Ms. JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
3300 Whitehaven St., NW.
Washington, D.C. 20235

Dear Ms. Chandler:

The Department of Energy (DOE) is pleased to respond to your March 21, 1980, request for comments on the Draft Environmental Impact Statement (DEIS) for the Proposed Point Reyes/Farallon Islands Marine Sanctuary.

DOE does not object to the designation of the proposed sanctuary. We wish to note, however, that two tracts of proposed OCS Lease Sale 53 are partially within the sanctuary boundary and others are located nearby. The sanctuary appears to be an area of limited oil and gas potential. Also, a major portion of the proposed sanctuary is within the existing OCS exclusion area which extends 15 miles offshore from the Point Reyes National Seashore. Nonetheless, it is important to recognize the high degree of uncertainty in finding oil and gas resources in frontier OCS areas. We believe the final proposal should discuss future review of sanctuary regulations in the event Sale 53 exploration activities indicate the presence of substantial energy resources. Your recently completed DEIS for the Channel Islands Marine Sanctuary did discuss possible future development of oil and gas resources affected by sanctuary regulations.

Management authorities described as the "Status Quo Alternative" should receive more thorough consideration. The DEIS emphasizes citation of legal authority while inadequately discussing agency programs which are in place to implement these authorities. Existing authorities and administrative programs are adequate to protect against oil and gas hazards. The marine sanctuary proposal would increase the area excluding OCS operations, but would do little else to prevent, control, or effectively mitigate a major oil blowout or spill. Sanctuary regulations should place more emphasis on certification of existing regulations meeting sanctuary objectives. New regulations should be imposed only as needed to provide protection not otherwise available.

We are concerned about unwarranted proliferation of authorities for environmental protection. Sixty pages of the DEIS description of the Status Quo Alternative are required to summarize other

1. As discussed in the DEIS on the proposed Channel Islands marine sanctuary, if petroleum technology improves so that the risk of pollution and disturbance from oil and gas exploration and exploitation decreases substantially, and if the need for petroleum is sufficiently great, modification to the regulations of the marine sanctuary could be proposed to allow petroleum development. However, given the low probability that the proposed marine sanctuary contains large hydrocarbon reserves, it seems highly unlikely that circumstances will warrant such a change in the regulations.
2. The "Status Quo" Alternative discusses agency implementation of the laws as well as the statutes themselves. The two are difficult to separate.
3. Marine sanctuary jurisdiction does not extend beyond sanctuary boundaries, and therefore cannot regulate oil and gas operations outside the sanctuary. However, the management plan will address ways of providing oil spill containment equipment and personnel to protect the esteros and bays in the event of a spill. In addition, the sanctuary manager and NOAA will consult with the Coast Guard and the Department of the Interior to assure consideration of sanctuary resources in any contingency planning which accompanies OCS Lease Sale #53.
4. See Section F.1.c. The marine sanctuary regulations generally are proposed to supplement existing regulatory measures.
5. See generic response C. Although numerous agencies have authority over various aspects of offshore oil and gas operations, none has the mandate to provide the sort of site specific management, planning, research, education and regulatory protection afforded by the proposed marine sanctuary.

1. 2. 3. 4. 5.


RESPONSE

COMMENT

2

5. State and Federal environmental authorities already in force. Most of these authorities may be applied in some manner to the regulation of OCS oil and gas drilling, pipeline construction, and tanker operations. The proposed exclusion of oil and gas activity as a major justification for the sanctuary appears to debase both statutory requirements and administrative oversight of these existing programs.

Sincerely,



R. Bobie Langenkamp
Deputy Assistant Secretary
Resource Development and Operations
Resource Applications

RESPONSE

COMMENT



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

May 21, 1980

Ms. JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management, NOAA
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler:

We have received and reviewed the Draft Environmental Impact Statement on the proposed Point Reyes/Farallon Islands Marine Sanctuary. We support recognition of the great value and significance of the area through marine sanctuary designation. We also support the concept of improved resource management through increased coordination. However, we oppose the proposed prohibition on hydrocarbon exploration and exploitation activities, which we feel is unnecessary, inconsistent with the other proposed regulations, and undesirable. We urge that hydrocarbon activities be treated in a manner similar to other activities, that is, by being carefully managed utilizing existing authorities, rather than being prohibited.

The DEIS consistently, emotionally, and without documentation implies that oil and gas operations are the most damaging activity to this marine ecosystem. While oil and gas exploration and development are prohibited, other activities such as dredging and filling, construction of marinas, municipal sewage outfalls, and navigation are allowed subject to State and Federal controls and sanctuary certification. We believe that scientific research and documentation has demonstrated that the adverse impacts of these activities, particularly dredge and fill in shallow waters, far exceed that of oil and gas operations. Moreover, even if oil and gas were the greatest threat to the environment, it is inconsistent to allow commercial petroleum transport vessels, the primary source of marine oil spills, to navigate within one nautical mile of the Farallon Islands, while prohibiting oil and gas development entirely in the Sanctuary and restricting pipelines to an area at least two nautical miles away from the Islands.

1. While dredge and fill operations, construction of marinas, and municipal outfalls may have environmental impacts equalling those of normal oil and gas development, particularly if carelessly controlled, these activities do not have the potential for accidental catastrophic pollution posed by oil and gas development. The buffer zone concept which NOAA concludes is appropriate for hydrocarbon activities therefore does not necessarily apply to these activities. Different controls are thus applied. For instance, municipal outfalls will be certified on a case-by-case basis if the Assistant Administrator finds there will be no significant adverse impact. Hydrocarbon transportation can pose risks of catastrophic oil spills, similar to those associated with petroleum exploration and exploitation. Spills of refined petroleum products from tankers may be even more damaging than well blowouts, since refined fuel is more toxic than crude oil. However, the proposed sanctuary regulation prohibits, consistent with international law, tankers and barges from entering the waters within 2 nmi of the Farallon Islands, Bolinas Lagoon, and Areas of Special Biological Significance, which provides some degree of protection. See generic responses F and G.

o In addition NOAA will consult and cooperate with the Coast Guard as that agency's study of methods to increase navigational safety in the area continues. It is possible the Coast Guard's actions will result in tanker traffic transiting further from sensitive areas. See generic response G.

o NOAA cannot completely prohibit tankers from entering the sanctuary, since that would obstruct access to San Francisco Bay. The location of any pipelines outside the 2 nmi prohibition zone will be subject to certification to further consider risks to sanctuary resources.

COMMENT

RESPONSE

2

Oil and gas activities in the proposed sanctuary would entail some degree of risk. However, both the risk and the long-term effects of such operations would be less than the risks and effects associated with some other allowable activities. Moreover, we believe that the Department of the Interior has the necessary authority, and has demonstrated the willingness to use it, to minimize such risks while allowing responsible development of oil and gas resources. The DEIS fails to demonstrate any OCS oil and gas activity for which adequate management authorities do not exist. We believe that these authorities should be used to control OCS oil and gas activities to comply with the proposed sanctuary objectives. NOAA has found it acceptable to rely upon the authorities of the Corps of Engineers, EPA, and the State of California as tools for management of the proposed sanctuary; in a similar fashion, it should rely upon, rather than substitute for, the authorities of the Department of the Interior. This approach would be similar to the NOAA preferred alternative for the proposed Flower Garden Banks Marine Sanctuary.

The mechanisms, procedures, and responsibilities for coordination and management should be fully developed and described in the Final Environmental Impact Statement, in order for individual agencies to assess the impacts on their programs. The DEIS assumes perfectly effective implementation of an undefined future management plan, while claiming imperfect implementation of existing, well-established management authorities. How will the unspecified future improve upon the proven present, and with what degree of confidence? We would recommend utilization of a management committee established along a collegial approach, as we have discussed for the Flower Garden Banks Marine Sanctuary.

Close coordination will be required, especially with the Bureau of Land Management and the United States Geological Survey, regarding environmental and geophysics research and oil and gas activities, and with the Fish and Wildlife Service and the National Park Service relating to research and educational activities. According to the proposed management scheme, would these ongoing activities require NOAA certification?

In addition to these general comments, we have several specific observations:

1. The northern and southern sea otter populations are lumped together under a general summary of Ecological Information for Sea Otters (Enhydra lutris) in Table E5. The Service

2. See generic response A and C. NOAA will use its coordination and management policies to avoid or minimize any negative impacts of sanctuary designation or other agencies. In fact, the facility for coordination that the marine sanctuary would provide may mitigate interagency conflicts that might otherwise arise. Finally NOAA's policy of automatically certifying all permits, authorizations, and license not in conflict with sanctuary regulations prevents adverse impacts on existing programs.

3. See generic response A. The Sanctuary Task Force proposed for the Flower Garden Banks Marine Sanctuary serves a particular need for coordinating extensive ongoing activities by several federal agencies. Based on the much less intensive development at this site such a formal structure is unnecessary. However, an advisory committee for the Point-Reyes - Farallon Islands marine sanctuary would involve State and local as well as Federal authorities, and an array of major user groups to advise on all issues of sanctuary management.

4. See generic responses A and C. Unless the activity violated a sanctuary regulation, the overall certification in the proposed regulations is sufficient. However, research or education related activities which are in violation of marine sanctuary regulations will require a permit. See Section 936.8 for a description of the qualifications and procedures for obtaining a permit.

RESPONSE

COMMENT

3

(FWS) also determined that the original range of the Southern Sea Otter extended at least 1,500 miles from Morro Hermoso on the Pacific Coast of Baja California, to the Strait of Juan de Fuca, separating the Olympic Peninsula of Washington from Vancouver Island, British Columbia. The present range covers only about ten percent of this area. Recent surveys indicate a total California population of about 1,800 animals ranging between Ano Nuevo Island (north of Santa Cruz) and Pismo Beach.

The range of the sea otter as stated in this table does not take into consideration the Fish and Wildlife Service's determination that the Southern Sea Otter (*Enhydra lutris nereis*) of California waters is a subspecies distinct from the Northern Sea Otter population in Alaskan waters, and that the Southern Sea Otter is a threatened species. Please refer to the formal rulemaking procedure in the Federal Register (Vol. 42, No. 10, pages 2965-2968) under the authority of the Endangered Species Act of 1973.

2. The information presented for the bird populations of the proposed sanctuary should be supplemented with the following data and reports that have become available since the publication of the DEIS:

- (1) Draft Report for the Seabird Nesting Survey for the Central and Northern California Coastal Region, April 1980; USFWS.
- (2) Maps and Tables: Catalog of California Seabird Colonies; USFWS in draft form.
- (3) Visual #7, Marine Birds, Environmental Impact Statement for OCS Sale #53, Volume 2.
- (4) Executive Summary - Ecological Characterization of the Central and Northern California Coastal Region; USFWS.

Copies of these reports are available from the Office of Biological Services within the Fish and Wildlife Service in Washington, D.C. Using this current information will provide the final statement with more accurate population estimates.

3. The following reports include updated material for the impact discussions within the final statement on marine birds and mammals:

One permit certainly could be considered for all NPS or FWS programs which might involve violations. Activities in violation of sanctuary regulations which are not: (1) research related to the resources of the sanctuary, (2) educational, or (3) for salvage or recovery operations, would be prohibited.

The technical information noted in paragraphs numbered (1) - (3) has been included in the FEIS whenever possible.

COMMENT

RESPONSE

4

- (1) Jehl, J.R., Jr., M.J. White, Jr., and S.I. Bond. 1980. Effects of sound and shock waves on marine vertebrates: an annotated bibliography. U.S. Fish and Wildlife Service, Biological Services Program. FWS/OBS-80/02/6 pp.
- (2) Stichel, L.F., and M.P. Dieter. 1979. Ecological and Physiological/Toxicological Effects of Petroleum on Aquatic Birds. U.S. Fish and Wildlife Service, Biological Services Program. FWS/OBS-79/23. 14 pp.
- (3) Biderman, J.O. and W.H. Drury. 1980. The Effects of Low Levels of Oil on Aquatic Birds: A Non-technical Summary of Research Activities FY 76 through FY 78. U.S. Fish and Wildlife Service, Biological Services Program, FWS/OBS-80/16. 5 pp.

Questions about this research and requests for these publications should be directed to:

National Coastal Ecosystems Team
U.S. Fish and Wildlife Service
NASA-Slidel Computer Complex
1010 Gause Blvd.
Slidell, LA. 70458

4. It should be pointed out on p. C-13 that the Fish and Wildlife Service also has management and enforcement responsibilities in the area.
 5. On page E-40, certain rankings of sajer-53 are given. The correct, and most recent, rankings are: Industry ranked Central and Northern California 12th of 22 areas for resource potential. Geological Survey ranked the area 16th out of 22. Industry ranked Central and Northern California 7th in terms of interest in exploration.
 6. Table F-1 on pp. F-2 - F-4 presents a partial comparison of differences between alternative management plans. Neither it nor the related narrative discussion describes any differences in the environmental impacts of the different alternatives. The table and text should be supplemented by a discussion and comparison of the different environmental impacts of these alternatives.
4. This information has been included in the FEIS.
 5. This information has been included in the FEIS.
 6. The narrative accompanying each alternative compares the environmental impact with the preferred alternative.

COMMENT

RESPONSE

5

7. On page F-52, the proposed sale 53 sale date is May 1981.

8. The discussion of air quality control on p. F-55 should be updated. Final regulations were published on March 7, 1980.

9. On page F-55, paragraph 1: The DEIS for OCS Sale #53 was released by the Bureau of Land Management in April 1980.

10. On page F-57, paragraph 3, sentence 2: The DOI Solicitor is currently examining the question of applicability of the National Historic Preservation Act on the OCS.

11. On page F-89: Results of hypothetical oil spill risk scenarios for OCS Lease Sale #53 are analyzed in USGS Open File Report 80-211 by W. B. Samuels and K. J. Lanfear. We suggest that a summary of these results be included in the final document.

12. On page F-99, Vessel Navigation and Operations: The effects of this proposed regulation cannot be assessed until an examination of NOAA's authority to regulate international vessel traffic is completed. This analysis should be included in the final document.

In conclusion, we urge that you closely coordinate the further development of this proposal with affected Interior agencies.

Sincerely,



James D. Webb
Deputy Assistant Secretary
for Fish and Wildlife and Parks

7. This information has been corrected in the FEIS.
8. This information has been included in the FEIS.
9. This information has been corrected in the FEIS.
10. No change has been made in the FEIS since the statement is correct.
11. This information has been included in the FEIS. Lease Sale # 53 DEIS was not released in time for the printing of the DEIS on the Proposed Marine Sanctuary at Point Reyes and the Farallon Islands.
12. The regulation of certain commercial vessel operations will be consistent with international law. The extent of foreign flag traffic through the area is currently unknown, but that does not mitigate against controlling domestic vessels, particularly where no economic disadvantage is incurred.

COMMENT

RESPONSE



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

May 23, 1980

Ms. JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management, NOAA
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler:

Following submission of our comments of May 21, 1980, on the proposed Point Reyes/Farallon Islands Marine Sanctuary DEIS, we received additional comments from the National Park Service. Most of their concerns were expressed in our previous comments; however some new concerns were identified.


The boundaries of the Sanctuary adjacent to the Point Reyes National Seashore should be congruent with the legislated seashore boundaries. Although we had previously been informed that this would be the approach, it would appear from Figure C-1 that this is not true for the areas in Tomales Bay and that section of the Seashore between Drakes Bay and Bolinas Bay. This change in boundaries would confuse resource management.

The variety of commercial activity in Tomales Bay raises some doubt about whether Tomales Bay should be included within the Sanctuary boundaries. We suggest a clearer discussion of potential conflicts and benefits resulting from this inclusion be provided in the FEIS.

Finally, we again emphasize the need to closely coordinate the management, education, and research activities of the Sanctuary with those of the National Seashore.

Please append these comments to our earlier submission. Thank you.

Sincerely,


James D. Webb
Deputy Assistant Secretary
for Fish and Wildlife and Parks

1. The boundaries of the Sanctuary adjacent to Point Reyes National Seashore are intended to be congruent with the legislative Seashore boundaries as depicted (See the chart showing the marine sanctuary coordinates and boundaries in the appendix to the regulations. (Appendix I) If the National Seashore boundaries change as a result of new legislation, NOAA will consult with the National Park Service concerning the Sanctuary boundaries.
2. The proposed sanctuary regulations provide sufficient flexibility to avoid harming existing commercial and recreational interests in Tomales Bay while still providing an institutional mechanism for beneficial planning, research and education. The management study (see Section F.2.b. and generic response A) will address the possibility of stressing different management objectives and goals for the different areas in the sanctuary.
3. NOAA also agrees such coordination is essential. See generic responses A and B.

RESPONSE

COMMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF THE
ADMINISTRATOR

JUN 17 1980

Ms. JoAnn Chandler
Sanctuary Programs Office
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20335

Dear Ms. Chandler:

The Environmental Protection Agency (EPA) in accordance with its responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act, has reviewed the Draft Environmental Impact Statement (EIS) on the Proposed Point Reyes - Farallon Islands Marine Sanctuary. EPA strongly supports your efforts in developing a proposal to designate this area as a sanctuary. We believe that this effort will help to preserve the distinctive ecological and aesthetic values of the area.

In general, EPA is in agreement with the preferred managerial and boundary options presented. There are, however, certain informational aspects concerning EPA's ocean dumping authorities and the boundary selection rationale that should be clarified. Our attached comments include suggested changes which we believe will clarify EPA's responsibilities and current activities in the proposed sanctuary area. We have rated the statement as Category LO-2, which means "Lack of Objection - Insufficient Information."

As you know, EPA, the Corps of Engineers, and NOAA are engaged in discussions regarding the interim disposal site for dredged material within the proposed sanctuary. EPA agrees that the presence of an ocean dumpsite within the sanctuary would be inconsistent with the sanctuary purposes. However, since the Farallon Islands site is in the process of permanent designation, we believe the final EIS must contain a discussion of alternative resolutions to the situation, including the environmental and economic impacts of the possible relocation of the site and the possible relocation of the boundary line. In addition, we believe that the rationale for the entire

1. Comment accepted.
2. We have attempted to provide further information as necessary.
3. See generic responses D and E. The information on economic impacts of relocating the site has been included in the FEIS.

1. []
2. []
3. []

RESPONSE

COMMENT

boundary should be explicitly stated. For example, the choice of the boundary extending 3 miles seaward of State waters from Point Reyes north to Bodega Head was never explained. Because the sanctuary regulations will only apply within the sanctuary boundaries, the boundary should encompass an area sufficient to protect the purposes of the sanctuary.

EPA will be happy to continue discussions with NOAA regarding the ocean dumping site and to assist in the design and implementation of the management framework within the proposed sanctuary boundary.

EPA appreciates the opportunity to comment on this statement and we hope our suggestions will assist in the preparation of the final.

Sincerely yours

William N. Hedeman, Jr.

William N. Hedeman, Jr.
Director
Office of Environmental Review (A-104)

Enclosure

4. The proposed boundary was based on analysis of the resources in the area, the uses, and existing programs. The 12 nmi buffer zone around the Farallon Islands was established to create the necessary protection from oil and gas activities. In general, the boundary represents a management unit which closely approximates an area needed to protect the resources of the area. See response to comment 2 of The Center for Environmental Education, May 30, 1980. The boundary 3 nmi seaward of the State waters in the northern part of the proposed sanctuary is that estimated to be necessary given the existing prohibition on oil and gas activity in that area.

5. NOAA appreciates the assistance it has received from EPA and all future cooperative efforts.

COMMENT

RESPONSE

on NOAA's DEIS on the Proposed Pt. Reyes - Farrallon Islands Marine Sanctuary
EPA's Detailed Comments

The final should correct the following line items to reflect the proper depiction of EPA's authorities and the current status of negotiations:

6. The statement on page C-9 "Solid waste overboard discharges from vessels are not currently regulated" is not correct. We suggest the text be revised to reflect Annex V of the 1973 IMCO Convention, as well as U.S. Navy, Coast Guard, and Maritime operating regulations.

7. The term dredge spoil (page C-10 etc.) is no longer used. The correct term as defined in both the Clean Water Act (CWA) of 1977 and the Marine Protection Research and Sanctuary Act (MPRSA) is "dredged material."

8. The DEIS states that dredged material disposal activities at the Farallon Islands interim dredged material disposal site will be transferred to the San Francisco Channel Bar site (page E-67). This is no longer correct. Due to insufficient information available to support unlimited use, the San Francisco Channel Bar site will be proposed for final designation with its use limited to dredged material taken from the San Francisco ship channel.

9. The DEIS states that "no dredge material disposal sites are currently in operation within the study area" (page F-57). This is misleading. The Farallon Islands interim dredge material site is available for use. The DEIS also states that "Routine navigational and marine-related dredging activities currently being carried out by the COE in Bodega Harbor, and any future activities tentatively planned for Bolinas Lagoon, must meet the criteria of the Ocean Dumping Act (33 USC Sec. 14136)." The only dredging activity which must meet EPA's Ocean Dumping Criteria is the disposal of dredged material in ocean waters, and not the actual dredging activity. However, dredging activities may come under the permitting authority of Section 404 of the CWA.

6. This point has been clarified in the FEIS.

7. This correction has been made in the FEIS.

8. This correction has been made in the FEIS.

9. This correction has been made in the FEIS.

RESPONSE

COMMENT

-2-

The discussion on page F-63 needs clarification. Jurisdiction of MPRSA applies from the baseline from which the territorial sea is measured, i.e. "ocean" includes the territorial sea. The DEIS states that "beyond the territorial sea, EPA approval is needed for ocean dumping." An ocean dumping permit is required for the dumping of dredged material or any other material in the territorial sea. In addition, the terms "ocean dumping" and "discharge" have specific meanings in the context of the MPRSA and the CWA. They should not be used interchangeably. They both refer to types of disposal.

The DEIS discusses the effect of ocean dumping, municipal outfalls, and dredge spoil disposal on the marine environment. The data which supports these statements is not included nor properly referenced in the DEIS. This data should be included in the FEIS through reference or as a technical appendix.

The DEIS states that "long-term biological effects of marine resource exposure to radioactive materials are (since 1972) being monitored by the EPA on a regular basis" (page E-68). EPA is not currently monitoring these sites on a regular basis, nor are there presently plans to do so.

A map which includes boundaries for parks, reserves and other special areas within the sanctuary would be helpful.

10. These corrections have been made in the FEIS, and certain additional references included.
11. These corrections have been made in the FEIS.
12. Figures E-13, E-14, F-1, F-2, F-3, F-4, and F-5 show the locations of boundaries of parks and preserves in the study area.

10.

11

12

COMMENT

RESPONSE

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON 20426

IN REPLY REFER TO
1980 MAY 30 PM 4:44
MAIL ROOM

May 23, 1980

Mr. Michael Glazer
Assistant Administrator for
Coastal Zone Management
National Oceanic and Atmospheric
Administration
3300 Whitehaven Street, N. W.
Washington, D. C. 20235

Dear Mr. Glazer:

The Proposed Point Reyes-Farallon Islands Marine Sanctuary/Draft Environmental Impact Statement has been reviewed by the staff of the Federal Energy Regulatory Commission.

An overwhelming and compelling case for establishing this marine sanctuary vis-a-vis a consideration of current and long term national energy problems has not been established. We are concerned about the prohibitory provisions of the sanctuary proposal and recommend, therefore, that the Point Reyes-Farallon Island Marine Sanctuary proposal be denied as long as energy exploration and development would be prohibited within the sanctuary boundary. Additional and more specific comments by the staff of FERC are enclosed.

We wish to thank you for the opportunity to review and comment on the Proposed Point Reyes-Farallon Islands Marine Sanctuary/Draft Environmental Impact Statement.

Sincerely,

for James R. Gily, Jr.
Carl N. Shuster, Jr., Ph.D.
Coordinator, Coastal Zone Affairs

Enclosure

1. The resources, uses and need for management discussed in the FEIS established the need for the proposed sanctuary.
2. The area included in the proposed prohibition on hydrocarbons activity appears to be very low in resource value and the restriction most unlikely to adversely impact the nation's self-sufficiency program.

COMMENT

Comments By
Federal Energy Regulatory Commission Staff
on the
Proposed Point Reyes-Farallon Islands Marine
Sanctuary/Draft Environmental Impact Statement

RESPONSE

In discussing hydrocarbon operations on page C-8, the DEIS does not describe the responsibility of the Federal Energy Regulatory Commission (FERC) for Outer Continental Shelf (OCS) oil and gas jurisdiction. It would be more accurate to state that all natural gas produced from the OCS is considered to be interstate and therefore is subject to the jurisdiction of the FERC. The Natural Gas Act, the Natural Environmental Policy Act, and the OCS Land Act Amendments of 1978 grant authority or require that the FERC investigate the environmental effects of a proposed offshore project, as well as the potential gas reserve, the need for this gas, and the availability of capital to develop the resource.

Alternative 2, preferred by the Office of Coastal Zone Management, would designate the study area as a marine sanctuary and would prohibit future oil and gas exploration and development within the sanctuary boundary. On page F-94 under "Socioeconomic Impacts of the Proposed Regulation," the DEIS states that "the prohibition ... could represent a loss of potential recoverable hydrocarbon reserves." The DEIS does not adequately describe the Nation's present critical need to develop domestic energy sources. For instance, gas shortages in recent years have forced interstate pipeline companies to curtail deliveries of natural gas; this has increased our dependence on foreign oil and gas imports. It is clear that should even the most optimistic estimate of natural gas reserves prove correct, they would do little to offset any future imbalance between natural gas supply and demand. More specifically, the DEIS also fails to describe the present energy demands of California. Such considerations of energy supply should be fully discussed in the final environmental impact statement.

On page F-94 the document discusses the situation pertaining to the two northwest corner tracts of Lease Sale #53 which are partially within the proposed sanctuary boundary. The document states, "these tracts received relatively few positive nominations in the call for nominations for Sale #53. This indicates that the resource potential of these tracts is not currently thought to be high." The second sentence appears to be either a false assumption or deliberately ambiguous. These two tracts carry an obvious legal encumbrance; by being located at a farther distance from the mainland they would be more costly for oil and gas development; and, by being the corner tracts where exploration and development is statutorily limited, the two tracts would be naturally less attractive for oil and gas development. It is suggested that the assumption sentence be reconsidered and reworded in the final environmental impact statement. Additionally, the FERC has proposed a rulemaking that may prescribe incentive prices for new gas produced from OCS deepwater areas. This could encourage industry interest in deepwater areas in the western section of the proposed sanctuary. In light of our Nation's present critical energy situation, it would be inappropriate to prohibit oil and gas exploration and development in this area. Therefore, we favor, the status quo alternative described from page F-1, whereby the study area would continue to be maintained and protected by existing state and Federal management authorities.

3. Comment accepted. The appropriate changes have been made in the FEIS.
4. The hydrocarbon resources potentially affected by the restriction are so minor that no discussion of the impact of the proposal on the nation's energy needs is appropriate. See also response to Department of Energy Comment 1.
5. The tracts mentioned in the DEIS and the FEIS are OCS Lease Sale #53 tracts number 069 and 073 which do enter the fringes of the proposed marine sanctuary. The second sentence refers not to these two tracts but to the 50 tracts which would be affected by the restriction in the proposed regulation. Those 50 tracts received few nominations in response to the call in Lease Sale # 53. The distance of the tracts from shore may have had an impact on this level of interest. The FEIS notes that industry interest in the area could increase.



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, D. C. 20330

IN REPLY REFER TO
Ser 44B/732294
12 June 1980

COMMENT

Ms. Joanne Chandler
Director, Sanctuary Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D. C. 20235

Dear Ms. Chandler,

I would like to take this opportunity to reaffirm that we are, in agreement that the phrasing of Article 5, Section 2 of the draft designation document for designation of the Point Reyes/Farallon Island Marine Sanctuary published in the Federal Register (45 FR, 2027, 31 March 1980) is the proper phrasing, and not the phrasing as published in the draft Environmental Impact Statement (t A-8). As I understand it, the referenced Federal Register Article accurately reflects an agreement made between our respective staffs that was too late for inclusion in the DEIS.

I thank you and your staff for the cooperation you have shown in considering Navy comments on this subject.

Sincerely,

A. M. Hunt

A. M. HUNT
Captain, U.S. Navy
Deputy Director
Shore Activities Planning
and Programming Division

RESPONSE

1. The phrasing has been changed in the FEIS to be consistent with the Designation Document.

SIYAKAWA
AL. TORNA
FRAT. PH.D.
FACULTY ASSISTANT

COMMENT

COMMITTEE
AGRICULTURE, NUTRITION,
AND FORESTRY
FOREIGN RELATIONS
SMALL BUSINESS

United States Senate
WASHINGTON, D.C. 20510

June 3, 1980

Congressional Liaison
National Oceanic and Atmospheric Administration
6010 Executive Blvd.
Rockville, Maryland 20852

Dear Gentlemen:

Enclosed is a copy of correspondence I received from Mr. Ziegler. I would appreciate any information you could provide regarding this matter.

Please forward your reply, in duplicate, to the attention of my staff assistant, Samuel R. Buck, Room 6217, Dirksen Senate Office Building, Washington, D.C. 20510.

Sincerely,

Jim Hayakawa
S. J. Hayakawa

SIH/mg
Enclosure

RESPONSE

Honorable S. I. Hayakawa
United States Senate
Washington, D.C. 20510

Dear Senator Hayakawa:

Thank you for your letter of June 3, 1980, forwarding a letter from Mr. D.L. Ziegler commenting on the proposed Point Reyes-Farmilon Islands Marine Sanctuary.

The Sanctuary Programs Office has received Mr. Ziegler's letter and will respond to it in the final environmental impact statement (FEIS), which is currently being written. The FEIS will be available later in the summer, and Mr. Ziegler will receive a copy. There will be a 30-day review period on the FEIS.

Before deciding whether to forward the sanctuary proposal to the President for his approval, we will weigh carefully Mr. Ziegler's comments and others we have received in the interim. We will keep you informed of progress on the proposal.

Thank you for your interest in the marine sanctuary program. If we can answer any further questions, please feel free to call Dallas Miner, Director of our Sanctuary Programs Office, 634-4236, or me.

Sincerely,
Respectfully,

Michael Blazer
Michael Blazer
Assistant Administrator

May 2, 1980

COMMENT

COMMENTS ON DEIS ON THE PROPOSED
POINT REYES-FARRALON ISLANDS
MARINE SANCTUARY

Ms. Joan Chandler
Sanctuary Programs Office
Office of Coastal Zone Management
3300 Whitehaven Street, NW
Washington, D.C. 20235

Dear Ms. Chandler:

Your records will show that I am a registered geologist in California with a Ph.D. from Harvard; that I have more than 25 years of professional experience; that I have attended and offered comments at several prior hearings on this proposal.

Your DEIS is inadequate for many reasons, the most important being that it does not consider the national interest and national priority of development of natural resources. Prohibition of offshore and gas development is not in the national interest.

Further, your DEIS table E-7, page E-41, item C on potential resources in the area, is in error by a factor of 10. The cited USGS report quite clearly states that the 5% and the average resource values are 530 million and 130 million barrels, not the 53 and 13 you cite. This serious error obviously makes cost/benefit analysis by most of your readers meaningless. I think this error is critical enough to invalidate the entire DEIS.

RESPONSE

1. The OCS Lands Act (OCSLA) as amended is intended to expedite OCS oil and gas development while protecting the marine environment. Title III of the Marine Protection, Research and Sanctuary Act (MPRSA) of 1972 directs the preservation and restoration of particular marine areas for their conservation recreational, ecological or esthetic value. There may be differences in emphasis, objectives, and priorities between proposals under Title III of the MPRSA and implementation of the OCSLA. The FEIS presents information on the likely impact of oil and gas production based on low resource potential.
2. NOAA has corrected this error in the FEIS. The error does not invalidate the economic analysis presented in the DEIS, since the proposed sanctuary will only affect portions of two of the OCS Lease Sale #53 tracts this estimate was based on. These figures thus do not indicate the amount of oil underlying the sanctuary, but may indicate the amount of increased activity that may be expected in the general area of the proposed sanctuary. Since the publication of the DEIS, DOI's DEIS on OCS Lease Sale #53 has provided more information on the increased activity that will occur as a result of the sale. The discussion of oil and gas activity has been expanded accordingly in the FEIS (see Section E.3.a. and F.2.c.1.) Unfortunately there is still little reliable information on the amount of oil and gas underlying the area of the proposed sanctuary which would be affected by the proposed regulation (see Section F.2.c.1.)

RESPONSE

COMMENT

Further, even after my prior letters and participation in your public hearings, you refuse to cite the fine safety record of offshore oil and gas operations. Why didn't you let your users know that the industry has drilled some 24,000 wells and has only had 1 significant oil spill which reached the beach to cause any environmental problems, and that follow-up studies to this spill showed no long term environmental damage. Why didn't you cite that other follow-up studies after crude oil spills from tanker accidents also showed rapid environmental recovery and no long term damage. You further don't cite that 10 wells were drilled in the Bodega Basin in the mid-60's with no catastrophic consequences even though drilling equipment less sophisticated than now available was used. Are you afraid these pertinent facts would cast doubt on the need for your proposal?

Your DEIS does not present a balanced evaluation of the need for the marine sanctuary. Your litany of worst-case analysis is hardly justification. The dozen or more state and federal agencies that currently regulate activities in the area provide adequate "protection" to the area.

By copy of this letter I'm once again asking selected members of Congress to intervene and withhold funding for the sanctuary program.

D. F. Ziegler
 D. F. Ziegler
 2605 Las Gallinas
 San Rafael, California 94903

Jayne 518

cc: Selected Congressmen.

3. The FEIS acknowledges the safety record of OCS activities and the limited data on impacts from spills in this area. The likelihood of a major spill in the area of the proposed sanctuary may be very small, but since the potential impact, given the vulnerable wildlife, is so severe, and the oil resources low, the risk ought to be avoided to the extent possible. The proposal attempts to accomplish this.

4. See generic response C.

COMMENT



U.S. DEPARTMENT OF TRANSPORTATION
REGIONAL REPRESENTATIVE OF THE SECRETARY
SUITE 4A/44 580
TWO EMBARCADERO CENTER
SAN FRANCISCO, CALIFORNIA 94111
415-554-3941

ARIZONA
CALIFORNIA
HAWAII
NEVADA
AMERICAN SAMOA
GUAM
TRUST TERRITORY
OF THE
PACIFIC ISLANDS

May 22, 1980

Ms. Jo Ann Chandler
Marine Sanctuary Programs Office
Office of Coastal Zone Management
3300 Whitehaven Street, NW
Washington, D. C. 20235

Dear Ms. Chandler:

As requested by our Department's Office of Environment and Safety, we are enclosing our Region Nine review comments on the preliminary draft environmental impact statement for the Point Reyes-Farallon Islands Marine Sanctuary.

I understand you have already met with U.S. Coast Guard staff in San Francisco to discuss the DEIS. It should be reemphasized that the Coast Guard's major concern is not the establishment of a sanctuary, but with the enforcement mechanism. The proposal of using a State agency (California Fish and Game) with few resources to manage an area primarily outside State waters does not appear to be a viable alternative. The Coast Guard, as the primary maritime Federal law enforcement agency, does not possess the additional resources to dedicate solely to enforcement of sanctuary regulations.

In addition to the Coast Guard's earlier review comments on preliminary drafts of Chapters E and F of the DEIS that were forwarded to your office on December 18, 1979, we are submitting the 12th Coast Guard District's current review comments as enclosure 1.

The Federal Aviation Administration has no suggestion for changing the DEIS. However, FAA does recommend that the boundaries of the sanctuary area that may be finally designated be published on appropriate air navigational charts to enable pilots to avoid the area. We have enclosed a Sectional Aeronautical Chart for the San Francisco Bay Area which could be used for plotting the sanctuary. The charting addition request should be directed to the Director, National Ocean Survey, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

We have appreciated the opportunity to review the DEIS.

Sincerely,

Paul W. Rasmussen
Acting Regional Representative

2 Enclosures

RESPONSE

1. NOAA is currently consulting with the California DFG and the U.S. Coast Guard to determine the most appropriate enforcement mechanisms. While NOAA will also provide some funds for marine sanctuary enforcement, the utilization of normal Coast Guard operations is one mode of likely enforcement. Evaluation of the most useful ways to supplement this resource will continue in cooperation with the Coast Guard, DFG and other interested agencies.

2. Except as responded to below, all of the Coast Guard's review comments have been incorporated into the FEIS.

3. If the sanctuary is designated, future NOS maps will place the location of the sanctuary in order to alert pilots to the sensitive marine bird and mammal areas.

COMMENT

RESPONSE

ENCLOSURE (1)

12th Coast Guard District comments on Proposed Point Reyes-Farallon Islands Marine Sanctuary Draft EIS

Page

C-9 Third paragraph. The last sentence is incorrect. The CWA of 1977 prohibits all discharges of a harmful quantity (visible sheen) within 12 miles of land regardless of the size of the discharging vessel.

E-51 Third and fourth paragraph. The tonnage and vessel movement data given are three years old. More recent data are readily available and would be more informative to the reader.

E-53 Second paragraph. Recent data using a six month base with 1929 vessel arrivals indicated the following: 58% utilized the southern route, 26% the northern route and 16% the western access route.

F-40 First sentence. Abbreviation for U.S. Coast Guard should be (USCG).

F-40 First paragraph. The U.S. Coast Guard also has agreements with NMFS and the State of California concerning law enforcement. In these agreements the Coast Guard provides transportation and other facilities. We do not act as agents for other agencies.

F-45 Third paragraph, line 12. "and hazardous substances" should be added after "oil". This will then be consistent with the first sentence of the paragraph.

F-47 Second paragraph last sentence. The second phrase should be changed to read "the USCG will coordinate cleanup operations."

F-61 First paragraph. The statement referring to the exercise of regulatory enforcement activities by the existing state and federal agencies having responsibility in the proposed sanctuary is probably true. However, it is also recognized that current activities in the area do not seriously threaten resource quality. It should also be evident that these regulatory authorities would probably increase their enforcement activities as a result of a heightened level of user activity within the vicinity of the proposed sanctuary.

F-62 Third paragraph. Comments for C-9 apply re: CWA of 1977.

F-63 First paragraph. The first sentence concerning overboard discharge of solid wastes is not entirely correct. The Refuse Act of 1989 prohibits such action as does the CWA of 1977, which also addresses the subject of Marine Sanitation Devices. Also the Marine Protection, Research and Sanctuaries Act of 1972 prohibits ocean dumping from U.S. Flag vessels, or vessels transporting materials from the United States, without a permit from EPA.

F-90 Last paragraph - change reference to read "(see section E-2b)."

4. The paragraph under discussion primarily states that existing authorities in the area do not have the broad mandate for environmental protection of particularly rich areas in State and Federal waters which the marine sanctuary provides. However, there is also no guarantee that existing authorities will be able to increase their level of enforcement in the proposed sanctuary area to respond to increasing use. At the same time that use of marine areas is generally rising, the State of California is subjected to tight fiscal constraints. The U.S. Coast Guard has also repeatedly stated that its enforcement resources are limited (see for example the second paragraph of the comment letter).

COMMENT

RESPONSE

12th Coast Guard District comments on proposed Point Reyes-Farallon Islands Marine Sanctuary Draft EIS

Page

F-99 Second paragraph. At present there is no evidence to indicate that large commercial vessel traffic passes within one mile of the islands. Since there have not been groundings of large vessels within this area in the past, nor collisions with near shore vessels, the proposed buffer area may not be necessary. "Routine" or accidental discharges caused by ballast discharge, tank washing or bilge bunkering is already prohibited in the proposed sanctuary area.

5.

F-100 Third paragraph. The reference to DeLong (1975) does not appear in section G.

F-101 First paragraph. Content should be revised to utilize information provided in E-53. Also the statement that shipping trends indicate increased traffic levels, the majority of which will probably adhere to the main lane, does not appear accurate. Correct to indicate that the southern route is the most heavily traveled. The ongoing Port Access Route Study should provide further definitive information.

F-101 First paragraph - last sentence. If the Coast Guard eliminates the north and south approaches, major vessels would be less likely to use either of these former approaches.

F-108 Fifth paragraph. Suggest "beneficial" be changed to "necessary."

F-110 First paragraph, last sentence. There is no reference in Section E-2 regarding NOAA's funding provision for management and enforcement capabilities of other agencies.

F-114 First paragraph. This should be expanded to spell out specific responsibilities. What specifically is envisioned if the analysis determines additional resources for oil containment and recovery are needed?

G-11 Delete reference to "Lott, M. 1979." He is not a recognized Coast Guard spokes-

man.
For general information, part of the area covered by the DEIS is situated in international waters, which are not subject to U.S. Vessel Traffic Regulation. Traffic routing measure in these waters would be voluntary only, and exist only after the Coast Guard proposes their establishment to the Inter-governmental Maritime Consultative Organization (IMCO).

6.

5. Although large vessels may not currently pass within one nautical mile of the islands or other sensitive areas, this prohibition (which has been expanded to a 2 mi area; see generic response (F) is intended to insure that future traffic patterns do not change. For instance, OCS supply vessels are considerably smaller than many tankers. In addition, although bilge bunkering and the discharge of oil and hazardous substances are prohibited, that prohibition may be difficult to monitor and enforce, and in certain areas may be violated. A simple prohibition on entering nearshore waters may be easier to enforce than a prohibition on all prohibitions. In addition, accidental discharges do occur despite all prohibitions. The regulation will provide a buffer zone.

6. NOAA is aware of the constraints of international law on the high seas and has taken these constraints into account in its proposed regulations.

COMMENT

ADMINISTRATION BUILDING
SUITE 319, CIVIC CENTER
SAN RAFAEL, CALIFORNIA 94903
TELEPHONE 458-0000

RESPONSE

THE BOARD OF SUPERVISORS OF MARIN COUNTY

1920 MAY 27 AM 7 37

May 22, 1980
Readdressed: June 4, 1980

Ms. Joan Chandler, Director
Sanctuary Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

RE: SUPPORT OF PROPOSED POINT REYES-FARALLON ISLANDS MARINE
SANCTUARY

Dear Friends:

The Marin County Board of Supervisors on May 20 unanimously adopted the following position regarding the proposed Point Reyes-Farallon Islands Marine Sanctuary:

1. No response necessary
2. See generic response F.
3. See generic responses D and E.
4. NOAA has deleted Section 936.12 of the regulations, which provided for the possibility of oil and gas leasing in State waters if consistent with the State's coastal zone management program and if approved by the Assistant Administrator for Coastal Zone Management. Under the proposed regulations in the FEIS, oil and gas exploration and exploitation is prohibited throughout the proposed marine sanctuary.
5. See generic response 8.

1. Strongly supporting the objectives of the proposed Point Reyes-Farallon Islands Marine Sanctuary as proposed, which would protect valuable habitat for numerous marine species.

2. Recommending that the minimum distance from habitat areas for large vessels in transit be two miles, instead of one mile.

3. Recommending that all spoil disposal and dumping within the Sanctuary be prohibited.

4. Opposing any gas or oil exploration or production in state waters within the Sanctuary.

5. Recommending that local Marin County organizations be represented on any citizens advisory committee that may be established for the Sanctuary.

Thank you for your support in this important project.

Sincerely,

Barbara Boxer
BARBARA BOXER
President

BB:s1b

cc: Congressman John Burton
Michael Fischer, Executive Director, California Coastal Commission
Priscilla Bull, Chairman, Marin County Planning Commission

BOB ROUMIGUIERE SAN RAFAEL 1ST DISTRICT	VICE CHAIRMAN BARBARA BOXER GREENBRAE 2ND DISTRICT	CHAIRMAN DENIS T. RICE TIBURON 3RD DISTRICT	GARY GIACOMINI SAN Geronimo 4TH DISTRICT	GAIL M. WILHELM NOVATO 5TH DISTRICT	CLERK VAN GILLESPIE REGULAR MEETING TUESDAY, 9 A.M.
-----------------------------------------------	-------------------------------------------------------------	------------------------------------------------------	------------------------------------------------	-------------------------------------------	--------------------------------------------------------------

COMMENT

COUNTY OF SONOMA
BOARD OF SUPERVISORS
ADMINISTRATION CENTER
SANTA ROSA, CALIFORNIA 95401
7071 527-2241



ERIC J. KOENIGSHOFER
SUPERVISOR FIFTH DISTRICT

RESPONSE

May 22, 1980

Office of Coastal Zone Management
Marine Sanctuaries Division
Sanctuaries Program
3300 Whitehaven
Washington, D. C. 20235

Attn: Joanne Chandler, Director

To Whom It May Concern:

We understand from reading in a local newspaper that you are conducting public hearings in California on a proposed Federal Marine Sanctuary, which includes areas off the Sonoma County coastline as far north as Bodega Head. After a search throughout Sonoma County government, we find that no information regarding the proposal or notice of the public hearings has been sent to Sonoma County.

As the local government which administers that section of coastline, we are naturally concerned that we have not been notified. As you may be aware, the County is also preparing a local coastal plan in compliance with the California Coastal Act. A marine sanctuary may have some bearing on aspects of the plan. Bodega Bay, one of the few safe harbors on the Northern California coast, is home to a substantial commercial fishing fleet which is economically important to the region. Maintenance dredging of the channels and berthing areas in the bay by the Corps of Engineers is a requirement to keep the harbor open, and offshore disposal may be required in the future. In addition, the County is sponsoring development of the proposed Spud Point Marina for commercial fishing boats, and off-shore disposal of dredged material has been considered.

The information that we received indicates that the closing date for comments is May 23, 1980. Since Sonoma County has not even received information about the proposed sanctuary and since County staff, Planning Commission and Board of Supervisors should have an opportunity to review and comment on the proposal, we are requesting a two-month extension of the comment period.

Sincerely,
Eric J. Koeningshofer
ERIC J. KOENIGSHOFER
Chairman, Sonoma County
Board of Supervisors

EJK:nho
cc: Congressman Clausen;
Senator Barry Keene;
Assemblyman Douglas Bosco

1. Information on the proposed marina at Spud Point has been included in the FEIS, and the possible impact of the proposed regulation of dredged material disposal has been discussed. See also generic responses D and E. The proposed sanctuary boundary does not include Bodega Harbor so the proposed regulations do not apply there. In any event, maintenance dredging for navigational purposes is specifically allowed in the proposed sanctuary.
2. Although NOAA had been working with the Regional Coastal Commission with jurisdiction in Sonoma County, the County itself may have inadvertently not been directly notified. The comment period was extended to accommodate the needs of the Board of Supervisors in Sonoma County, among others.

STATE OF CALIFORNIA

CALIFORNIA COASTAL COMMISSION
SOUTH COAST REGIONAL COMMISSION

846 E. OCEAN BOULEVARD, SUITE 2107
P.O. BOX 1429
LONG BEACH, CALIFORNIA 90801
(714) 846-0448

EDMUND G. BROWN JR., Governor



May 22, 1980

Ms. Jo Ann Chandler
Sanctuary Programs Office
Office Of Coastal Zone Management
3300 Whitehaven St., N.W.
Washington D.C. 20235

Dear Ms. Chandler:

This letter officially transmits the position of the California Coastal Commission on the Draft Environmental Impact Statement and proposed regulations for the Pt. Reyes-Farallon Islands Marine Sanctuary.

Please note in particular, the Commission's opposition to providing any option for potential future oil and gas exploration or development in State waters within the boundaries of the proposed sanctuary. Accordingly, the Commission strongly urges NOAA to delete Amendments 936.12(a) and (b) from the proposed regulations for the sanctuary.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Carol Pillebury".

Carol Pillebury
Marine Resources Coordinator

CP/sws

COMMENT

CALIFORNIA COASTAL COMMISSION

631 Howard Street, San Francisco 94105 — (415) 543-8555

May 9, 1980

CALIFORNIA COASTAL COMMISSION PRELIMINARY POSITION ON THE PROPOSED
POINT REYES - FARALLON ISLANDS MARINE SANCTUARY

On May 7, 1980, after a public hearing, the California Coastal Commission adopted the following preliminary position on the "Draft Environmental Impact Statement on the Proposed Point Reyes - Farallon Islands Marine Sanctuary:

The California Coastal Commission strongly supports the objectives of the National Oceanic and Atmospheric Administration's Marine Sanctuary Program for California, and the Point Reyes-Farallon Islands Marine Sanctuary proposed as part of that program.

The Draft Environmental Impact Statement is the most thorough and up-to-date catalogue of resources and resource uses published for the area. It extensively documents not only the wealth of marine resources in the waters of the proposed sanctuary, but the great importance of the area to sport and commercial fishing interests as well as recreationists of many types.

The proposed regulations recognize the need for protection of the region as habitat for numerous marine species, including many commercially valuable fish and invertebrates.

To date, human activities in the region have been relatively sparse and have not posed serious threats to the preservation of the area's marine resources. The remoteness of the Farallon Islands, the generally rough offshore water conditions throughout the area, and the mainland coast's wilderness character all have discouraged intensive development. But, as pointed out in the DEIS, this is changing as tanker traffic increases from Alaskan transshipment, and as OCS Lease sales are planned with ever-increasing frequency.

The Commission recognizes that while only two tracts being considered for OCS Lease Sale 53 lie within the Sanctuary boundary, future Lease Sales could jeopardize seabirds and marine mammals breeding and nesting on the Farallones because the waters to the northwest, south, southwest, and southeast of the island are not protected by the wilderness designation that prohibits leasing for 15 miles offshore of the Pt. Reyes wilderness area (Exhibit 5). This wilderness designation offshore Pt. Reyes could be withdrawn, however, if the State of California authorizes oil or gas exploration or development on State tidelands adjacent to the National Seashore and Wilderness area. No formal state protection from such development exists in the area (such as that offered by State Oil and Gas Sanctuary Status) although no development is foreseen in the immediate future.

The Coastal Commission is strongly opposed to NOAA providing any option for potential future oil and gas exploration or development in State waters contained within the boundaries of the Sanctuary. The marine mammal and seabird resources contained within the proposed Sanctuary boundaries are well-documented in the DEIS and merit protection from hydrocarbon activities. The sanctuary regulations should not permit the potential for different treatment of hydrocarbon operations in Federal and State waters contained within the Sanctuary; accordingly, NOAA should delete language in the proposed regulations which provide the State with the option to allow activities in State waters which are prohibited in Federal waters.

1. In accordance with the position adopted by the State of California (see comments by the Resources Agency and Governor Edmund G. Brown), NOAA has deleted Section 936.12 of the proposed regulations, which would have provided the State with the possible option to allow activities in State waters which would otherwise be prohibited in the proposed sanctuary.

COMMENT

The Coastal Commission differs with NOAA on the distance factor for vessel traffic transiting the Sanctuary. Since the proposed one-mile distance requirement from important habitat areas applies mainly to tankers and other very large vessels, the Commission recommends that the two-mile distance from these areas presented in Alternative 4 be adopted as part of the Sanctuary regulations. The revised regulation should read as follows:

Except for enforcement purposes, emergency sea and air rescue, or to transport persons or supplies to or from Southeast Farallon Island, no person shall, within 2 nmi. of the Farallon Islands, Moonday Rock, Bolinas Lagoon, or Areas of Special Biological Significance designated by the State of California, operate any vessel unless engaging in activities directly associated with the resources of the area including, but not limited to, fishing, research, or recreational activities, and the primary purpose of the vessel is to engage in such activities.

To the extent consistent with international law, within 2 nmi. NOAA would allow vessel traffic by fishing, research, enforcement, and recreational vessels, but prohibit all other vessel operations, except those necessary for access to the islands or mainland coast.

No hardship would be created by this extension, as the voluntary traffic lanes are not now within 2 miles of these areas. This additional distance will provide greater assurance that illegal, routine or accidental discharge of pollutants from ballast discharges, tank washing, and bilges will not reach important nearshore habitats, and that possible accidents involving groundings or collisions with nearshore vessels will be prevented.

The Commission also recommends all dredge spoil disposal of toxic dredged materials within the Sanctuary be prohibited. This could exclude an interim dredge spoil disposal site located about 10 nmi. south of Southeast Farallon Island. The Final Environmental Statement should consider permitting the disposal of clean dredged material on a case-by-case basis, because the Department of Fish and Game indicates disposal of some dredged material, such as sand, could have beneficial use such as for sand replenishment.

The Commission supports other provisions of the proposed Sanctuary, in particular, the concept of using existing regulatory agencies for management and enforcement, with a coordinator role performed by a single Sanctuary manager to avoid unnecessary duplication of responsibilities. The Commission supports NOAA's reliance on the California Department of Fish and Game's primary jurisdiction over living marine resources and NOAA's intention to make added funds available to the Department and other enforcement entities to strengthen existing enforcement capability in the area.

We commend NOAA, particularly the Sanctuaries Program Office of the Office of Coastal Zone Management, for the exemplary outreach for public and agency participation in developing the DEIS and draft Designation Document and regulations. These documents have been developed through a series of public workshops and hearings held over the last two years. Additionally, NOAA made \$5,000 available to encourage public involvement and contacted eligible groups and individuals about the funds. This early and continuous public involvement has resolved many of the issues which would normally not be raised until after the DEIS is published.

RESPONSE

2. See generic response F.

3. See generic responses D and E.

2.

3.

COMMENT

Resource Building
1416 Ninth Street
95814

(916) 445-6868

Department of Conservation
Department of Fish and Game
Department of Forestry
Department of Boating and Waterways
Department of Parks and Recreation
Department of Water Resources

EDMUND G. BROWN JR.
GOVERNOR OF
CALIFORNIA



THE RESOURCES AGENCY OF CALIFORNIA
SACRAMENTO, CALIFORNIA

Air Resources Board
California Coastal Commission
California Conservation Corps
Colorado River Board
Energy Resources Conservation
and Development Commission
Regional Water Quality
Control Board
San Francisco Bay Conservation
and Reclamation Commission
Solid Waste Management Board
State Coastal Conservancy
State Lands Commission
State Reclamation Board
State Water Resources Control
Board

MAY 23 1980

Ms. JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
U.S. Department of Commerce
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler:

On February 4, 1980 the Resources Agency commented to the Office of Coastal Zone Management on the draft environmental impact statement and proposed regulations for the proposed Northern Channel Islands Marine Sanctuary. Since the state's position on the sanctuary was unclear at that time and since contradictory positions were presented by the California Coastal Commission and the State Lands Commission, your agency was left with the task of trying to amend the proposed regulations to meet both Commissions' concerns.

On April 25, 1980 we received Mr. Glazer's letter citing the problem we had presented to you and proposing regulations for us to consider for resolving the problem. We have considered the proposed amendments to the Channel Islands regulations and we have just completed our review of the draft environmental impact statement for the Point Reyes-Farallon Islands Marine Sanctuary.

We support the designation of the waters within six nautical miles of the Northern Channel Islands and the Point Reyes-Farallon Islands as marine sanctuaries. These areas must be set aside so that marine life will have a place to live without the risks of oil spills and industrial disturbances.

Although the amendments to Section 936.12 of the regulations for the Northern Channel Islands Marine Sanctuary that we reviewed are a significant attempt by your agency to resolve the conflicts, they are unnecessary in light of Governor Brown's recent determination that both marine sanctuaries should be established and managed under the objectives of the federal program. Additionally, the amendments to Section 936.12 would have invited activities that should be prohibited in sanctuaries. Likewise, the regulations proposed for the Point Reyes-Farallon Islands Marine Sanctuary should not include the compromise language.

1. NOAA has deleted the referenced amendments to Section 936.12 in light of the State's position.

RESPONSE

Ms. JoAnn Chandler
Page 2

In addition to our comments on the establishment of the two sanctuaries and the suggested amendment to the regulations, the State of California has reviewed the Draft Environmental Impact Statement (EIS) on the Proposed Point Reyes-Farallon Islands Marine Sanctuary, which was submitted through the Office of Planning and Research (State Clearinghouse) in the Governor's Office. The State's review, which fulfills the requirements of Part II of Office of Management and Budget Circular A-95 and the National Environmental Policy Act of 1969, was coordinated with the Departments of Boating and Waterways, Fish and Game, Parks and Recreation, Transportation, and Water Resources; the State Water Resources Control Board; and the State Lands and Coastal Commissions..

Attached are some specific comments on the Draft Environmental Impact Statement that we received from the State Lands Commission, and the Department of Fish and Game, and the Coastal Commission.

Thank you for the opportunity to review and comment on the proposed sanctuaries and environmental impact statement.

Sincerely,



JAMES W. BURNS
Assistant Secretary for Resources

Attachments

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814
(SCH 80040108)

COMMENT

RESPONSE

California Coastal Commission
Specific Comments
Proposed Point Reyes-Farallon Islands Marine Sanctuary

1. The Coastal Commission differs with NOAA on the distance factor for vessel traffic transiting the sanctuary. Since the proposed one-mile distance requirement from important habitat areas applies mainly to tankers and other very large vessels, the Commission recommends that the two-mile distance from these areas presented in Alternative 4 be adopted as part of the Sanctuary regulations. The revised regulation should read as follows:

Except for enforcement purposes, emergency sea and air rescue, or to transport persons or supplies to or from Southeast Farallon Island, no person shall, within 2 nmi. of the Farallon Islands, Moonday Rock, Bolinas Lagoon, or Areas of Special Biological Significance designated by the State of California, operate any vessel unless engaging in activities directly associated with the resources of the area including but not limited to, fishing, research, or recreational activities, and the primary purpose of the vessel is to engage in such activities.

To the extent consistent with international law, within 2 nmi. NOAA would allow vessel traffic by fishing, research, enforcement, and recreational vessels, but prohibit all other vessel operations, except those necessary for access to the islands or mainland coast.

No hardship would be created by this extension, as the voluntary traffic lanes are not now within 2 miles of these areas. This additional distance will provide greater assurance that illegal, routine or accidental discharge of pollutants from ballast discharge, tank washing, and bilges will not reach important nearshore habitats, and that possible accidents involving groundings or collisions with nearshore vessels will be prevented.

2. The Commission also recommends all dredge spoil disposal of toxic dredged materials within the Sanctuary be prohibited. This could exclude an interim dredge spoil disposal site located about 10 nmi. south of Southeast Farallon Island. The final Environmental Statement should consider permitting the disposal of clean dredged material on a case-by-case basis, because the Department of Fish and Game indicates disposal of some dredged material, such as sand, could have beneficial use such as for sand replenishment.

1. See generic response F.

2. See generic responses D and E.

No beach nourishment projects are contemplated in the proposed sanctuary. Should any be proposed, their relation to the regulations will be considered and resolved.

COMMENT

RESPONSE

State Lands Commission
Specific Comments
Proposed Point Reyes-Farallon Islands Marine Sanctuary

Page C-10. Seabed Alteration and Construction

The State Lands Commission also regulates dredging and dredge spoil disposal.

Page C-13. Management

The State Lands Commission would like to have a member on the Sanctuary Advisory Committee.

Page E-16 and Page F-31. Marine Birds

The peregrine falcon, southern bald eagle, and the California clapper rail are listed as endangered by the State (Fish and Game Commission in Title 14, Section 670.5 of the California Administrative Code) and they occur in the proposed sanctuary.

Page F-12. State Authorities

Besides the grants to the National Park Service and to the County of Marin mentioned in the text, a small portion of the State's grant to the County of Sonoma at Bodega Bay may be included in the sanctuary. However, this was difficult to determine based on the report's maps.

Page F-54. Figure F-8

The 3 nautical mile territorial sea limit depicted in the map is partially inaccurate. Bodega Bay is part of the inland waters of the State, thus the seaward limits of the State's territory is 3 nautical miles seaward of the closing line drawn from Bodega Head to Tomales Point.

Page F-63. Environmental Consequences

The report should mention that there are existing State laws and regulations governing the disposal of solid waste and litter.

Page F-64. Environmental Consequences

The State Lands Commission has jurisdiction with respect to salvage operations over and upon the ungranted tide and submerged lands of the State. Salvage or removal operations require a permit from the State Lands Commission.

3. The State Lands Commission is an appropriate agency for participation on a Sanctuary Advisory Committee (see Section F.2.b. and generic response B).

4. This has been corrected in the FEIS.

5. Comment accepted.

6. These additions have been made in the FEIS.

COMMENT

Department of Fish and Game
Specific Comments
Proposed Point Reyes-Parallon Islands Marine Sanctuary

7. Page C-1, 2nd paragraph - Description does not include Tomales Bay, Bolinas Lagoon or the esteros Americano or de San Antonio.

8. Page C-2, 2nd paragraph - Human use does not include recreational hunting.

9. Page C-6, last paragraph, line e - How would hunting be addressed in this section?

10. Page C-10, Seabed Alteration and Construction - Mariculture is not the responsibility of the Coastal Commission. Specific sections in the California Coastal Act and California Environmental Quality Act delegate this authority to the Fish and Game Commission.

11. Page D-1 - Add section on waterfowl. The proposed sanctuary area is an important part of the Pacific Flyway. At least 23 species of ducks and geese are found seasonally in the area and several species nest in the estuaries. Eel grass found in the bays is essential to wintering black brant populations.

12. Page E-1 - The preferred marine sanctuary map, Figure C-1, page C-3, does not include Drakes Estero, Limantour Estero as stated, nor does the statement mention Estero Americano or Estero de San Antonio.

13. Waterfowl - Waterfowl are not mentioned, are they considered shorebirds?

14. Page E-3, 2nd paragraph - There are several (admittedly small) islands more than 2 miles off the coast of northern California.

15. Page E-4, 2nd paragraph - Tomales Bay can scarcely be considered "virtually landlocked". There is a very good tidal exchange in the Bay, even though the mouth is relatively restricted. Bodega harbor and Tomales Bay are the only embayments open to sea-going vessels. Esteros Americano and de San Antonio are open generally during winter runoff periods.

16. Page E-22, Table E5 - Steller sea lion *Emmetopias jubatus*

17. Page E-23 - Northern fur seal has established a breeding colony at San Miguel Island.

18. Page E-50, Figure E-11 - Location of mariculture areas in northern Tomales Bay are not shown accurately. The three squares should be shown in the next right south.

19. Page E-51, 1st paragraph - Morgan Oyster Company proposes to "relay" clams not oysters.

RESPONSE

7. These areas have been included in this discussion in Section C.

8. Recreational hunting is subsumed under recreation. Hunting will be regulated on the State level by the California Department of Fish and Game, and on the Federal level under the Marine Mammal Protection Act, the Migratory Bird Treaty Act and the Endangered Species Act. Waterfowl hunting is excluded specifically from sanctuary regulation.

9. The reference to the California Coastal Commission concerned the construction of residential units in Tomales Bay, not mariculture. However, this provision has been removed from the FEIS.

10. This has been corrected in the FEIS.

11. NOAA did not feel that a separate section on waterfowl was necessary in the discussion of marine birds.

12. In its listing of marine mammal names published in 1976, the Marine Mammal Commission gives the scientific names of the Steller sea lion as *Emmetopias jubatus*.

13. This has been corrected in the FEIS.

14. This has been corrected in the FEIS.

COMMENT

-2-

Page E-57, Figure E-14 - Lawson's landing shown in wrong location, should be at north end of bay near entrance.

Page E-60, 2nd paragraph - Tomales Bay and Estero Americano are prime waterfowl hunting areas, and waterfowl hunting should be recognized in Table F-1, page F-4.

Page F-4, Table F-1 - Add sport hunting to be consistent with fishing.

Page F-12, 1st paragraph - The Department of Fish and Game is participating in the preparation of the LCP for Tomales Bay and Bolinas Lagoon areas. The California Fish and Game Commission is responsible for leasing state tidelands for mariculture and oyster cultivation and management of wetlands.

Page F-12, 2nd paragraph - Bolinas Lagoon Recreation District - not harbor district.

Page F-13, 2nd paragraph - Refuges and reserves established by Fish and Game Commission - administered by Department.

Page F-15, 2nd paragraph - Waterfowl hunting is allowed in the reserve and should be shown as an allowed activity on Table F-1, page F-4.

Page F-26, 2nd paragraph - Wardens, not rangers.

Page F-28, Table F-4 - Valid Sportfishing license, not written permit, required for taking animals listed in the Table. Commercial harvesting in these areas requires a revocable permit issued by the Department.

Page F-29, Table F-5 - Strike out lobsters and mackeral (Pacific) as they do not occur in area of proposed sanctuary.

Page F-42, 2nd paragraph - Add, - However, NMFS now contracts with the Department of Fish and Game to enforce pinniped protection regulations.

Page F-58, 1st paragraph - The State has reserved the right to manage the waters and tide and submerged lands conveyed to the National Seashore. Hence, the management of the oyster allotment in Drake's Estero.

Page F-60, 3rd paragraph - Sufficient authority provided by State to adequately protect the natural resources within State territorial waters.

Page F-64, 2nd paragraph - In Bolinas Lagoon and the Farallon Islands, not at the Farallon Islands.

15. The position of Lawson's landing has been changed in the FEIS.

16. Table F-1 does not include activities which are not regulated.

17. The California DFG has been inserted in the FEIS to show that they too are working to prepare the LCP for Tomales Bay and Bolinas Lagoon areas.

18. This has been corrected in the FEIS.

19. This has been corrected in the FEIS.

20. This has been corrected in the FEIS.

21. Table F-5 has been corrected in the FEIS to reflect the contents of this comment.

22. Page F-42. This sentence has been added in the FEIS.

23. Page F-58. This sentence has been added in the FEIS.

24. This correction has been made.

RESPONSE

COMMENT

- 36. Page A-7, Article 4, Section 1(b) - Add - except in designated areas.
- 36. This list sets out those activities which the marine sanctuary may regulate. It does not necessarily follow that listed activities will be fully prohibited or ever regulated. Specific regulations are proposed in Section 936. Waterfowl hunting has been added as an activity but has been specifically exempted from regulation, but NOAA does not believe the other suggested changes are appropriate.
- 37. Page A-7, Article 4, Section 1(d) - Add - recreational vessels.
- 37. See response 8 above.
- 37. Page A-7, Article 4, Section 1(e) - Add - except recreational hunting.
- 37. The regulation has been rewritten to clarify that it applies only to certain commercial vessel operations.
- 38. Page A-8, Section 1 - Add provisions for recreational hunting.
- 38. Page A-14, Article 4 - Should add sailing as a permitted use (this may be a permitted activity under "recreational activities", but it is not clear).

RESPONSE

COMMENT

State of California

The Resources Agency of California

Memorandum

To : Mr. James V. Burns
Project Coordinator
The Resources Agency
Resources Building 11th Floor
Sacramento, California 95814

Date: May 2, 1980

File No. 1111.00 (RMS) per

From : Richard Whitset, Chief of Planning
San Francisco Bay Regional Water Quality Control Board
1115 Jackson Street, Oakland 94607

Subject: Point Reyes - Farallon Islands Marine Sanctuary Draft EIR, SCMP 800-0100

We have reviewed the subject DEIR and have the following comment.

Alternative 2 appears to provide the best protection to biologically sensitive areas, including the Areas of Special Biological Significance designated by the State Water Resources Control Board, from potential petroleum operations. This alternative also provides for reasonable controls on most other activities to protect water quality and beneficial uses within the proposed sanctuary boundary. However, we do recommend that the requirement for vessel traffic noted in alternative 4 be included in alternative 2.

If you have any questions please contact me at (415) 466-1379.

cc: U. S. Dept of Commerce
3300 Whitehaven Street NE
Washington, D.C. 20530

Pamela Dardis
Environmental Analysis Section
Legal and Technical Services Division
SURCB, Sacramento,

Richard H. Whitset

RICHARD H. WHITSET,
Chief of Planning

- 1. Although the expanded restricted area for certain commercial vessels has been adopted, mandatory shipping lanes have not. See generic responses F and G.

COMMENT

RESPONSE



SONOMA COUNTY REGIONAL PARKS
2403 PROFESSIONAL DRIVE - SUITE 100
SANTA ROSA, CALIFORNIA 95401
TELEPHONE (707) 527-2041

JOSEPH D. RODOTA
DIRECTOR

June, 1980

REGIONAL PARKS DEPARTMENT COMMENTS
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED POINT REYES-FARALLON ISLANDS MARINE SANCTUARY

It should be noted that the County of Sonoma, although directly affected by the proposed sanctuary, was not notified during the preliminary discussion period and did not participate as a consequence. A copy of the Draft EIS was received on May 23, 1980, after a telephone request by County staff. We were made aware of the Draft EIS by an article in a San Francisco newspaper which summarized the last public hearing for the proposed sanctuary and stated that the last day for comments was May 27, 1980. We have been informed by Diane Mayerfeld that the comment period has been extended to June 13 to allow for the County of Sonoma's comments.

The County owns and operates Doran Beach Park with over 2 miles of coastline adjacent to the proposed sanctuary, 150 campsites--the largest campground adjacent, and over 150,000 visitor days per year. In addition, the County manages all of the Bodega Harbor tidelands granted from the State, manages the designated ocean fishing pier at Doran Park, and has the only two boat launching ramps in Bodega Harbor which provide much of the recreational boating traffic in the north section of the proposed sanctuary.

Sonoma County is also the local sponsor for the proposed Spud Point Marina in Bodega Harbor, as mentioned on Page E-67 of the Draft EIS. This proposed marina will be 80% commercial fishing boats and 20% recreational boats by law and is very important to the stability of the commercial fishing industry along the Northern California coast. Feasibility and master planning studies have been prepared, and an EIR has been certified for the project. All of the available land disposal sites for dredged material have been investigated. Because of increased development around Bodega Harbor, it is very difficult to obtain approvals for land disposal sites. The proposed disposal site for Spud Point Marina construction has some definite environmental problems that will be mitigated only with considerable effort and high cost. The Sonoma County Planning Commission directed that research and discussion on offshore disposal of dredged material be included in the Final EIR. Copies of the Spud Point Marina Master Plan and Final EIR are attached.

It may be necessary in the future to consider offshore disposal of dredged material both for maintenance dredging of the channels and existing boating facilities in Bodega Harbor and for new construction. We recommend as a mitigation that the adopted sanctuary plan allow for study and environmental assessment of an offshore dredged material disposal site within 6 nautical miles of Bodega Harbor and that the final decision be based on detailed study information.

The other elements of the sanctuary proposal are satisfactory, and we have no comments except to support the preferred alternative over the four other alternatives.

cc: Board of Supervisors
Planning Department
North Central Coast Regional Commission

1. See response to comment 2 of Board of Supervisors of Sonoma County, May 22, 1980.

2. The information on Spud Point has been included in the FEIS, and the impact of the proposed regulation has been discussed. NOAA does not believe that the proposed regulation will have significant negative impact, given other circumstances affecting ocean disposal of dredged material. Also see generic responses D and E.

COMMENT

RESPONSE

SONOMA COUNTY



DEPARTMENT OF PLANNING

Pranab Chakrawarti, Director

JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D. C. 20235

June 12, 1980

Subject: Point Reyes - Farallon Island Marine Sactuary Proposal

Dear Ms. Chandler:

Sonoma County is currently in the process of reviewing the Local Coastal Plan which is intended to meet the California Coastal Act of 1976. Among other topics, this plan includes discussion of various alternatives for disposal of dredging spoils. When the plan goes before the Board of Supervisors it will include a recommendation that an off-shore site be explored for possible disposal of spoils from future (after 1981) maintenance dredgings.

The proposed marine sanctuary regulations should be modified to allow study and possible designation of a single disposal site within an economic hauling distance of Bodega Bay.

The Local Coastal Plan also contains policy language supporting protection of marine resources and opposing off-drilling for oil or gas. In these respects the sanctuary designation is compatible with local planning efforts.

Thank you for the opportunity to comment on this Marine Sanctuary Proposal.

Sincerely,

PRANAB CHAKRAWARTI
Director of Planning

A handwritten signature in dark ink, appearing to read 'Pranab Chakrawarti'.

Toby Ross
Local Coastal Plan Project Director

TR/vk

1. See responses to comments from Sonoma County Board of Supervisors, Sonoma County Regional Parks, and see generic responses D and E.

RESPONSE

COMMENT *F. Paul M. ...*



AGAPAN

Associação Gaúcha de Proteção ao Ambiente Natural
CAIXA POSTAL 1009 - 91000 PORTO ALEGRE/RS - BRASIL

Porto Alegre, 06 April, 1980.

Bruce Barrett
Acting Director
Office of Environmental Affairs
US Dept. of Commerce
Washington, DC - U S A

Dear friend :

We received last week the DMIS on the Proposed Point
Rossa - Parallels Islands Marine Sanctuary. It was submitted to
the members and advisors of the A G A P A N, Associação Brasileira
de Proteção aos Animais and Fundação Brasileira para a
Conservação da Natureza. All comments were for the fast establish-
ment of the Marine Sanctuary in that area. I think the evidence
for the protection of marine mammal refuges, as animals as the
Sea Otter related in the DMIS, is sufficient, I say, are suffi-
cient for the project to receive our support.

I beg you please to pass a copy of this letter with
our considerations to John Chandler.

Best Regards,

José Inúbia Palazzetti Jr.
JOSÉ INÚBIA PALAZZETTI JR.

Ed. 596 of the A G A P A N
Public Relations of the Associação Gaúcha de Proteção aos Animais.

NO RESPONSE NECESSARY

3332 COACH LANE • SHINGLE SPRINGS • CALIFORNIA 95682
PHONES • (916) 677-2468 • 677-1620 • 933-1714 • 933-1718 • 622-8200 • 622-7282

5/20/80

Dear Mr. Chensley,

We urge you to support the proposed marine sanctuary as outlined in the draft Environmental Impact Statement. Also support & request full implementation of the scientific regulations to prohibit hydrocarbon (oil) exploration & exploitation, prohibit most marine discharge & dumping, prohibit construction or alteration of the ocean bottom, & disturbing marine animals & birds.

The ocean & it's life helps support the planet. Let's not destroy life.

NO RESPONSE NECESSARY

Sincerely,
Mr. Beverly Gray } 2850 Roll. Ct
Samuel Gray } Shingle Springs
Steve Gray } Calif.
Mike Gray } 95682
Denny Gray }

RESPONSE

COMMENT

THE AMERICAN CETACEAN SOCIETY

Marin Chapter

P.O. Box 2636 San Rafael, CA 94901
13 May 1980

JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management

To: JoAnn Chandler, Director, Sanctuaries Program
Re: Proposed Point Reyes - Farallon Islands Sanctuary
From: Kyle Bennett, President, American Cetacean Society / Marin County

The American Cetacean Society is a national non-profit organization which has been in existence since 1967. Our organization has a three fold aim: Conservation, Education and Involvement with matters aquatic. While concerning ourselves primarily with marine mammals, especially whales, dolphins and porpoises, we recognize the interdependence of all marine life and take concerted action to protect and enjoy it. Our Marin County chapter conducts free monthly presentations on the local marine environment and monthly field trips along our Northern California Coast. Many of our field trips revolve around the Point Reyes Seashore and the Farallon Islands habitats.

The Point Reyes Seashore and the Farallon Islands are a distinct and unique melting point of land and sea. As such they are the home for some of the most endangered species of pelagic birds as well as the home for a variety of marine mammals. Like man, birds and marine mammals "build" homes. Their home may consist of merely stray twigs cupped into a rocky crack in the granite cliffs or simply a few square feet of sandy beach hugging the shore. However bleak, however fragile it may be - it is still their home; their temporary sanctuary, and we have the responsibility to conserve and protect their homes.

Only this last Sunday (May 11) our chapter conducted a field trip to the Farallon Islands to enjoy the variety of birds and marine mammals currently making their homes there. We saw rhinoceros auklets, pigeon guillemots, and the beautiful tufted puffins. In haul out areas we saw California sea lions, Steller sea lions and harbor seals. Our trip was highlighted by encountering three humpback whales, two adults and a juvenile. All in all it was experience we will cherish; for a moment in time our lives were enriched by experiencing nature at her best - wildlife, land and ocean acting out their roles in natural harmony.

We concur with the proposal as it is designated in Alternative 2 to make the Point Reyes / Farallon Islands a marine sanctuary.

Respectfully yours,

Kyle Bennett
Kyle Bennett
President

NO RESPONSE NECESSARY



COMMENT

Atlantic Richfield Company

515 South Flower Street
Mailing Address: Box 2879 - T.A.
Los Angeles, California 90081
Telephone 213 488 2313

F. W. Chapman, Jr.
Manager
Environmental and Energy Conservation



May 29, 1980

Ms. JoAnn Chandler
Director, Sanctuaries Programs Office
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
3300 Whitehaven Street, N. W.
Washington, D. C. 20235

Reference: Proposed Rules for the Point Reyes/Farallon Islands
Marine Sanctuary, Published in the March 31, 1980
Federal Register at 45 FR 20907

Dear Ms. Chandler:

This letter is in response to a request by the National Oceanic and Atmospheric Administration (NOAA) for comments on proposed regulations on the Point Reyes/Farallon Islands Marine Sanctuary. Atlantic Richfield Company appreciates the opportunity to submit the following comments.

We feel that the Point Reyes/Farallon Island area is adequately protected by existing local, state and federal regulations. In the Draft Environmental Impact Statement for this proposed marine sanctuary, NOAA states that current state regulation has protected the resources to date. It is not made clear in the DEIS just how a sanctuary status will protect the resources over the present regulatory regime.

The term sanctuary, as used by NOAA, is a misnomer. These sites will not be, nor are they proposed to be, sanctuaries, since consumptive uses will be allowed within their boundaries. What is really being proposed is a selective-use area where some activities will be allowed, but others will not.

As an example, oil and gas industry activities would be heavily regulated by prohibiting development within the sanctuary boundaries. In addition, it is proposed to prohibit commercial shipping through the Gulf of Farallones.

On the other hand, commercial and sport fishing and recreational boating will not be controlled in the proposed sanctuary. In ad-

1. See generic response C.

2. The proposed regulations in the Point Reyes/Farallon Islands Marine Sanctuary restrict vessels such as tankers, freighters, barges and OCS supply ships from entering the waters within two nautical miles of the Farallon Islands, Bolinas Lagoon and Areas of Special Biological significance as designated by the State of California (See Section F.2.c.4. and see generic response F). The size, numbers and cargoes of these vessels, plus the threat of collision or grounding could pose significant threats to the sanctuary's water quality and diverse marine habitats. Recreational and fishing vessels need to operate within the sanctuary, and any oil spills or discharges from these smaller recreational boats are unlikely to result in any large scale damages. However, if an oil transport tanker went aground and broke up, the result to the marine life and the habitats would be swift and possibly catastrophic, particularly if such a large spill occurred during the nesting season.

COMMENT

Proposed Rules for Point Reyes/
Farallon Islands Marine Sanctuary
May 29, 1980
Page 2

dition to the disturbing effects of near-shore activities on marine mammals and birds, fishing has real impacts on resources taken and indirect impacts on organisms that depend on these resources. Often, marine mammals and humans may be competing for the same resources. The DEIS points out that both birds and marine mammals are easily disturbed by human activity, including the sight and sound of vessels. A fishing or sightseeing vessel would be just as disturbing to the animals involved as would a cargo vessel or crude boat. Oil spills from a grounded fishing vessel can be just as harmful to birds as a spill from a platform. In fact, it could be a great deal worse, since a platform spill would have a chance to weather before reaching shore. We do not feel that oil and gas activities would be anymore disruptive and, in fact, could be less so than fishing and boating activities not being controlled.

There was much discussion in the DEIS about the impacts of oil spills. In fact, one of the primary reasons stated for the very large size of the sanctuary was protection from oil spills. Yet there were no trajectory studies cited in the DEIS to justify the extended boundaries. Also, there was very little discussion of mitigation methods that would be used to minimize the impacts of spills. Protective booming of the mouths of coastal estuaries would prevent oil from entering sensitive areas. This is a technique which has been used successfully by Clean Seas, Inc. (Lindstedt-Siva, 1979). Chemical oil spill dispersants are effective in the open sea (McAuliffe et al, 1980), and could be used to prevent oil from entering near-shore waters around the Farallons. This recommendation was made for the Channel Islands in a previous paper (Lindstedt-Siva, 1976). Although that paper is cited in the DEIS, this recommendation was ignored.

It appears to us that this sanctuary is not being proposed to protect the resources of the subject area as much as it is being used to prohibit or severely restrict OCS oil and gas development. If the United States is to reduce its dependence on unstable foreign sources of oil, the OCS areas must be developed without delay. Prohibiting the leasing of those areas which have significant oil and gas potential is inconsistent with this goal. Congress, in the Outer Continental Lands Act Amendments of 1978, has already prohibited the leasing of tracts within 15 miles of the Point Reyes Wilderness area (unless the State of California leases tracts adjacent to the area). They apparently felt this was adequate to protect the sensitive areas in this part of the coast, and we feel further restrictions are unjustified.

We appreciate the opportunity to offer these comments on this im-

RESPONSE

- 3. The need for the proposed sanctuary buffer zone is discussed in the FEIS as is the possible use of containment equipment and dispersants.
- 4. The marine sanctuary program is a long-term management program for particular marine areas. See generic response C. The particular proposed restriction on oil and gas activities is most unlikely to affect the nation's energy program in this low resource area. The fact that Congress legislatively set aside part of this valuable area should not prejudice consideration of the site for marine sanctuary status with appropriate regulatory provisions.

Proposed Rules for the Point Reyes/
Farallon Islands Marine Sanctuary
May 29, 1980
Page 3

portant subject, and urge NOAA not to continue this designation
process.

Sincerely,

Fred Chapman, Jr.

F. W. Chapman, Jr.

cc: E. H. Twine, Atlantic Richfield Company

Literature Cited

Lindstedt-Siva, J. (1976) Oil spill response planning for bio-
logically sensitive areas in the Santa Barbara Channel.
Rept. Atlantic Richfield Co., 41 pp

____ (1979) Resources sensitive to oil spills (Case study of
the Santa Barbara Channel) Proc. U.S. Fish & Wildlife
Service Pollution Response Workshop, C.H. Brown (ed), U.S.
Dept. Int: 79-90

McAuliffe, C.D., G.F. Canavari, T.D. Searl and J.C. Johnson
(1980) The dispersion and weathering of chemically treated
crude oils on the sea surface. Proc. Petromar 80 Conf. on
Petrol. in the Marine Environment, Monaco (in press)

COMMENT

RESPONSE

BURROUGHS AND BLOOM

ATTORNEYS AT LAW
THE OLD WESTERN HOTEL
POINT REYES STATION, CALIFORNIA 94956
(415) 663-6252

ASSOCIATES:
F. ROBERT STUDDERT
ROD MOORE

May 23, 1980

JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven St., N.W.
Washington D.C. 20235

Re: Comment and Review
DEIS-Proposed Point Reyes-Farallon Islands Marine Sanctuary

Dear JoAnn:

Enclosed under cover of this letter is the captioned comment presented on behalf of Johnson Oyster Company and International Shellfish Enterprises.

I would like to take this opportunity on behalf of myself, Mr. Johnson, and Dr. Dupuy to extend our appreciation for the opportunity to talk with you at the Point Reyes hearing and your kind consideration of our views.

In view of our previous mailing difficulty, please put me and my clients on your distribution list as follows:

F. Robert Studdert
Johnson Oyster Co., Inc.
International Shellfish Enterprises, Inc.
The Old Western Hotel
Point Reyes Station, CA. 94956

Please do not hesitate to call on us for any further comment or information.

Very truly yours,



F. ROBERT STUDDERT

NO RESPONSE NECESSARY

COMMENT

BURROUGHS AND BLOOM

JOHN D. BURROUGHS
MICHAEL W. BLOOM
ATTORNEYS AT LAW
THE OLD WESTERN HOTEL
POINT REYES STATION, CALIFORNIA, 94956
(415) 663-8252

ASSOCIATES:
F. ROBERT STUDDERT
ROD MOORE

May 23, 1980

JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven St., N.W.
Washington D.C. 20235

Re: Comment and Review
DEIS-Proposed Point Reyes-Farallon Island Marine Sanctuary

Dear JoAnn:

We have received the captioned Draft Environmental Impact Statement (DEIS) pursuant to Section 102 (2) (C) of the National Environmental Policy Act of 1969. This comment is submitted on behalf of the following two firms:

Johnson Oyster Co., Inc., P.O. Box 68, Inverness, CA. 94937
International Shellfish Enterprises, P.O. Box 201,
Moss Landing, CA. 95039

Unless particularly identified, the following comment applies for both mariculture ventures. Both companies gave oral testimony at the Public Hearing conducted by NOAA on May 13, 1980 at Point Reyes, California. Mr. Charles Johnson, President of Johnson Oyster Co. testified on that company's behalf. Dr. John Dupuy, General Manager of International Shellfish Enterprises testified on behalf of that company. This written comment is intended to augment and expand upon their testimony.

COMMERCIAL DATA AT pp. E-48 TO E-49
OF DEIS INCORRECT AND INACCURATE

Johnson Oyster Co. commenced operations on Drake's Estero in 1960 and presently holds 1,060 acres of state water bottom allotments there. The company maintains an inventory of growing oysters on rack and stake culture of approximately 200,000 units valued at \$8.00 per string or 1.6 million dollars. The structures employed in raising oysters have a value of approximately \$400,000.00 bringing Johnson's total investment to approximately 2.0 million dollars. Johnson generates 40,000 gallons of oysters per year having a value of \$18.00 per gallon or approximately \$720,000.00. The commercial value of the crop is inaccurately stated at page E-48 as \$200,000.00.

RESPONSE

NO RESPONSE NECESSARY

COMMENT

International Shellfish Enterprises, Inc., a division of Amfac Foods, holds 159 acres of state water bottom allotments on Tomales Bay acquired in 1978 and recently acquired an additional 268 acres, formerly held by the Buchan Oyster Company, bringing their total water bottom allotment acreage to 419 acres. ISE employs a more intensive culturing method than Johnson Oyster Co. using shellfish culture trays supported on bottom frames or floatable racks. Their allotments have a capacity of 72 million oysters valued at 13¢ apiece or approximately nine million dollars. The structures required for this operation have an additional value of approximately two million dollars if operated at peak capacity.

Hence, the importance of mariculture on Drake's Estero and Tomales Bay are greatly understated in the DEIS. Not only does the DEIS fail to attribute sufficient importance to oyster mariculture but it fails to reflect the scale of the existing regulatory scheme under which both companies operate. Obviously, both companies favor sanctuary regulation that would safeguard against the danger of hydrocarbon operations. Obviously, we would suffer a great loss in the event of chronic or catastrophic oil spills associated with petroleum development. However, this danger can be guarded against without (1) inclusion of Drake's Estero and Tomales Bay within the boundary designation, or (2) duplicate regulation of mariculture activities by NOAA.

DEIS INADEQUATELY COVERS INTERTIDAL AREAS

Preferred Alternative Two includes the intertidal areas utilized by the mariculture industry, but addresses the resources and uses of those areas almost parenthetically. The failure to afford mariculture sufficient significance has already been pointed out above. The DEIS inventory of natural resources (pp. E-10 through E-34) is devoted almost entirely to the marine birds and mammals of the Farallon Islands. Marine flora in the subtidal Estuarine areas is the subject of one short paragraph (pp. E-32-E-34). Benthic fauna receives extremely superficial treatment at pp. E-34. It is submitted that the rationale to include the Estuarine areas of Drake's Estero and Tomales Bay is extremely weak and unsupported by the DEIS.

Only Alternative Four includes the Drake's Estero area. At page F-125 NOAA admits that the overlapping with Point Reyes National Seashore, which already enjoys protected status, offers no significant advantage, and that regulation thereof would be outweighed by the added inconvenience. Johnson Oyster Company agrees with this conclusion and submits that there is no sound reason for the inclusion of Drake's Estero.

ISE suggests that, in the case of Tomales Bay, existing regulation by California Fish and Game, California Coastal Commission and the Army Corps of Engineers provides ample regulation and protection of that area. By parity of reasoning, no significant advantage is gained by the inclusion of Estuarine Tomales Bay, and that the added protection is outweighed by the added inconvenience.

RESPONSE

1. The information from the preceding paragraphs has been incorporated into the FEIS. The Designation and proposed regulations in Section 936 are consistent with respect to mariculture in the sanctuary. As stated in Article I of the Designation, listing of an activity in the Designation authorizes its regulation, but does not itself amount to regulation. Article IV of the Designation authorizes the regulation of dredging or construction projects and discharges, but does not automatically regulate them, and Section 936.6 of the regulations specifically does not regulate such activities connected with mariculture.
The regulation of mariculture, like fishing, is generally not subject to regulation at all under Article V, Section 1, and mariculture has been added specifically to the exclusion in that section. Such regulation is left to the State as suggested by the comment. However, also like fisheries, those engaged in mariculture may be subject to regulation in certain respects e.g. dredging activities. NOAA is not proposing any regulations at this time, nor are any anticipated. However, should any be proposed, any regulation of dredging activities would be subjected to the full rulemaking requirements.
Since Drake's Estero is within the Point Reyes National Seashore (PRNS), it is not encompassed in the proposed boundaries of the proposed marine sanctuary. However, portions of Tomales Bay are not included in the PRNS and NOAA proposes to include that estuary in the sanctuary. The resources of Tomales Bay and the ocean areas of the proposed sanctuary are inextricably linked. The proposed sanctuary program of research, monitoring, assessment, education and long-term planning can make important contributions to the preservation of the resources of Tomales Bay and will be more valuable overall because of the inclusion of these estuarine resources areas.
In the interest of brevity, the DEIS did not include an extensive discussion of the estuarine, benthic and intertidal resources. The discussion in Section E.2.d. points out the unusually large concentration in the proposed sanctuary of eelgrass beds and salt marshes, both of which are very important habitat areas to many of the fish and birds found in the study area. The value of the benthic and floral communities as critical links in the food chain is mentioned and several references containing more detailed information are cited.
2. See response to comment 1.

DRAFT DESIGNATION DOCUMENT AND PROPOSED REGULATION 935 et seq
ARE INCONSISTENT, VAGUE, AND AMBIGUOUS
WITH RESPECT TO MARICULTURE ACTIVITY

Article Four. Scope of Regulation. Section 1. Activities Subject to Regulation, subparagraph c. provides for regulation of "dredging or alteration of, or construction on, the seabed,..." The structures required for oyster cultivation are clearly affected by this prohibition. Regulation 935.6., Prohibited Activities, (3) Alteration of or Construction on Seabed. purports to exempt "mariculture" however, this exemption is clouded by the remainder of the regulatory scheme. Section 935.9. Certification of Other Permits provides for automatic certification of existing permits so long as "they do not authorize any activity prohibited by Section 935.6". The same section provides that "any interested person" may request the Assistant Administrator to offer an opinion on whether an activity is prohibited by these regulations. Subparagraph (c) of 935.9. allows the Assistant Administrator to seek and consider the views of any person or entity, and provides for a public hearing as deemed appropriate. The automatic 60 day certification of subsection (d) of 935.9. operates only "unless otherwise determined". Lastly, it appears that subsection (e) of 935.9 provides for amendment, suspension, or revocation of any certification of an existing permit "whenever continued operation would violate any terms or conditions of the certification". Section 935.10. provides for an administration appeal procedure from the granting, denial, or conditioning of any permit under subsection 935.9., the automatic certification provision.

Mariculture is presently regulated by California Fish and Game. Therefore, under Article 5., Relation to Other Regulatory Programs, Section 1, all California Fish and Game regulations will remain in effect and all permits thereunder will be valid "unless inconsistent with any regulation implementing Article IV." The regulations implementing Article IV are the subject of the procedural infirmity set forth above. The proposed regulations do not encompass the amendment of existing permits. The amendment of existing permits is often necessary as dictated by technological changes in oyster culturing methods. Query: Does an amendment of an existing permit require a new permit from NOAA under the provisions of Regulation 935.8.

We submit that if the proposed regulations are promulgated by NOAA that there is no clear exemption for mariculture activities within the proposed sanctuary. The DEIS discusses delegating on-site management to the California Dept. of Fish and Game and further states that mariculture is not subject to sanctuary regulation. (see DEIS pp. F-107-F-109). However, this is inconsistent with the proposed regulations, and it appears that under the auspices of "coordination" (see pp. F-113) that NOAA reserves the right to ultimately regulate mariculture activities within the sanctuary boundaries.

4. Mariculture is clearly exempted from marine sanctuary regulation. Since mariculture is not regulated independently by the marine sanctuary, any permits for mariculture granted by any other authority are automatically certified under Section 936.9(a). The special certification procedure outlined in Subsections 936.9(b), (c), (d) and (e) applies only to sanctuary review or permits for pipeline placement, municipal outfalls, and dredge disposal at the interim site.

5. New permits or amendments to existing permits are automatically certified in the marine sanctuary unless they authorize an activity prohibited by Section 936.6. Section 936.8 applies only to permits for activities which would otherwise violate the marine sanctuary regulations.

6. See response to comment 1.

ABSOLUTE REGULATION OF MARICULTURE SHOULD REMAIN
WITH CALIFORNIA FISH AND GAME DEPARTMENT

The DEIS speaks tentatively of delegating on-site management to the California Fish and Game Department (see pp. F-109). We submit that all regulation of mariculture should be absolutely vested in the California Fish and Game Department free of any parallel or overriding regulation by NOAA.

Section 30411 of the Public Resources Code of the State of California designates the California Fish and Game Department as the agency responsible for the establishment and control of fishery management programs and prohibits any controls by other agencies that duplicate or exceed regulatory controls established by Cal Fish and Game. The California Aquaculture Development Act (CADA) declared mariculture to be a coastal dependent use which should be encouraged to augment food supply. Cal Fish and Game is responsible for the siting of mariculture allotments. The California Fish and Game Department is the lead agency responsible for environmental considerations under the California Environmental Quality Act (CEQA). Cal Fish and Game has had considerable experience managing the resources, activities, and problems occurring in and around the proposed marine sanctuary area. The Marine Resources Branch of Cal Fish and Game has grown up with the mariculture industry in this state, and has been understanding of the problems confronting the oystermen.

Therefore, we would strongly oppose any removal of authority over mariculture from California Fish and Game, and submit that any regulations should clearly designate Cal Fish and Game as the agency responsible for mariculture without any overriding interference from NOAA.

ANY FURTHER PROLIFERATION OF REGULATORY AGENCIES
AFFECTING MARICULTURE IS ONEROUS AND WITHOUT JUSTIFICATION

The proliferation of the public regulation of mariculture has become the bane of the oyster industry. Over the past ten years, there have been at least 2,000 business failures on the east coast of aquaculture ventures. The permit process and the delays occasioned thereby are responsible for at least half of those failures. The California Aquaculture Association recognizes this problem and is presently proposing the streamlining of the permit process to various state and federal agencies. To add yet another layer of regulatory scheme and permit process is onerous and truly unnecessary for the protection of the marine resources sought to be regulated.

The following agencies are directly involved in the issuance of a mariculture permit and site:

California Fish and Game Department

California Fish and Game Commission

California Department of Health

7. See response to comment 1.

COMMENT

- California Coastal Commission
- California Water Quality Control Board
- California Lands Commission
- Local Tidelands Permit Authorities
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. Coast Guard
- U.S. Environmental Protection Agency

RESPONSE

It should be emphasized that the foregoing list contains only those agencies which are directly involved. As attorney for and Secretary-Treasurer of the Johnson Oyster Company, I presently deal with approximately twenty-two agencies involving their mariculture operations. Additionally, Johnson Oyster Co. is located within the Point Reyes National Seashore and under close scrutiny by the National Parks Service.

International Shellfish Enterprises estimates that the cost per permit necessary to the acquisition of a mariculture site is approximately \$3000.00. At least four major permit procedures are required for every allotment, i.e. Cal Fish and Game, Coastal Commission, Army Corps of Engineers and Local Tidelands Authority. A small company with limited financial ability is practically denied entry into the mariculture field today.

We submit that adding another layer of regulation is onerous and unnecessary, and will have disastrous results within the mariculture industry.

CONCLUSION

In summary, Johnson Oyster Co. and International Shellfish Enterprises, Inc. urges consideration of the following comments:

1. Exclusion of Drake's Estero and Tomales Bay from NOAA boundary designation as unsupported by the DEIS and unnecessary for the protection of marine resources therein;
2. Regulation of mariculture in the areas of Drake's Estero and Tomales Bay is totally unnecessary for protection from hydrocarbon disaster. Oil and gas development is the primary target of sanctuary protection, and the regulation thereof need not extend to mariculture or the Drake's Estero and Tomales Bay areas;
3. The proposed regulations are vague, ambiguous and inconsistent with respect to a declared intention to exempt mariculture activities. Clarification is needed to assure the exemption of mariculture activities;
4. California Fish and Game Department presently does

8. The proposed marine sanctuary will not affect the mariculture industry except beneficially by helping to maintain the health of the ecosystem on which oyster cultivation depends.

9. See responses 1 through 8 above.

Page Six

a more than adequate job of regulating and protecting marine resources in this state. There are no laps or gaps in the present regulatory scheme applying to mariculture, as the DEIS suggests. The proposed regulations should clearly and unequivocally leave the regulatory functions with California Fish and Game;

5. Any further proliferation of regulation or regulatory agencies in the mariculture industry is both onerous and unnecessary.

We wish to extend our most sincere appreciation for the opportunity of commenting on the DEIS for the proposed Point Reyes-Farallon Islands Marine Sanctuary.

Respectfully submitted,



F. ROBERT STUDDERT, ATTORNEY FOR:
JOHNSON OYSTER CO., INC.

INTERNATIONAL SHELLFISH ENTERPRISES, INCORPORATED

FRS:cw

cc: Bruce Barrett
Acting Director
Office of Environmental Affairs
Room 3425
U.S. Dept. of Commerce
Washington D.C. 20230

International Shellfish Enterprises, Inc.

Johnson Oyster Co., Inc.

COMMENT

RESPONSE

California Seafood Institute

1th S. Building • Sacramento, California 95814 • (916) 447-4008

May 12, 1980

The California Seafood Institute is opposed to the proposal of establishing a Marine Sanctuary for the Farallon Islands - Point Reyes area for the following reasons:

We feel that this is a complete waste of public funds for services now in effect.

Acts and authorities presently involved with the management of activities in and around the area in question, include:

Abbreviations of Authorities

Federal

- AA - Antiquities Act; 16 USC SS461-4691
- CAA - Clean Air Act; 42 USC SS7401-7642
- CWA - Clean Water Act; 33 USC SS1251-1376
- ESA - Endangered Species Act; 16 USC SS1531-1543
- FCMA - Fishery Conservation and Management Act; 16 USC SS1801-1882
- MBTA - Migratory Bird Treaty Act; 16 USC SS703-711
- MMPA - Marine Mammal Protection Act; 16 USC SS1361-1407
- NHPA - National Historic Preservation Act; 16 USC SS470-470n
- OCSLA - Outer Continental Shelf Lands Act; 43 USC SS1331-1343
- OPA - Oil Pollution Act of 1961; 33 USC SS1001-1016
- PMR - Pacific Missile Range; U.S. Navy
- PWSA - Ports and Waterways Safety Act; 33 USC SS1221-1227
- SSVS - Space Shuttle Vehicle System; U.S. Air Force

State

- AQCA - Air Quality Control Act; California Health and Safety Code, SS39000-42708
- ASBS - Areas of Special Biological Significance; California Water Code S13260
- CCA - California Coastal Act; California Public Resources Code S27000
- ER - Ecological Reserves; California Fish and Game Code S1580
- FGC - Fish and Game Code; California Fish and Game Code, California Administrative Code, Title 14
- HCRPA - Historical and Cultural Resources Protection Act; California Public Resources Code S5000
- OGS - Oil and Gas Sanctuaries; California Public Resources Code S6870
- WQCA - Water Quality Control Act; California Water Code S13000

1. See generic response C.

May 12, 1980

Abbreviations of AgenciesFederal

BLM - Bureau of Land Management - Department of the Interior
 COE - Army Corps of Engineers - Department of Defense
 EPA - Environmental Protection Agency
 FWS - Fish and Wildlife Service - Department of the Interior
 HCRS - Heritage Conservation and Recreation Service - Department of the Interior
 MMC - Marine Mammal Commission
 NMFS - National Marine Fisheries Service - Department of Commerce
 NPS - National Park Service - Department of the Interior
 NMFC - Pacific Fisheries Management Council; Joint Federal-State
 USCG - United States Coast Guard - Department of Transportation
 USGS - United States Geological Survey - Department of the Interior

Abbreviations of AgenciesState

ARB - Air Resources Board
 CCC - California Coastal Commission
 DFG - Department of Fish and Game
 HRC - Historic Resources Commission
 PFMC - Pacific Fisheries Management Council; (Joint Federal-State-Private Body)
 SLC - State Lands Commission
 WRCEB - Water Resources Control Board

Specific present authority and duties of each state and federal agency are available for your review.

The states jurisdiction in the area under consideration extends three (3) nautical miles off shore from the mean high tide line. Authorities range in approach and scope from broad regional management programs such as the California Coastal Act to laws intended to control specific threats or protect specific resources. The authorities with broad jurisdiction are described first, followed by those addressing a specific threat or resource, respectively.

To assert that additional regulatory authority would lend itself to better management or protection would be questionable in the extreme.

We oppose this type of wasteful duplication.

Sincerely,

CALIFORNIA SEAFOOD INSTITUTE

John P. Gilchrist,
 Executive Secretary

COMMENT

MATTHEW A. LITTLE
KENNETH B. LITTLE
ROBERT L. LITTLE

ALAN V. ALTREE
GEORGE L. TOMLINSON
BERNARD F. DOYLE, CLU

CARMEL INSURANCE AGENCY, INC.

P.O. BIN 6117 • SAN CARLOS between 4th and 5th • TELEPHONE 408-624-1234
CARMEL, CALIFORNIA 93921 •

May 19, 1980

Director
Sanctuaries Program
Office of Coastal Zone Mgmt
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Sir:

I strongly protest the creation of any Marine Sanctuaries on the Pacific Coast. There are adequate divisions of government to protect the various areas from any threats to shores and fisheries.

If you create these, soon we will see Patrol Boats and Police running all over the ocean issuing violations for this and that! We are free from this now and wish to remain so!

Very truly yours,

CARMEL INSURANCE AGENCY, INC.



Robert L. Little

RLL:sir

cc: Leon Panetta - House Rep
John Breauz

See generic response C.

RESPONSE

COMMENT

RESPONSE

Center for Environmental Education

1925 K Street, N.W. • Washington, D.C. 20006 • 202/466-4996

JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, NW
Washington, DC 20235

May 7, 1980

Dear Ms. Chandler:

We are here commenting upon the Draft Environmental Impact Statement (DEIS) regarding the proposed Point Reyes-Farallon Islands Marine Sanctuary. We wish to commend you and your staff for this well-written and valuable document.

We are largely in agreement with the analysis and conclusions presented in the DEIS. However, we do wish to stress several points in the analysis and to make several suggestions regarding the management of the sanctuary.

The uniqueness and value of the area proposed for marine sanctuary designation is perhaps best indicated by the thousands of citizens who visit the area each year. As mentioned in the DEIS, one can expect even greater numbers of people in the San Francisco Bay Area to avail themselves of this convenient, pristine area's beauty as energy prices restrict other recreation opportunities available to them.

Commercial fisheries in the area are crucial to the economic stability of the area coastal communities. The continued health of these fisheries will help preserve local expertise in fishing which will become more important as energy prices restrict less energy-efficient industrial fishing operations.

The lack of a coherent management approach continues to jeopardize the esthetic, ecological, and economic values of our nations' waters. The sensitive habitat of the Pt. Reyes-Farallon Islands area requires something more, as the DEIS argues. Experience gained in managing the sanctuary with an ecosystem approach may well lead to sounder management of other areas as well. Without such experience, we have little hope that the ecosystem approach adopted in various laws, (notably the Endangered Species Act and the Marine Mammal Protection Act), will become much more than an elusive concept.

COMMENT

We wish to stress the importance of conducting research in the sanctuary with a view to gaining expertise which may prove helpful in regulating oil and gas drilling on the outer continental shelf (OCS), waste disposal, sewage treatment, dredging, and vessel traffic in other areas.

In this vein, we wish to make several suggestions regarding permissible activities within the sanctuary.

Because of the potential for vessel collision and the subsequent release of hydrocarbons and other potentially harmful substances into the sanctuary's water, we believe that, except for fishing vessels, no commercial vessels should be allowed in the sanctuary except by permit. Permits should be issued only if such traffic will aid in research on the management of vessel traffic in sensitive marine areas.

We believe that the transit of commercial vessels along the northern Traffic Separation Scheme represents too great a threat to the sanctuary's environment. Should OCS lease sale number 53 proceed, vessel traffic in the area will increase substantially and as a result, so will the likelihood of an accident, unless such traffic is strictly monitored. We mention here the fact that greater amounts of hydrocarbons are released into the marine environment as the result of such vessel traffic than as the result of oil rig operations on the OCS. One serious collision near or within the sanctuary could severely affect the wildlife and ecology of the sanctuary area.

However, we are also convinced that properly monitored, such vessel traffic through the sanctuary could provide important information regarding the impact of such activities on the marine environment. Please note, however, that our suggestion exempts no particular size of commercial vessel. We do not believe that observance of sanctuary boundaries will cause loss of any appreciable amount to commercial vessel operators.

The regulations proposed under Alternative 2 do not adequately address the potential for disruption of whale behavior by airplane traffic. Migratory whales are less than likely to remain within one mile of the shoreline. National Marine Fisheries Service regulations stipulate that aircraft should maintain an altitude of 1,000 feet when within 100 yards of a whale. We assert that it is questionable whether a pilot can tell when he or she is within 100 yards of whale. By restricting aircraft to an altitude of 1,000 feet within the sanctuary, the regulations will be simplified and easier to observe and enforce. As in the case of vessel traffic, we support exemption from this restriction provided that information useful in developing regulations in other areas is gained.

Pipeline placement and sewage disposal should also be permitted only if closely monitored as part of a continuous research program.

RESPONSE

1. Research and monitoring the effects of human activities in the sanctuary in order to better protect the sanctuary's resources is an important element of the sanctuary management plan (See Section F.2.b). Research results will also be applicable to areas outside the proposed sanctuary.
2. NOAA has concluded that regulation of vessel traffic outside the proposed 2 nmi buffer zone is inappropriate at this time. Also see generic responses F and G
3. The NMFS regulations of harassment of marine mammals, in addition to imposing certain altitude requirements, also state that any action which causes severe alteration in behavior of a marine mammal is prohibited. The NMFS regulations presently appear adequate, except in the nearshore particularly sensitive areas, where a standard altitude is desirable. Regulation of overflights will benefit birds and pinnipeds and is intended to prevent the disturbance of rookeries and immediately adjacent waters which are both heavily used and where the animals are likely to be most vulnerable to disturbance.
4. Monitoring and research are important components of the marine sanctuary program. In the event that, after full review, the disposal of municipal sewage or the placement of pipelines, in the sanctuary is certified as consistent with the sanctuary by the Assistant Administrator, such activities would be carefully monitored. However, the DEIS for Lease Sale #53 does not anticipate the laying of any pipelines in the vicinity of the proposed sanctuary.

COMMENT

The suggestions above arise from our firm belief that sanctuary regulations must not only protect wildlife and habitat, but must also serve to further our understanding of the effects of human activities upon marine ecosystems.

We urge that exemptions to sanctuary regulations be reviewed by an advisory committee, composed of local interested citizens as well as government policymakers and independent scientists. Such a committee should be charged with developing an overall research and education program for the sanctuary. Expertise and resources within the Bay Area community should be tapped in meeting the research and educational goals of the sanctuary.

We note that Table F-2—Existing State and Federal management authorities as they relate to resources and activities--includes as a state authority "CAA". This acronym is not explained in Table F-3--Abbreviations of State, Federal authorities and agencies.

We urge the Point Reyes-Farallon Islands area be designated a sanctuary as proposed under Alternative 2 of the DEIS. We also urge that our suggestions be included in this Alternative.

Sincerely,



Michael Weber
Marine Habitat Coordinator

MM/rab

cc: Maxine McCloskey
Dan Wake

RESPONSE

- 5. See generic response B. The committee would have a role in considering permits and research issues.
- 6. This abbreviation has been corrected to read "CAA" for "California Coastal Act."

COMMENT

Center for Environmental Education

1925 K Street, N.W. • Washington, D.C. 20006 • 202/466-4996

May 30, 1980

JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, NW
Washington, DC 20235

Dear Ms. Chandler:

We wish to offer the following supplemental comments to the draft environmental impact statement (DEIS) for the Point Reyes/Farallon Islands Marine Sanctuary designation.

We wish first of all to make some general comments. The DEIS quite properly places emphasis upon the unique character of the study area. Many of the ecological values of the area are difficult to quantify and we wonder whether it is valid to do so. Absent any reasonable calculation of the value of good water quality, we must nonetheless insist upon the consideration of such an intangible value, for instance. In reviewing an area for possible designation as a sanctuary, the study area must be viewed from the perspective of the resources and intangible values it embodies. The DEIS quite properly places emphasis upon such resources, but could do more to discuss the more intangible qualities of the area.

Our national parks have been established largely in areas unique for their wilderness, esthetic, ecological and recreational values. We see the sanctuaries program as attempting to achieve the very same thing on our coastal margins. It is important to discuss energy resources which would be given up by designating a sanctuary. But it is equally important to insist that such considerations must yield to protection of the wilderness, esthetic, ecological and recreational values in the area, where the development of energy reserves could possibly threaten these values.

If the study area, indeed if the whole of the coastal margin, is to be managed for the common good, more knowledge must be accrued concerning the marine ecosystem, exchange rates, transport phenomena, species tolerances, and population dynamics and behavior. A balance must be reached between substantive knowledge and the legal process, and this balance must express the values of the common good. In the case of uncertainty or probability of toxin contamination, for instance, the value of a healthy marine ecosystem must be maximized.

Natural life support is provided by complex systems of interactions

This is recycled paper.

COMMENT

(2)

RESPONSE

of organisms and their environments. Studies clearly show that hydrocarbon pollution and the alteration of marine habitats negatively challenge natural systems, reducing diversity in the food cycle, and interfering with the transfer of energy from lower to higher trophic levels of the food cycle, including humans (Jackoff, 1976). In areas where the marine ecosystem is known to have a particularly delicate composition, as is the case in the study area, the value of a healthy ecosystem must prevail over the possibility of a toxic hazard. Any level of ecosystem pollution by toxins in such an area is an intolerable level.

Specific comments follow:

Characteristics of the Area: As described on page E-8 of the DEIS, the study area "affords a wide diversity of marine habitats." We believe that reference to this diversity of habitat should be made in Article 3 of the Designation Document. As currently conceived, Article 3 only mentions various species and says nothing of their habitat or their interrelationships. Article 3 should reflect an ecosystem approach, rather than a species-specific approach, as it seems to now.

Boundaries: Our primary concern is that the values and habitats of the study area be protected to as great an extent as possible. The boundaries presented in Alternative 2, we believe, provide a minimum of protection. We strongly urge that your office consider in the final environmental impact statement (FEIS) Boundary Option 2, as presented in the Issue Paper for the proposed sanctuary. We wish this option considered for a number of reasons.

First of all, we note that the 15-mile buffer around Point Reyes National Seashore may be withdrawn, should the State of California, permit drilling within territorial waters. Should this occur, protection of the area from Point Reyes to Bodega Bay would be reduced to 6 miles from shore under Alternative 2. We find no justification in the DEIS for adopting this smaller buffer area and are concerned on several points.

We do not believe that a sanctuary should simply protect shoreline habitats, although these habitats are often quite critical. Rather, a sanctuary should also protect the waters of the sanctuary itself to as great an extent as possible. Such an approach seems warranted by the intermingling of nearshore and offshore waters. Many of the resources described in the DEIS are dependent upon these waters and the underlying seabed for their health.

We are concerned that current and planned developments near the study area will increasingly jeopardize these waters. The DEIS for OCS Sale #53 addresses this issue on pages 3-32 through 3-41. The DEIS notes on page 3-33:

"San Francisco Bay has particularly poor water quality. This poor water quality is additionally degrading the quality of adjacent ocean water (emphasis added)...In general, sewage appears to be the main cause of the poor water quality in many of the water bodies. San Francisco Bay water quality, however, is additionally degraded by industrial and commercial activity."

1. Comment accepted.

2. The area included in the second boundary option discussed in the issue paper which is not covered by the preferred alternative in the DEIS is protected from oil and gas development by the provisions of the 1978 amendments to the OCS Lands Act (OCSLA) unless there is leasing in State waters. With the designation of the Sanctuary, oil and gas development in State waters will be prohibited and the dangers to the extended area from oil and gas activities would be eliminated. As to other concerns for water quality, it seems unlikely that the area urged for the extended boundary would ever be subject to municipal outfalls or to significant dredge disposal. The limits of marine sanctuary program resources argue for establishing the sanctuary boundaries as proposed in order to accomplish a meaningful management program including education, research and planning. Although the larger area is undoubtedly related to the waters proposed for sanctuary status, the 6 nmi boundary does appear to offer significant protection for the Point Reyes National Seashore, Bird Rock, and other areas.

COMMENT

Also, studies cited in this DEIS reveal that the ocean waters around the Farallons have exceptionally high concentrations of lead and zinc (Figures III.A.1.d-2 and 3.).

In its discussion of the cumulative impacts on water quality from OCS Sale #53, the DEIS states on page 4-82, and 83:

"The cumulative effects should longshore drift transport pollutants from the new San Francisco municipal outfall to the Santa Cruz area or north to the Bodega tracts (emphasis added) might be to cause chronic violation of EPA limits but again the effects should be local. Tomales Bay and Bodega Bay and Harbor with general good water quality...may suffer some degradation due to the cumulative OCS activities and increased degradation discharges which may be associated with OCS socio-economic impacts in these areas. The degree to which degradation of the water quality may occur (if at all) in these two areas is unknown. The levels of trace materials around the new San Francisco municipal outfall current exceed ambient open ocean coastal surface water concentrations...and the continued discharge of the outfall should continue to degrade the water quality in the immediate area...Synergistic effects between trace metal pollution and other OCS discharge products are unknown at this time but, again, should result in water quality degradation in a limited area if at all."

We believe this discussion demonstrates that when future OCS sales or new sewage or other projects are initiated in proximity to the study area, the impacts on water quality will not differ in kind but only in degree. With each additional OCS sale or sewage project, the cumulative environmental impacts will increase for the study area. Indeed, it seems to us that the water quality of the study area does not need protection so much as it needs restoration.

Water quality is not an abstraction. Creatures throughout the study area depend upon it for the basis of their lives. While the effect of various pollutants on marine organisms still requires more research, some effects are already emerging. For instance, Dr. Edwin Howard, associate professor of pathology at the University of Southern California School of Medicine, and director of the laboratory and disease investigation division of Los Angeles County's Comparative Medical and Veterinary Services, notes that researchers at the county's Marine Mammal Surveillance Program find pollutants building up in marine animal tissues, weakening their immune systems. Dr. Howard also reports a significant rise in the number of cancer cases in marine mammals, including cancer of the lung, kidney, bladder and liver.

It is also known that marine organisms accumulate certain chemicals in amounts far exceeding their concentrations in sea water. Organisms may assimilate toxins from seawater or by way of the food chain. Levels of bio-accumulation tend to magnify in organisms at higher trophic levels. Such concentration of toxins, though sublethal itself, nonetheless threatens the stability of an ecosystem.

RESPONSE

NO RESPONSE NECESSARY

COMMENT

RESPONSE

(4)

The marine ecosystem is certainly resilient. The disadvantage of such resiliency is that the system will tolerate chronic levels of pollution for long periods of time before cumulative harm can be recognized. Chronic damage from bio-accumulation and acute damage resulting in immediate and often lasting disruption, such as in the case of the West Falmouth oil spill (see Jackoff, 1976) are equally hazardous.

Public interest in preserving the waters of the study area from further degradation has been expressed on numerous occasions. For instance, responding to public pressure, Congress itself recognized the importance of the study area by exempting the waters within 15 miles of the Point Reyes National Seashore from oil exploration. Recently, a large contingent of the California Congressional delegation expressed concern about the impact of OCS Sale #53 by requesting that Secretary of the Interior Andrus delay the sale for two years until needed studies can be completed. Local governments and citizens groups have also expressed their opposition to this sale on several occasions.

We also question whether a six-mile boundary will provide sufficient protection for the Bird Rock Area of Special Biological Significance, (ASBS), the Point Reyes National Seashore, and the Point Reyes Headlands Reserve and ASBS. NOAA should acknowledge and supplement in a strong way the initiatives already taken by the State of California.

As the DEIS amply illustrates the ecosystem of this area is deserving of protection beyond whatever protection may or may not be afforded by the future actions of the Coast Guard, the Bureau of Land Management, the Geological Survey, or the State of California. We infer from a reading of OCS Sale #53 DEIS that the petroleum resources in the area which would be foregone even under the Boundary Option 2 of the sanctuary Issue Paper are miniscule when compared with the resources targeted for development by the Department of the Interior for the next five years. On the other hand, we do not find justification for believing that the boundaries presented in Alternative 2 adequately protect the water quality, habitats and marine life of the study area.

For these reasons, we strongly urge that the FEIS reconsider fully Boundary Option 2 of the Issue Paper.

Prohibition on Hydrocarbon Operations: In conjunction with our discussion above, we wish to object to Section 936.12 of the proposed regulations regarding amendments of the regulations, triggered by a State decision to allow drilling in territorial waters. This section of the regulations, which did not appear in the DEIS, will, we assume, be discussed fully in the FEIS.

We do wish to object to this provision on several grounds. Firstly, current Sanctuaries Program regulations (Section 922.26(e)) allows the Governor of a state whose waters are included in a sanctuary to trigger deletion of any regulation for the sanctuary by certifying that is is unacceptable within 60 days of the designation of the sanctuary. We see no compelling reason for exempting future hydrocarbon operations in territorial waters from this process. We agree with the California Coastal Commission

3. NOAA has deleted Section 936.12 from the proposed final regulations.

COMMENT

that such an exemption--inconsistent as it is with the regulations affecting federal hydrocarbon operations--is itself inconsistent with the goal of the sanctuary to protect marine species and habitats in the study area.

Secondly, such an exemption will have greater consequence should the boundary of the sanctuary be set at six miles, instead of 15, since State hydrocarbon operations will nullify the protection Congress granted the northern waters of the study area in the OCS Lands Act Amendments. For reasons set out above, we believe hydrocarbon operations as close as six miles from shore are inconsistent with the restoration of the water quality and the protection of marine life and habitat in the study area.

Finally, the petroleum resources foregone by prohibiting State hydrocarbon operations are likely to be very small. Clearly, these foregone resources, if they do exist, do not justify a special exemption.

Vessel Traffic: We continue to be concerned that oil vessel traffic in the study area is not adequately covered by the proposed regulations. The DEIS for OCS Sale #53 (p. 4-25) projects that hydrocarbon operations may require the following tankering of crude oil from several basins into San Francisco Bay: 81 trips per year of a 25,000 dwt tanker from Point Arena, 130 trips per year of a 15,000 barrel barge from the Bodega Basin, and 120 trips per year of a 100,000 barrel barge from the Santa Cruz Basin. In addition, supply vessels may create the following traffic: 180 trips per year from San Francisco to the Point Arena and Bodega Basins each, and 720 trips per year from San Francisco to the Santa Cruz Basin.

The DEIS for the proposed sanctuary (see page F-102) recognizes the potential for vessel collision regarding its regulation (see especially the top of page F-103). We believe that barge and tanker traffic, including tanker traffic from Alaska, should be required to use the Western VTSS. Also, tankers and barges in the study area should have double hulls.

We also find no justification for believing that the one-mile buffer proposed in the regulations will adequately protect the areas listed as sensitive. Besides the fact that tankers and barges will not likely stray so close to the sensitive areas intentionally, oil released as the result of a vessel collision within one mile of these areas would more than likely be transported to shore before oil containment efforts could even be initiated. Any proposed buffer around these areas should reflect current oil containment capabilities in the area. In addition, such a buffer should take into account other discharges of pollutants by vessels in the study area.

At the very least, consultation with the Coast Guard, as it develops regulations for the tankering of oil resulting from hydrocarbon operations, should be required. We believe that the Coast Guard should be apprised of the sensitivity of the study area. Of particular concern to us is the effect of the Coast Guard eliminating the northern traffic lane in the Gulf of the Farallons (see page F-101).

If tanker and barge traffic is allowed within the study area, it should be monitored as part of an overall research program.

RESPONSE

4. See generic responses F and G.

5. NOAA is consulting with the Coast Guard in its PAR study, and the Coast Guard is aware of the proposed marine sanctuary. Continued coordination with the Coast Guard on vessel traffic issues and oil spill contingency planning is essential.

6. See Section F.2.b. Monitoring of human activities and sanctuary resources will be an integral part of the management plan.

4.

5.

6.

RESPONSE

COMMENT

7. Finally, we strongly urge that the intentional or continued negligent harassment of marine mammals and birds by any vessel be prohibited anywhere in the study area. We do not find the current regulations (Section 936.6(h)) adequate to protect hauled out or transiting animals from harassment (see page F-100), especially as the DEIS gives no explanation for the exemption of fishing, recreational, or research vessels from the general rule.

We hasten to add that we do not intend that these latter types of vessels be prohibited from approaching within one mile of the sensitive areas. Rather, we simply wish to avoid intentional or chronic harassment of the wildlife in the study area.

Alteration of or Construction on the Seabed: The regulations proposed under Alternative 2 (pages F-97 and 98) unnecessarily, we believe, exempt dredging from review by the Sanctuary Manager. We find no justification for this exemption, despite the fact that the DEIS acknowledges the potential for habitat disruption from such activities.

Such dredging should be permitted only by exemption. Exemptions should be granted only if: 1) adequate baseline data are available to evaluate the potential effects of such dredging; 2) such dredging will not disturb sensitive habitats unduly; 3) the effects of the dredging will be continuously monitored as it proceeds; 4) the long-term effects of the dredging are monitored. The Sanctuary Manager should promote and support research on the effects of dredging as part of an overall research program for the study area.

9. Sewage: We reiterate our view that any permitted municipal sewage outfalls should be subject to continuous monitoring regarding their effects on habitat and marine life in the immediate area of the outfalls. Certification of new municipal sewage should be subject to the research provisions set out above regarding dredging. We believe this requirement to be particularly important in light of the discussion of water quality in the Gulf of the Farallons found on pages 3-33 and 4-83 of the OCS Sale #53 DEIS.

Research and Education: As noted in our previous comments, we urge that the Sanctuary Manager establish an advisory committee, composed of local citizens, government and independent scientists and policymakers. Among other tasks, this committee should develop an overall research program for the study area which focuses upon the acquisition of baseline data and the monitoring of the effects of human activities in the study area. We have mentioned above our particular concerns in this respect.

10. We also believe that an annual report summarizing research relating to the study area would foster further research and monitoring of the status of habitats, wildlife and water quality in the area. Such a report would also provide a basis for informing the public about the significance of current research and the effects of human activities on marine ecosystems.

The importance of such research and education cannot be overemphasized. The study area will provide a focus and opportunity for conducting coordinated

7. Intentional harassment of marine mammals is already prohibited by the Marine Mammal Protection Act of 1972. The sanctuary regulations will not weaken such prescriptions. NOAA's regulations on vessel traffic and overflights are intended to prevent unintentional harassment in habitats of extreme importance, as well as to reduce the chance of a shipping accident or illegal discharge near shore.

8. With the exception of dredging to maintain existing facilities and relatively small projects, dredging in the marine sanctuary is either prohibited outright or subject to a certification by the Assistant Administrator for CZM. As part of the general management plan for the sanctuary, human activities, including seabed alteration will be monitored.

9. See response 4 to letter from Center for Environmental Education, May 7, 1980.

10. See generic response A. The management study will address the issue of establishing an appropriate subcommittee to guide and encourage sanctuary sponsored research. An annual report appears to be a most useful device.

COMMENT

RESPONSE

research into the effects of various human activities on the marine ecosystem. Such a comprehensive approach is impossible under current conditions. As developments on the OCS and along our coasts increase, the need for such an approach will become more evident.

Such a committee will also provide the Sanctuary Manager with invaluable guidance in reaching out to the public. At this time, many citizens do not know anything of the wonderfully subtle and complex character of the coastal margin. As a result, the determination of appropriate development along the coastal margin and on the OCS is removed from meaningful public input. Beyond this, the enjoyment of the natural world increases as understanding of it increases. A viable and forward-looking educational program, focused upon the ecology of the Gulf of the Farallons, would accomplish much in increasing the public's understanding and enjoyment of this and other areas.

Management: We urge NOAA to develop the details of a management scheme and relations with existing agencies as soon as possible. The participation of the advisory committee in this process would do much to ensure that the management scheme will be responsive to the needs and interests of the public.

We urge NOAA to proceed resolutely with the drafting of the FEIS for the proposed sanctuary, taking into account the comments presented here and in our previous letter to you.

Once again, we wish to express our appreciation to you and your staff for the hard work evident in this proposal.

Sincerely,



Michael Weber
Marine Habitat Coordinator

MW/rab

cc: Mr. Bruce Barrott
Acting Director
Office of Environmental Affairs
Room 3425
Department of Commerce
Washington, DC 20230

11. See generic responses A and B.

COMMENT

2770887 11/1

CENTER FOR LAW AND SOCIAL POLICY 2175 L STREET N.W. WASHINGTON, D.C. 20036 202 872-0670

- James H. Barnes
- Nancy Dahl Campbell
- Deborah C. Croshaw
- Clifton E. Curtis
- Roger S. Foster
- L. Thomas Galloway
- Margaret A. Kohn
- David C. Lester
- Leopold C. Miesler
- Sanford A. Newman*
- Carol Orbenheimer
- Marilyn C. Rorer
- Andrew Jay Schwartzman
- Heidi P. Spierchou
- Herbert Stimmel
- Richard L. Webb
- *not present at DC

June 16, 1980

HAND-DELIVERED

Ms. Joann Chandler, Director
 NOAA
 Office of Coastal Zone Management
 201 Wisconsin Avenue
 Room 372; Page Building 1
 Washington, D.C. 20235

Re: Pt. Reyes/Farallon Islands Comments

Dear Joann:

The attached Pt. Reyes/Farallon Island comments on behalf of the Marine Sanctuaries Coalition should have been put in the mail this past Friday. Instead, those comments remained in our offices due to the failure of one of our secretaries to send them out. I would appreciate your accepting these late-filed comments on the Pt. Reyes/Farallon Islands marine sanctuary on behalf of the Coalition.

Sincerely,

 Clifton E. Curtis

95

Attachment

NO RESPONSE NECESSARY

RESPONSE

COMMENT

CENTER 1751 N STREET N W WASHINGTON DC 20036 202 872 0670

FOR
LAW
AND
SOCIAL
POLICY

13 June 1980

James N. Barnes
Nancy Duff Campbell
Dorothy C. Costow
Clifton E. Curtis
Roger S. Foster
1. Thomas Galloway
Mark D. Greenberger
James H. Hays
2. David McInnes
Lynne J.C. Musku
Robert E. Newman
Carol O'Connell
George G. Rogge
William R. Sargant
John S. Sargent
Mark S. Sargent
Richard A. Sargent
Ann Sargent
Katherine Sargent

Ms. Joann Chandler, Director
Sanctuary Program Office
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Re: Pt. Reyes/Farallon Islands Comments

Dear Joann:

It is my understanding that Natural Resources Defense Council, Inc., and the Whale Center have submitted comments to your office concerning the draft environmental impact statement (DEIS) on the proposed Point Reyes-Farallon Islands marine sanctuary.

The Marine Sanctuaries Coalition, as organizationally identified below, endorses the comments of NRDC and the Whale Center. There is one issue in those separate submissions, i.e., the concern over discharge of polluting substances, where the comments arguably differ in their recommendations. On that issue, the Coalition subscribes to the concerns expressed by NRDC.

The Coalition encourages your Office to review these and other submissions and to officially designate Pt. Reyes/Farallon Islands as a marine sanctuary as soon as possible.

Sincerely,

Clifton Curtis

Clifton E. Curtis
On behalf of the Marine Sanctuaries
Coalition

1. See the responses to NRDC's and the Whale Center's comments.

Coast Alliance
918 F Street, N.W.
Washington, D.C. 20004

Fund for Animals
1765 P Street, N.W.
Washington, D.C.

Environmental Defense Fund
1525 18th Street, N.W.
Washington, D.C. 20009

World Wildlife Fund, U.S.
1601 Connecticut Avenue, N.W.
Washington, D.C. 20009

Defenders of Wildlife
1244 19th Street, N.W.
Washington, D.C. 20036

Marine Wilderness Society
P.O. Box 943
Miami, Florida 33165

Humane Society of the U.S.
2100 L Street, N.W.
Washington, D.C. 20037

Oceanic Society
Magee Avenue
Stamford, CT 06902

Friends of the Earth
530 7th Street, S.E.
Washington, D.C. 20003

Sierra Club
330 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

Society for Animal Protective
Legislation
P.O. Box 3719
Washington, D.C. 20007

National Parks and Conservation
Association
1701 18th Street, N.W.
Washington, D.C. 20009

Scenic Shoreline Preservation
Conference
4623 More Mesa Drive
Santa Barbara, CA 93110



Chevron U.S.A. Inc.
575 Market Street, San Francisco, CA 94105
Mail Address: P.O. Box 1643, San Francisco, CA 94120

COMMENT

D. T. Magee
Vice-President
Western Region

May 14, 1980

Ms. Jo Ann Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler:

Chevron U.S.A. Inc., Exploration, Land and Production, Western Region, wishes to comment on the DEIS for the proposed Point Reyes - Farallon Islands Marine Sanctuary, as forwarded by your office March 21, 1980.

We wish first to state that we strongly endorse the comment submitted by the Western Oil and Gas Association at the public hearing in San Francisco, May 13, 1980.

In addition, we are enclosing a specific commentary prepared by our staff, which reflects our views on this sanctuary proposal. We believe our analysis of the DEIS clearly shows that:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

1. It does not present a fair and impartial assessment of the proposal (see also Western Oil and Gas Association comment, Attachment 1).

2. It fails to provide the reader with a correct and meaningful comparison of the "status quo" with the "preferred alternative."

3. It omits numerous significant and important references to scientific research which show that oil and gas operations in areas of long-standing production have had no harmful, lasting effect on the environment.

4. It confuses and misleads the reader by its failure to state the actual size of the proposed sanctuary, and that 75% of the area in question is already closed to oil and gas activity.

5. It claims that the extensive existing laws and regulations and agencies implementing same are inadequate for environmental protection but fails to cite current or past examples of such inadequacies.

6. It fails to provide a definitive regulatory program for the proposed sanctuary, leaving the reader unable to assess the cost of whatever program evolves, or its division of authorities and responsibilities, or the impact on existing agencies.

7. In view of the above observations, our comments attached, and the testimony offered by the Western Oil and Gas Association, we believe the DEIS constitutes an inadequate

RESPONSE

1. The FEIS attempts to present a meaningful discussion of the proposed sanctuary and its management benefits by discussing resources, uses, and existing regulatory systems.

2. Section F.2. and F.2.a. are in effect a comparison of the preferred alternative and the status quo.

3. The FEIS acknowledges both the good safety record for oil and gas operations and the controversy surrounding long-term impacts.

4. The actual size of the proposed of 948 square nautical miles is stated in the FEIS. The FEIS states that a portion of the proposed sanctuary is already closed to oil and gas activity.

5. See generic response C.

6. Specific proposed regulations were included in the DEIS and FEIS.

7. The draft and final environmental impact statement for the proposed Point Reyes/Farallon Islands Marine Sanctuary addresses the probable impacts of the regulations and provides the decision making mechanism required under NEPA.

COMMENT

COMMENT ON THE DEIS
FOR THE PROPOSED POINT REYES -
FARALLON ISLANDS MARINE SANCTUARY

RESPONSE

INTRODUCTION

As is the case with the Draft Environmental Impact Statement for the proposed Channel Islands Marine Sanctuary, the DEIS for the Point Reyes-Farallon Islands Sanctuary proposal is seriously flawed. It contains numerous erroneous and misleading statements, many subjective and presumptive judgments unsupported by findings in fact, and fails to present a fair, forthright, and unbiased comparison of the "status quo" to the "preferred alternative." Furthermore, there are omissions of significant data and information required by the reader in order to arrive at a reasonable and balanced assessment of the proposal. In this brief commentary, it is not possible to cite every presumptive or erroneous statement, nor each omission of fact, the cumulative effect of which is to lead the reader to conclusions quite contrary to those he might otherwise reach. However, the following paragraphs outline several major flaws in the document, after which a factual comparison of the "status quo" and "preferred alternative" is presented.

MISLEADING, ERRONEOUS, PRESUMPTIVE STATEMENTS AND OMISSIONS OF FACT

PAGE C-2 (PARAGRAPH 3): . . . "since, until recently, the major threats to bird and mammal habitat came from land . . ."

This statement is designed to lead the reader to believe that some new, unprecedented threats with a marine focus have now impacted on the proposed sanctuary area. This is not the case. Nothing is happening in this area which has not been happening for years or has occurred in the past. All the same recreational, commercial vessel traffic, fishing, research, etc., activities that are now present or are foreseeable have been ongoing for years. One cycle of exploratory drilling for oil and gas has already occurred in the area. All these activities have been and are being successfully managed under the existing regulatory regime, and there is no evidence of any need for additions to present regulation which, as stated: "has so far sufficed to protect the resources in the area . . ."

The same paragraph further states: "human activity in the ocean is increasing, and existing controls may not ensure adequate protection . . ." (emphasis added). No factual evidence is presented for this stated increase in "human activity" nor for the assumption that "existing controls" will be inadequate. While it may be reasonable to assume that recreational boating and commercial fishing may increase, no new regulation of these activities is proposed. If the concern is aimed at oil tanker traffic, as it seems to be, then the possible decrease in such traffic accompanying a decline in oil imports, the installation of a northern tier pipeline, and the gradual shift to alternate energy sources (syn-fuels, etc.) should be assessed. There may, in fact, well be a decrease in recreational and other discretionary boating as a consequence of rising fuel costs and inflationary restraints on disposable income. None of these aspects are considered in the DEIS.

PAGE C-8 (LAST PARAGRAPH, AND CONT. ON P. C-9)

This paragraph first refers to the intent to: ". . . reduce the risk of

8. The FEIS predicts increases in oil and gas activities including vessel traffic and discharges, because of OCS Lease Sale #53, increases, at least in the short term, in commercial vessel traffic of other sorts, and increases in the need for dredge disposal, based on several major proposed projects. Although various factors may influence the rate of such increases, the increases themselves are virtually certain.

COMMENT

contamination . . . by spilled oil . . ." and then to: . . . "protect the marine mammals and birds from visual and acoustical disturbances."

Nowhere in the document is the oil spill risk assessed, nor are any current spill statistics cited. These figures are readily available from the U. S. Geological Survey and the Coast Guard, and show that the risk is extremely small. The latest U.S.G.S. report states that for the period 1971 through 1978, more than 7,500 wells were drilled in domestic waters, 2.8 billion barrels of oil produced, and less than 1,000 barrels were spilled. These and other similar statistics (i.e., no spill in excess of 50 barrels in the Santa Barbara Channel since 1970) should be presented so the reader can make a factual assessment of the risk referred to by the authors.

Later in this paragraph, the authors refer to the 15-mile excluded area under the OCSLAA of 1978 but then say: ". . . absent other sanctuary regulation, tracts may be considered for and offered in future lease sales." This is an incorrect statement. Tracts cannot be offered in future lease sales unless the state first leases offsetting state tidelands. Since the state has no intention of so doing, the 15-mile excluded area will remain inviolate.

Finally, on page C-9, in the same paragraph, the authors state that no agency is concerned with the environmental aspects of pipeline location. This is a completely misleading statement because, as proven by actual experience, the BLM and California Coastal Commission are both dedicated to environmental protection with respect to pipeline siting, and both require exhaustive surveys to insure that the environment is afforded maximum consideration.

PAGE C-13 (PARAGRAPH'S 2 AND 3)

These paragraphs contain statements, when referring to the possible "Sanctuary Advisory Committee," and the fact that NOAA is "exploring various means of providing enforcement and surveillance," which leave the reader in a complete state of bewilderment. Not only is there no conclusion as to how the proposed sanctuary would be managed, there is also no estimate of the cost, the division of authorities and responsibilities, or the impact of the regulatory functions on whatever agencies may be involved. It is unrealistic to ask the reader to evaluate this sanctuary proposal when confronted with these uncertainties and ambiguities.

PAGE D-3 (PARAGRAPH'S 2 AND 3)

Paragraph two on this page refers to Alaskan oil bound for San Francisco, again without mention of the likelihood that this tankering will be reduced by the northern tier pipeline. In saying that: "Additional offshore oil and gas development related traffic may be expected . . . should Lease Sale #53 operations commence . . . etc." the authors are assuming that developable discoveries will be made, since the incidence of such traffic from the exploratory phase will be minimal. Such an assumption is unwarranted and unjustified at this time. If discoveries result from Sale #53, it will be several years before development commences and it may then occur far removed from the area in question.

The discussion in paragraph 3 touching on "tug barging," "supply vessel traffic," and "pipelines," is purely presumptive. It raises spectres in the readers' mind of impacts which may well never occur, be of modest proportions, or be far distant from the proposed sanctuary area. If the authors feel it necessary to discuss

9. The good safety record for offshore oil and gas activity is cited and information supplied in the DEIS on OCS Lease Sale #53 on spill probabilities and trajectories have been included in the FEIS.

10. The sentence refers to areas south and west of the Farallon Islands which are not covered by the OCSLA and could be leased. The referenced discussion does not state that no agency is concerned with the environmental aspects of pipeline placement, but that the proposed sanctuary has not been identified for particular attention by these agencies and that these agencies' primary mission is not protecting the environment.

11. See generic responses A and B.

12. The northern tier pipeline is not expected to be completed before 1983-84, and its impact on vessel traffic is difficult to estimate at this time. Increases in activity are discussed as possible or likely, not certain.

RESPONSE

COMMENT

these issues, then they should recite the long history of oil development in the Santa Barbara Channel, where all such activity has continued for years with no evidence of harmful effect on the environment.

PAGE D-4 (PARAGRAPH 2)

In discussing the need for the proposed sanctuary, the authors refer to the lack of coordination between agencies and conclude that therefore: "... cumulative impacts may be overlooked." This is another purely presumptive statement. If cumulative impacts are being overlooked, then these should be cited and the environmental harm resulting clearly defined. Since the Santa Barbara Channel is a very similar area, the authors could and should recite the cumulative impacts for which they have conclusive evidence in that area, especially in view of its lengthy experience as an oil producing province. If they are unable to establish any record of "overlooked cumulative impacts," then this paragraph should be deleted from the text.

PAGE E-41 (TABLE E-7)

Another example of the erroneous and misleading documentation contained in the DEIS is Table E-7. This contains, under item C, a complete misstatement of the U.S.C.S. resource estimates for the Bodega and Santa Cruz Basins. Under the 5% probability, the figure should be 530 million barrels, not 53 million, and for the statistical average, it should be 130 million, not 13 million. This type of error is grossly misleading to the reader and virtually precludes a proper cost-benefit assessment of the sanctuary proposal.

PAGE E-1

A studios omission of a salient fact which should be clearly stated for consideration by the reader is the failure to cite the true dimensions of the proposed sanctuary. Computed from the maps provided, the area involved amounts to 1168 square statute miles, or 747,450 acres. Since the proposed regulations only significantly affect oil and gas operations, the reader should also be told that 881 square miles, 75 percent of the proposed sanctuary area, are already closed to such activity by the OCSLAA exclusion, or by virtue of being in state waters. If the reader were presented with these facts, plus a clear-cut comparison of the "status quo" versus the "preferred alternative", he would quickly recognize that the sole purpose of the proposal is to preclude petroleum exploration and development. He would further recognize that for 75 percent of the area in question even this unwarranted prohibition is unnecessary.

PAGE F-76 (PARAGRAPH 1)

The reference to the oil spill resulting from the tanker collision by the Golden Gate in 1971 is an extreme example of inaccurate, incomplete and misleading reporting.

First, the authors fail to note that tanker collisions bear no relationship to offshore production, nor do they point out that the reason we have our present volume of tanker traffic is because of insufficient development of our domestic resources, a condition which would be exacerbated by the sanctuary proposal. They then further fail to mention that the spill in question was of a refined product, not of crude oil, and that spills of crude oil are well-known to be less environmentally harmful than those of refined products. They further

13.

14.

15.

16.

- 13. NOAA believes that the separate missions and objectives of several agencies do create the possibility that cumulative impacts may not be fully addressed and has retained the language.
- 14. This has been corrected in the FEIS.
- 15. The dimensions of the proposed Point Reyes/Farallon Islands Marine Sanctuary are included in the Introduction to Section F.2. and in Section C. The existing exemption under the OCSLA is discussed at several points.
- 16. As the DEIS stated, the tanker collision under the Golden Gate Bridge involving two Standard Oil tankers in 1971, spilled 840,000 barrels of "Bunker C" fuel into the surrounding waters. "Bunker C" fuel oil is more refined than crude oil and is therefore more toxic to the marine life forms in the area.

Incompletely cite Dr. Chan's work, totally omitting reference to his subsequent studies showing rapid and complete recovery of the marine environment (see Dr. Mertens' comments, Attachment I, pg. 1). They tell us the number of marine birds affected by the spill, but omit mention of subsequent bird-counts, which prevents the reader from determining whether any significant or lasting reduction of the bird population resulted. Many studies performed elsewhere (i.e., Santa Barbara Channel, Central Valley of California) have shown that bird populations rapidly returned to normal after severe losses to botulism, oil spills, etc. This sort of reporting has the potential to lead a misguided and unenlightened reader to conclusions quite opposite to those which he would reach based on a thorough, unbiased and professional analysis.

The preceding paragraphs simply outline a selection of a few of the many instances throughout the DEIS where inaccurate, incomplete and misleading statements are presented in an effort to convince the reader of the need for a sanctuary, when an unbiased and factual analysis would clearly show that there is no such need. Viewed from a dispassionate vantage point, the reader of this DEIS is asked to accept an incredible premise. He is in fact asked to believe that the 23 state and federal authorities (cited on pg. F-7), and 18 agencies implementing these authorities (pg. F-8), are presently, or soon will be, powerless to protect the environment of the area in question. No evidence is presented of any failure on the part of these agencies to effectively exercise their authority in the past. No cases are cited from areas of extensive and long-standing oil and gas development (i.e., the Santa Barbara Channel, the Gulf of Mexico, Cook Inlet) where these same authorities and agencies have been proved ineffective in their efforts to protect the environment. Yet, the decision-maker is asked to believe that still another layer of bureaucracy, another ongoing expense to be borne by the taxpayer, is required in order to insure that what is already being accomplished environment-wise will simply continue.

Stripping away the self-serving, misleading and erroneous verbiage lays bare the utter bureaucratic redundancy of this sanctuary proposal. It also reveals, as is demonstrated in the following section of this commentary, that the only significant consequence of the proposed action will be to arbitrarily prohibit oil and gas development in a rather large ocean region, most of which is already excluded from such activity by existing law or state policy.

THE STATUS QUO VERSUS THE "PREFERRED ALTERNATIVE"

The tabulation following below provides what the DEIS fails to provide, namely a concise comparison of the status quo and "preferred alternative." This has been done by amending Table F-1 (pgs. F-2, 3 and 4) so that these relationships can be reviewed side-by-side.

Having made this comparison, it is clear that there would be very little change in the regulation of this ocean area under the proposed sanctuary program other than the total prohibition of oil and gas exploration and development in an incremental area of 287 sq. statute miles, there already being 881 square miles of such exclusion. The few minor regulatory additions or changes with respect to littering of solid wastes, overflights, large vessel navigation, etc., are either meaningless or could be accomplished by simply modifying existing regulations, without any need for the designation of a sanctuary and its attendant bureaucratic redundancy.

17. Chan's work is referenced in the Section on Threats to the environment. The impacts of the oil spills on the marine mammals and birds in such an area will vary according to the season. Since there are a number of marine birds that nest in the area, a single oil spill at the wrong time could severely increase the mortality rate or even wipe out the breeding populations of a particular marine bird species.
18. See generic response C which discusses the unique aspects of the marine sanctuary status.
19. Sections F.1-C. and F.2. provide a comparison of the status quo and the preferred alternative. The regulatory aspect of the sanctuary is only one component of an integrated management program involving research, education, coordination, and long-term planning. The FEIS draws different inferences from factual data than the reviewer does. There will remain differing opinions concerning the likely impact of future development and the need for an integrated management program.

COMMENT

RESPONSE

COMPARISON OF THE STATUS QUO
AND "PREFERRED ALTERNATIVE" FOR THE PROPOSED
POINT REYES - FARALLON ISLANDS MARINE SANCTUARY

	ALTERNATIVE 2 (Preferred Alternative)	STATUS QUO
Boundaries	From the mean high tide line or the seaward boundary of the Nat'l. Seashore between Bodega Head & Rocky Point to 3 nautical miles beyond State waters; 12 nmi around the Farallon Is. and Noonday Rock; & the intervening waters.	881 sq. statute miles of the proposed 1168 sq. mis. is already excluded from petroleum activity. 23 state and federal authorities, effectively implemented by 18 agencies, already protect the area environment. No scientific basis is cited for the proposed size of the sanctuary, which appears to be a purely subjective choice by the authors.
Oil and Gas Activities	Prohibit exploration & exploitation in the sanctuary. Allow placement of pipelines certified by the Asst. Administrator for CZH except within 2 nmi of sensitive areas.	Oil and gas operations are already excluded from 75 percent of the proposed area. No scientific evidence from long experience in oil producing areas, even where major spills have occurred, is cited to support this prohibition.
Discharges	Prohibit except for vessel cooling waters, marine sanitary device effluents, indigenous fish wastes, & chumming material. Permit municipal outfalls if certified by Asst. Administrator.	All significant injurious discharges are already controlled by the EPA. Potential littering via solid waste disposal is not shown to be a problem. The drift of such wastes into the area despite any new regulation is ignored. Net benefit is virtually nil.
Seabed Alteration and Construction	Prohibit, except for routine navigational & marina maintenance dredging, new marina construction, ecological maintenance, allowed pipeline placement, mariculture, & residences in Tomales Bay.	All seabed alterations within the 3-mile limit are effectively controlled by the California Coastal Comm. The only seabed alterations likely beyond this limit would be for petroleum operations. These are strictly regulated by the BLM to insure maximum environmental protection.

ALTERNATIVE 2
(Preferred Alternative)

STATUS QUO

Vessel
Traffic

To the extent consistent with international law, prohibit vessels except for fishing, recreational, research & enforcement vessels from the waters within 1 nmi of sensitive areas except to land on the Farallon Islands.

Prohibiting large vessels from passing within one nautical mile of the islands, lagoons, etc., is entirely needless since prudent maritime practice precludes such-close approaches to shore. Accidental groundings, fog-bound misdirection, etc., cannot be prevented by regulation. The proposed regulation is meaningless. Its net effect will be nil.

Disturbing
Marine
Mammals &
Birds

Prohibit overflights below 1000 ft. within 1 nmi of sensitive areas, except to land on the Farallon Islands.

Overflights of the Farallon Is. Game Refuge are already prohibited. In point of fact, very few small aircraft venture far from shore because it is unsafe, and no large aircraft fly at low elevations in this vicinity. The net effect of this proposal is nil.

Historical
Resources

Prohibit removal & damage within the sanctuary.

Removal or damage of such resources is already prohibited under the Antiquities and National Historic Preservation Acts (Fed.) and by the Historic and Cultural Resources Protection Act (Calif.). The OCSLAA provides additional protection via exhaustive surveys required before siting petroleum facilities. The DEIS notes that there are no known historic sites in the area (pg. F-36). Net effect of proposed regulation is nil.

Firearms

Fishing

Rely on the California Dept. of Fish & Game & the Pacific Fishery Management Council.

The "preferred alternative" is the status quo.

RESPONSE

COMMENT

- 7 -

ALTERNATIVE 2
(Preferred Alternative)

STATUS QUO

Military
Activities

Allow military activities necessary for national defense or emergency.
NOAA will consult with DOD on specified activities.

Since all military activities are necessary for national defense or emergency, the "preferred alternative" is again the status quo.

Research/
Education

Allow. Issue permits for research or educational activities otherwise prohibited.

The DEIS fails to cite any adverse effects of past or current research, nor does it show what benefits would accrue from requiring all such activity to be channelled through a Sanctuary Manager. Net effect will probably be negative and result in less research.

Management

To be developed in coordination with the State of California & interested Federal agencies.

Since the management program is not defined in the DEIS, and no estimate of its cost, or analysis of its potential effectiveness is provided, one is at a loss to compare it with the status quo; however, since no harm has come to the environment under the status quo, and there are no significant gaps in current regulations, it is hard to see how any changes will result in anything other than increased costs and needless bureaucratic expansion.

J. K. CASSELL

JKC:dm

COMMENT

RESPONSE

COMPARISON OF THE STATUS QUO
AND "PREFERRED ALTERNATIVE" FOR THE PROPOSED
POINT REYES - FARALLON ISLANDS MARINE SANCTUARY

	ALTERNATIVE 2 (Preferred Alternative)	STATUS QUO
Boundaries	From the mean high tide line or the seaward boundary of the Nat'l. Seashore between Bodega Head & Rocky Point to 3 nautical miles beyond State waters; 12 nmi around the Farallon Is. and Noonday Rock; & the intervening waters.	881 sq. statute miles of the proposed 1168 sq. mis. is already excluded from petroleum activity. 23 state and federal authorities, effectively implemented by 18 agencies, already protect the areas environment. No scientific basis is cited for the proposed size of the sanctuary, which appears to be a purely subjective choice by the authors.
Oil and Gas Activities	Prohibit exploration & exploitation in the sanctuary. Allow placement of pipelines certified by the Asst. Administrator for CZM except within 2 nmi of sensitive areas.	Oil and gas operations are already excluded from 75 percent of the proposed area. No scientific evidence from long experience in oil producing areas, even where major spills have occurred, is cited to support this prohibition.
Discharges	Prohibit except for vessel cooling waters, marine sanitary device effluents, indigenous fish wastes, & chumming material. Permit municipal outfalls if certified by Asst. Administrator.	All significant injurious discharges are already controlled by the EPA. Potential littering via solid waste disposal is not shown to be a problem. The drift of such wastes into the area despite any new regulation is ignored. Net benefit is virtually nil.
Seabed Alteration and Construction	Prohibit, except for routine navigational & marine maintenance dredging, new marina construction, ecological maintenance, allowed pipeline placement, mariculture, & residences in Tomales Bay.	All seabed alterations within the 3-mile limit are effectively controlled by the California Coastal Comm. The only seabed alterations likely beyond this limit would be for petroleum operations. These are strictly regulated by the BLM to insure maximum environmental protection.

COMMENT

EXHIBIT A

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED POINT REYES - FARALLON ISLANDS MARINE SANCTUARY

A review of the draft environmental impact statement for the proposed Point Reyes - Farallon Islands Marine Sanctuary reveals that the primary purpose of the sanctuary is to preclude oil and gas operations. The discussion pertaining to these operations addresses nearly all topics either incompletely or in a misleading or inaccurate manner.

For example, in the discussion of the 1971 San Francisco Bay oil spill, the following comments are made:

The most recent instance of severe oil pollution within the Point Reyes - Farallon Island region occurred in 1971 when two Standard Oil tankers collided almost directly under the Golden Gate Bridge, releasing 840,000 gallons of "Bunker C" fuel--a heavy oil mixture used to fuel ships and power plant boilers. Subsequent tidal action washed the asphalt-like oil onto the intertidal shore zones both north and south of San Francisco. As cited in Chan (1973), the California Department of Fish and Game estimated that approximately 7,000 marine birds were affected by the spill and that less than ten percent of these survived. Further analysis of oil pollution impacts on marine organisms along Stinson Beach and Duxbury Reef determined that smothering was the most important contributor to organism die-off, especially in mussel beds, and to adverse ecological repercussions affecting the reef's complex food web. The PRBO, funded by the U. S. Department of Energy, is currently conducting follow-up studies in this subject area (Ainley, 1979b, personal communication)."

Chan is cited incompletely. 1 In the same reference, the author concludes:

"The present condition of Duxbury Reef (December, 1971) is one of apparent good health; the recruitment of some marine animals appear to be approaching normal levels. The oil has disappeared from much of the reef surfaces and is barely discernible in the most heavily deluged areas. Continued studies will be aimed at watching the effects of oil on the recruitment of marine life throughout the afflicted areas of the Marin County coastline."

20

In his later report at the 1975 Joint Oil Spill Conference, Chan reported:

"In subsequent observations from 1972-1974, the sample counts of invertebrates had returned to, and in some cases surpassed, pre-oil transect levels. No lingering effects of the oil spill have been noted in any of the marine species."

20. Chan's work has been referenced in the FEIS in Section F.2.

COMMENT

In concluding his long term study of this spill, Chan reported at the 1977 Joint Oil Spill Conference:

"In 1975, some significantly low sample means were recorded for barnacles in Sausalito and for 18 composite species at Duxbury Reef, probably due to natural ecological forces. The five-year recruitment (1971-1976), however, shows no evidence of lasting detrimental effects of Bunker C oil on the populations of marine life within the transect sites."

Thus, with respect to Chan's important work, the DEIS fails to acknowledge that recovery occurred both quite rapidly and completely.

In the citation from the DEIS given in the second paragraph above, one would conclude from the last sentence that the PRBO is conducting follow-up studies on the marine organisms along Stinson Beach and Duxbury Reef. This impression is incorrect. The Point Reyes Bird Observatory is not studying the intertidal life in the Stinson Beach - Duxbury Reef area. Nor is their work a follow-up study on the impact of the 1971 spill on birds, but rather a continual monitoring of bird oilings from small spills, bilge washings and the like that occur in and around the San Francisco Bay Area, the Farallon Islands and the California coastline north of San Francisco. There have been no further follow-up studies of the San Francisco Bay spill since Chan concluded his work.

The DEIS places emphasis on the potentially damaging aspects of oil spills to marine life. It should acknowledge that damage can range from inconsequential - indeed, unmeasurable - to heavy mortality. Fortunately, the latter occurs rather infrequently. It also should be acknowledged by the DEIS that the greatest damage occurs when:

1. The oil is spilled into or reaches a confined shallow body of water, such as a small bay. Thus, the volume of oil spilled is large with respect to the body of water being impacted.
2. The oil is a refined oil, such as a home heating oil or a diesel oil.
3. Storms or heavy surf cause the spilled oil to be churned into the bottom sediments.

Each of the last four biannual Joint Oil Spill Conferences has devoted several sessions to the impact of oil spills upon marine life.⁶ The entire conference sponsored by the American Institute of Biological Sciences in 1978 addressed the same topic. The latter conference highlighted the impacts from such spills as the Argo Merchant spill in December 1976; the Bouchard #65 Barge spill in Buzzards Bay, Massachusetts in January 1977, the Nepco #140 Barge spill in the Lawrence River in June 1976; and others.

Invariably, the conclusion reached by these conferences is that where

RESPONSE

21. The long-term effects of oil in the marine environment is still a very controversial issue. The FEIS includes information citing this apparently good recovery record.

22. This has been corrected in the FEIS to reflect the contents of this comment.

23. This table has been added into the FEIS in Section F.2. under the Section on hydrocarbon operations.

21.

22.

23.

COMMENT

-3-

RESPONSE

there is damage, recovery occurs. This often takes place within a season or two. Only in a relatively few instances, such as the West Falmouth and Tampico Maru spills, is the recovery period longer.

Significantly, Clark, editor of the Marine Pollution Bulletin, reported the following observation from a four-day conference at the Oceanographic Laboratory at Brest, France last November: "It is becoming clear that despite the enormous volume of crude oil spilled on the Brittany coast by the wrecked Amoco Cadiz, remarkably little damage beyond the immediate losses were caused by it," and further, that "despite spilling 220,000 tons of crude oil on the Brittany Coast in March 1978, the wreck of the Amoco Cadiz caused very little damage that was not made good by summer 1979."¹⁴

The DEIS quite properly points out that damage to marine organisms from oil spills can occur, but it bears the responsibility of placing the occurrence of such damage in its proper perspective. Specifically, often no significant damage occurs; where damage occurs, the recovery period is usually no more than a year or two; and in a relatively few instances, damage is severe enough that recovery may not occur for several years, such as the West Falmouth and Tampico Maru spills. Further, it should be observed that in these cases, the spill involved a refined oil rather than crude oil, as would be produced by offshore oil and gas operations. Worth noting is the statement made by K. E. Biglane, who said "I have never heard of a permanently damaged environment from an oil spill."¹⁵

In its discussion on cetaceans, the DEIS comments:

"Oil has been found to destroy fish eggs, which are an important source of food for whales and other marine organisms."

Whales normally "cruise" at about 6 knots, according to the Whale Protection Fund.¹⁶ Oil spills at sea normally form windrows ranging from a few yards to 100-200 yards in width. Conceivably, several of these could lie more or less parallel to one another but it is extremely unlikely that such a family of windrows would have a width of more than a mile or two including the open water between the windrows. Thus, the whales should be able to move across the entire width within a half hour or less. Most likely they would detect the presence of the oil as they approached the edge of the slick and adjust their course immediately to open water.

The DEIS comments further that a substantial proportion of the gray whale population could be affected by an oil spill in this area since thousands of animals pass through the study area twice annually.

Again, the DEIS is incomplete for it should have noted that the gray whales were migrating during the Santa Barbara spill in January 1969. Further, it should have noted that the spill did not interfere with their migration in any way. Consequently, good evidence exists that if a spill occurred in the proposed marine sanctuary, one can expect that the whale migration would not be impaired.¹⁷

24. While there has been some recovery following the Amoco Cadiz spill, research discussed at the Brest conference also indicated some ongoing harm to fisheries (see Section F.2.c.1.)

25. Language has been added to the FEIS.

26. This has been included in the FEIS.

27. The Santa Barbara incident cannot demonstrate a lack of harm from a spill, but the reference has been added to the FEIS.

In its discussion of the effect of oil upon fisheries, the DEIS relies primarily on laboratory (bioassay) work involving exposure of sublethal concentrations of oil to marine organisms.¹² Effects noted included lesions on the skin, gills, or intestine¹² and changes in behavior, metabolism, locomotor and activity patterns, growth, feeding, and reproduction.¹³

Bioassay work, such as that conducted by the investigators cited in the DEIS statement, is of little value in predicting what effect a given pollutant will have in the real world. This lack of correlation is generally recognized. For example, this deficiency was emphasized as a problem in workshops sponsored by the Marine Technology Society¹⁴ and by the Institute of Petroleum in England.¹⁵

Although bioassay work cannot be used to predict field effects, it does serve several purposes:

1. it measures the relative toxicity of a group of pollutants to a given organism,
2. it measures the relative susceptibility of a group of organisms to a given toxicant, and
3. it provides a diagnostic tool whereby the mechanism of how a given toxicant affects a given organism. This latter point is very well illustrated by the work of Hawkes cited in the DEIS.¹²

There are many criticisms of the work cited in the DEIS if this work is used to predict field effects. The most serious limitation is that the exposure concentrations are uniformly much higher than one would observe in an actual spill or under normal operating conditions. Where the whole oil was used, the concentrations ranged typically from 10-20 ppm to as high as 150-200 ppm. Where the water soluble fraction of oil was used, the concentration was as low as 100 ppb. However, in terms of whole oil, such concentrations are equivalent to tens or even hundreds of parts per million. This is especially true if one considers that when water soluble fraction solutions are prepared, equilibrium conditions are attained. In the real world, the dissolution of the soluble fraction into the water is nowhere near equilibrium, and consequently, the concentration of the oil in the water column is far less than in the laboratory preparation.

Oil concentrations were measured during the Chevron Main Pass Block 41 oil spill in the Gulf of Mexico, February 1970.¹⁶ With a current of 0.5 knots, the oil concentration only one mile away was barely 1 ppm; the water soluble fraction concentration was barely 1 ppb. At further distances the respective concentrations were appreciably lower. Similar hydrocarbon levels have been measured in closely controlled oil spill experiments in the open ocean off the New Jersey coast¹⁷ and the New England coast.¹⁸

Thus, it is quite evident that the oil concentrations used in the

28. The bioassay work referenced in the FEIS does not purport to represent open-ocean conditions. However, a specific disclaimer has been added to clarify that fact.

DEIS referenced work are not realistic in terms of the real world. As a result, the referenced work is interesting in an academic sense but has no relevance insofar as predicting the impact under real world conditions, as the DEIS implies.

A more appropriate evaluation of the chronic effects of hydrocarbon operations upon marine life would be a study of the effects of oil and gas production in other offshore waters upon the local fisheries. For example, such histories exist in areas such as the Gulf of Mexico, Santa Barbara Channel, Cook Inlet in Alaska, and the North Sea. Such information is also available even from Lake Maracaibo, Venezuela, where offshore drilling has occurred over the past five decades.^{19, 20} In every instance there is no indication that these operations have impaired the local fisheries in any way. The DEIS is deficient for not noting this experience.

Another deficiency of the DEIS is its failure to note that offshore platforms provide a substrate for marine growth and a haven for marine life. Remarkably extensive and complex, teeming marine communities are known to exist wherever platforms are built. Good examples are those in the Santa Barbara Channel^{21, 22} and in the Gulf of Mexico.²³ Thus, rather than impair the local marine environment, there is every evidence that the presence of platforms enhances it. Such benefits should not be ignored if an objective DEIS is to be prepared.

In several instances, the reasoning presented in the DEIS appears questionable.

In the first example, on page F-92 it reads:

"The proposed regulation's prohibition of hydrocarbon activities throughout the sanctuary will prevent certain potential sources of toxic contaminants due to routine rig and platform discharges from endangering living marine resources. Most chemical components of drilling materials are relatively unreactive in a biologic sense and disperse to background concentrations within a few thousand feet of a drilling site. This is especially true in areas where strong water currents prevail. The exclusion of oil and gas activities will eliminate concern for adverse environmental impacts within the sanctuary due to these waste discharges."

Evidently the last sentence does not refer to drilling materials, but to the discharges mentioned vaguely in the first sentence. What are these discharges? Are they toxic? If so, under what conditions? If they do exist, can they not be mitigated by changes in operation? If this should be a problem, it would be much simpler to mitigate by a regulation or a lease sale stipulation than to impose such a drastic measure as creating a marine sanctuary. The latter alternative would be an example of extraordinary overkill.

In the second example on page F-03, the DEIS reads:

29. The discussion in the FEIS focuses on the effects of large spills. Additional language has been added to the FEIS noting instances where fishing and oil and gas activities coexist.

30. The artificial reef phenomenon is noted in the FEIS.

31. The referenced paragraph has been expanded and clarified in the FEIS.

COMMENT

-6-

"Air pollution discharges normally associated with hydrocarbon operations disperse rapidly into the atmosphere or ocean waters, and thus pose relatively minor threats to sanctuary resources. Prohibition of hydrocarbon activities will not only minimize such threats, but also enhance the offshore area's aesthetic qualities, as well as that of the adjacent mainland coastal region."

If the threat is relatively minor, it hardly justifies such a major action as proposed.

Similarly, on page 118 the DEIS states:

"Since there is no prohibition on pipeline placement near the Islands, rookeries and haul-out areas could be affected by disturbances associated with the laying of pipelines."

The above statement is not an argument for it is conceded on page F-93:

"Due to the geological instability of this region, it appears unlikely that pipelines will be used to transport oil or gas found in tracts pursuant to Lease Sale 53."

It is apparent from reading the DEIS that a major if not the prime objective of the proposed marine sanctuary is to preclude oil and gas operations in the area. Further, it stresses that the fishing industry will not be impacted.

On page 46, the DEIS states:

"The study area crab fishery represents one of California's prime market production zones. Over 400 nmi² (1370km²) stretching from the Gulf of the Farallons north to the Russian River are presently productive. Fleet size, after reaching 200-230 boats in the 1950's, has been reduced to only 10 to 20 vessels in the San Francisco area."

Quite obviously the crab fishery has declined. It appears that the argument is far stronger to create a sanctuary so that fishing can be controlled rather than to prohibit oil and gas operations!

Indeed, insofar as the stated objectives of the proposed marine sanctuary are concerned, the DEIS makes an excellent case for the lack of a need for such a sanctuary. Excellent support for this conclusion is detailed from page F-5 through F-60 (55 pages in all). It describes the literally dozens of refuges and regulations that are now operative in the proposed area. Obviously, extensive protection already exists. Thus, there appears to be little, if any, justification for imposing an additional layer of bureaucracy that promises to provide at most minimal improvement. Whatever incremental benefit may be derived evidently can be achieved through the California Department of Fish and Game for the DEIS states on page F-109:

RESPONSE

32. The benefits in a reduction of air pollution are incidental advantages accompanying the proposed regulation, they need not, in themselves, justify the action.

33. Although pipeline location through the proposed sanctuary appears unlikely, the impacts of such action on sanctuary resources could be significant and considering regulation of the activity is proper.

34. The basis for NOAA's decision not to control fishing through sanctuary regulation is set out in the FEIS.

35. See generic response C.

COMMENT

RESPONSE

"DFG has had considerable experience managing the resources, activities, and problems occurring in and around the proposed sanctuary area."

35.

It seems far simpler that the California Department of Fish and Game (DFG) be encouraged to augment the effort they now expend rather than for NOAA to create a sanctuary and authorize DFG (as NOAA states they intend to do) to continue the work that DFG has been doing all along.

The remaining criticisms address minor points:

- 1. The DEIS states that aircraft flights regularly disturb marine birds and mammal communities in Bolinas Lagoon at (sic) the Farallon Islands.

36.

The DEIS should also mention that for the most part, the experience in the Santa Barbara Channel has been entirely satisfactory unless such aircraft operate below permitted levels or startle the birds and animals by approaching from behind a steep bluff or cliff. A simple regulation could readily correct this potential problem.

- 2. Table E-6 on page E-39 shows the steps in the decision making process. It shows that typically the elapsed time between the call for nominations and the lease sale is approximately 20.6 months.

37.

A review of the Proposed Final OCS Oil and Gas Leasing Schedule, March 1980 shows the elapsed time to be typically 31 to 45 months. The time frame assumes no delays, such as those experienced by Exxon in the development of the Hondo field in the Santa Barbara Channel.

- 3. Several references stated in the text of the DEIS are not included in the list of references cited. Examples are the references to Hudson and to Wood on page F-65. All references cited in the text should be included in the list of references at the end of the chapter.

38.

Conclusion: Although the DEIS is a voluminous document, it does not provide reasonably convincing information that a marine sanctuary should be established in the Point Reyes - Farallon Islands area. The threats as perceived in the DEIS are not sufficiently documented. Moreover, the presumed inadequacies of protection for the area resulting from the dozens of existing refuges and regulations are not clearly identified and described.

Concern must be expressed that the DEIS has not presented certain critical information about oil and gas operations. Nothing is mentioned about topics favorable to the industry such as the evident lack of impact on fisheries in other areas; the development of impressive marine communities under and around platforms; the high

39.

- 36. A regulation is the proposed solution to the problem as part of the sanctuary proposal.
- 37. This has been corrected in the FEIS.
- 38. This has been corrected in the FEIS.
- 39. The good safety record of the oil and gas industry, the artificial reef environment, and the coexistence of fisheries in some areas with oil and gas are mentioned in the FEIS.

COMMENT

RESPONSE

- 8 -

39. standards of operations on platforms; and the undeniably excellent record of the offshore industry since its inception. Such information is well known and readily available.

The failure to include this favorable information suggests that the writers of the DEIS selected data and other information to support a predetermined decision. Such actions are basically misleading for it does not provide all information upon which a decision maker can make a balanced judgment.

E. W. MERTENS

REFERENCES

1. Chan, G. L., "A Study of the Effects of the San Francisco Oil Spill on Marine Organisms", Proceedings of the 1973 Joint Conference on Prevention and Control of Oil Spills, Washington, D.C., March 1973, pp. 741-782.
2. Chan, G. L., "A Study of the Effects of the San Francisco Oil Spill on Marine Life Part II: Recruitment", Proceedings of the 1975 Joint Conference on Prevention and Control of Oil Spills, San Francisco, March 1975, pp. 457-461.
3. Chan, G. L., "The Five-Year Recruitment of Marine Life After the 1971 San Francisco Oil Spill", Proceedings of the 1977 Joint Conference on Prevention and Control of Oil Spills, New Orleans, March 1977, pp. 543-545.
4. Henneman, B., Director, Point Reyes Bird Observatory, Stinson Beach, California, April 24, 1980 (telephone).
5. McAuliffe, C.D., "The Environmental Impact of an Offshore Oil Spill", report from Workshop on "Inputs, Fates and the Effects of Petroleum in the Marine Environment", Ocean Affairs Board, National Academy of Sciences", Washington, D.C., 1973, pp. 224-279.
6. Joint Conference on Prevention and Control of Oil Spills:
 - a. Washington, D.C., March 1973
 - b. San Francisco, March 1975
 - c. New Orleans, March 1977
 - d. Los Angeles, March 1979(Proceedings for above conferences available from American Petroleum Institute, Washington, D.C.)
7. "The Proceedings of the Conference on Assessment of Ecological Impacts of Oil Spills", Keystone, Colorado, June 1978, published by American Institute of Biological Sciences, Arlington, Virginia.
8. "Post Mortem on Amoco Cadiz", Marine Pollution Bulletin, editor, R. B. Clark, Vol. 11, No. 1, January 1980, page.
9. Clark, R. B., editorial "Getting Back to Normal", Marine Pollution Bulletin, Vol. 11, No. 1, January 1980, page 1.

10. Biglane, K. E., Director, Oil and Special Materials Control Division, Water and Waste Management Department, Environmental Protection Agency, Washington, D.C. Comments delivered at the Environmental Damage Assessment Seminar, American Society of Testing Materials, New Orleans, October 20, 1978.
11. Undated (recent) publication from The Whale Protection Fund, Washington, D.C.
12. Hawkes, J.W., "Morphological Abnormalities Produced by Hydrocarbon Exposure" in "Fate and Effects of Petroleum Hydrocarbon in Marine Ecosystems and Organisms", D. A. Wolfe (Ed.), Pergamon Press, New York, 1977, pp. 115-128.
13. Patten, B. G., "Sublethal Biological Effects of Petroleum Hydrocarbon Exposures: Fish" in "Effects of Petroleum on Arctic and Subarctic Marine Environments and Organisms", D.C. Malins (Ed.), Academic Press, New York, N.Y., pp. 319-332.
14. Cox, G.V., (Ed.), "Marine Bioassays Workshop Proceedings", Marine Technology Society, Washington, D.C. 1974.
15. Beynon, L. R. and Cowell, E. B., "Ecological Aspects of Toxicity Testing of Oils and Dispersants", John Wiley and Sons, New York-Toronto, 1974.
16. McAuliffe, C. D.; Smalley, A. E.; Groover, R. D.; and Jones, G.E., "Chevron Main Pass Block 41 Oil Spill: Chemical and Biological Investigations", Proceedings of the 1975 Joint Conference on Prevention and Control of Oil Spills, San Francisco, March 1975, pp. 555-566.
17. McAuliffe, C. D.; Canevari, G. P.; Searl, T. D.; Johnson, J. C., "The Dispersion and Weathering of Chemically Treated Crude Oils on the Sea Surface", paper to be presented at the Petroleum and the Marine Environment Symposium, International Conference and Exhibition, Monaco, 27-30 May 1980.
18. Johnson, J.C.; McAuliffe, C. D.; and Brown, R. A., "Physical and Chemical Behavior of Small Crude Oil Slicks on the Ocean", Chemical Dispersants for the Control of Oil Spills Symposium, ASTM STP 659, McCarthy, L. T., Jr. et al (eds.), American Society for Testing Materials, 1978, pp. 141-158.
19. Study of Effects of Oil Discharges and Domestic and Industrial Wastewaters on the Fisheries of Lake Maracaibo, Venezuela", report on Battelle Pacific Northwest Laboratories, Richland, Washington to Creole Petroleum Corporation, Caracas, Venezuela, October 1974.
20. Templeton, W. L.; Sutton, E. A.; Bean, R. M.; Arnett, R. C.; Blylock, J. W.; Wildung, R. E., and Moore, H. J., "Oil Pollution Studies on Lake Maracaibo, Venezuela", Proceedings of the 1975 Conference on Prevention and Control of Oil Pollution, March 1975, pp. 489-496.

21. Carlisle, J. G., Jr.; Turner, C. H.; and Ebert, E. E.; "Certified Habitat in the Marine Environment", Fish Bulletin 124, The Resources Agency of California, Department of Fish and Game, 1964.
22. Bascom, W.; Mearns, A. J.; and Moore, M. M.; "A Biological Survey of Oil Platforms in the Santa Barbara Channel", Proceedings of the 1976 Offshore Technology Conference, Vol. II, May 1976, pp. 27-36.
23. Childs, T. W., "The Silver Lining: Beneath the Offshore Oil-Rigs in the Gulf of Mexico A Thriving New Habitat Has Formed", Oceans, March 1980, pp. 50-54.

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF OCEANOGRAPHY
WASHINGTON, D. C. 20540



COMMENT

RESPONSE

CONTRA COSTA HILLS CLUB

306 FORTIETH STREET OAKLAND, CALIFORNIA 94609



PURPOSE
To draw together in mutual co-operation, persons interested in conservation, mountaineering, hiking, camping and enjoying the natural beauties of California and elsewhere.

May 10, 1980

JoAnn Chandler,
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Director Chandler:

Contra Costa Hills Club is a non-profit organization, incorporated in 1941, whose three hundred members have a strong interest in conservation. Its Board of Directors wishes to express their concern regarding the survival of the marine sanctuary program proposed for Point Reyes-Farallon Islands. Specifically

1. We support alternative 2, under which the managing agency, funded by NOAA, will promulgate new regulations or adopt existing regulations if adequate;

2. We are concerned over vessel traffic in the proposed sanctuary and urge that a thorough analysis of the environmental impact be undertaken;

3. We support the creation of a sanctuary advisory committee.

We hope our statement, joining those of many others, will be useful in preserving this marine environment.

Sincerely,
CONTRA COSTA HILLS CLUB

Ethel Swank

Ethel Swank
Corresponding secretary

1. See generic responses F and G. The discussion on vessel traffic has been expanded in the FEIS (See Section E.3 and F.2.C.4.).

2. See generic response B.

Defenders OF WILDLIFE

June 6, 1980

RESPONSE

COMMENT

Ms. JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, DC 20235

Dear Ms. Chandler:

Defenders of Wildlife submits the following comments with respect to the Draft Environmental Impact Statement (DEIS) on the proposed Point Reyes-Farallon Islands Marine Sanctuary. These comments are in addition to those submitted by The Whale Center, which Defenders has endorsed as a member of the Marine Sanctuaries Coalition. As such, they will not be completely comprehensive in coverage, focusing rather on particular areas of concern.

Defenders of Wildlife ("Defenders") is a national, non-profit, tax exempt organization with a membership of approximately 50,000 citizens nationwide, and is dedicated to the protection, conservation and enhancement of the nation's wildlife and wildlands.

As a general comment, we commend the Office of Coastal Zone Management for its efforts in the preparation of this document. The DEIS is well prepared and offers useful information. We are pleased that the OCZM considers the Point Reyes-

Farallon Islands area to be one deserving special recognition and protection as a marine sanctuary, due to its exceptional resource values.

There is no dispute over the special environmental values of this area. Defenders is fully in support of the proposed sanctuary designation as outlined in Alternative 2 (p. F-66). These special values have already resulted in several state and federal designations to protect the habitat, but to date the area has not been given the recognition needed for unified protection. Increasing industrial, commercial, scientific, and recreational demands on the area's resources make imperative a more comprehensive and better-coordinated management authority. Such authority would ensure the ongoing vitality of those resources.

While Defenders believes Alternative 2 provides the best framework for achieving this objective, there are areas within the Alternative requiring modification or further elaboration. These are discussed below.

Sanctuary Boundaries. The proposed sanctuary boundaries would extend seaward to 3 nautical miles (nmi) beyond territorial waters between Bodega Head and Point Reyes Headlands. Also included would be the waters within 12 nmi of Moonday Rock and mean high tide lines on the Farallon Islands, and waters between the Islands and the mainland, from Point Reyes Headlands to Rocky Point.¹ The DEIS does not, however,

¹ DEIS, pp. C-5 to C-6, F-66.

COMMENT

-3-

1. provide sufficient data to evaluate these particular parameters. Although a significant amount of space is devoted to the study area's ecological values, no information is offered as a basis for arriving, for instance, at a boundary of 12 nmi around the Farallon Islands. This information should be presented in the final impact statement.

In proposing sanctuary boundaries, the DEIS should have considered as an option the incorporation of the 1978 Amendments to the Outer Continental Shelf Lands Act (OCSLA). The effect of these Amendments [P.L. 95-372, § 206(2)(h)] is to prohibit any lease sale tracts within 15 smi² of the Point Reyes wilderness area. Defenders believes the OCZM should consider the option of extending sanctuary boundaries to incorporate the effective area of the OCSLA Amendments, that is, to include the 12 nmi boundary (now proposed in Alternative 2) around the Farallon Islands. As a further clarifying measure, the final boundaries should be consistently measured in nautical miles. The adoption of these boundaries would provide the maximum protective area feasible for the area's resources, and would also combine regulatory efforts into a uniform set of boundaries. Should the State of California decide to authorize oil exploration and development activities within its waters (i. e., within 3 nmi of the Point Reyes wilderness area) the 15 smi protective zone, as currently in effect under the OCSLA Amendments, would automatically cease to exist. Taken

² The definition and use of "smi" (statute mile) as opposed to "nmi" (nautical mile) should also be explained in the FEIS.

RESPONSE

Defenders of Wildlife

1. The 12 nmi proposed boundary around the Farallon Islands establishes a buffer which is estimated to provide the necessary minimum time and space margin to allow containment of spills outside the boundary and avoid the impacts of onshore cleanup activities in sensitive areas.
2. See responses to comment 2, Center for Environmental Education, May 30, 1980. The smaller proposed boundary appears more appropriate given the present level of program resources, uses in the areas, and existing programs.
3. State waters have been included in the proposed sanctuary, and oil and gas activities are prohibited throughout the proposed sanctuary.
4. This definition has been included in the FEIS in Section E.3.b.

COMMENT

RESPONSE

to its logical conclusion, it is clearly reasonable to argue for inclusion of state waters as well in the sanctuary boundaries. Support for this proposal can be found in both the current position of the State Lands Commission, and in the results of Interior-sponsored surveys ranking oil potential in the area.³

Defenders urges OCZM to consider favorably the incorporation of OCSIA Amendments boundaries, with the suggested extension seaward of the Farallon Islands, and to pursue inclusion of state waters into the sanctuary boundaries.

With respect to regulated activities within the sanctuary, Defenders makes the following comments and suggestions:

(1) Hydrocarbon Operations. (F.2.b.1.) Contingent upon the designation of sanctuary boundaries encompassing both the range and regulations of the OCSLA Amendments of 1978, plus the 12 nmi boundary around the Farallon Islands, Defenders supports wholeheartedly the prohibition of all future hydrocarbon exploration and exploitation activities within the sanctuary. Regardless of the final decision concerning boundaries, such operations should not be permitted in the area.

As has been amply demonstrated by the public and by the DEIS itself, the possible oil reserves to be found through

5. The proposed sanctuary would not allow such operations.

³ See DEIS, p. F-75: "Although the State Lands Commission does not now foresee any action to lease tracts for hydrocarbon activities in the area in question, no formal protection from oil and gas development now exists for those waters." And see discussion of surveys on oil potential in the area, DEIS, pp. E-40, E-41.

COMMENT

-5-

6. exploration activities⁴ come at too great a risk. The DEIS discussion of "some" of the potential environmental threats to sanctuary resources spans some 12 pages, but does not (primarily because of insufficient data) deal in a definitive manner with resulting impacts on marine resources.

Concerning oil pipeline placement, the OCZM must provide supporting data to justify its proposed regulation, which would allow such placement within 2 nmi of "specified ecologically sensitive areas." There is nothing in the DEIS to indicate a 2 nmi buffer zone would sufficiently protect these areas in the event of a leak. In fact, the DEIS consistently indicates 2 nmi is not sufficient, based upon its statements concerning rough water conditions, the poor functioning of containment equipment in such conditions, the ability of oil to travel great distances, and the lack of success with current clean-up techniques. The option of not allowing pipeline placement at all within the sanctuary is not considered in the DEIS. It should have been, based at least partially on the statement that due to the area's geological instability, use of pipelines to transport oil or gas is unlikely.⁵

We firmly believe that the statement on page F-87 of the DEIS provides ample argument against any hydrocarbon activities --

⁴ The probability of finding no recoverable reserves in either the Bodega Basin or the Santa Cruz Basin to the south is 95 percent, based on a 1977 U.S. Geological Survey. See p. E-41.

⁵ DEIS, pp. F-93 to F-94.

RESPONSE

6. NOAA feels that this issue has been addressed sufficiently in Section F.2.c. of the FEIS.

7. NOAA's proposed regulation prohibits placement of pipelines within 2 nmi of identified sensitive areas, and provides that any placement in the sanctuary must be certified by the Assistant Administrator to have no significant impacts on sanctuary resources (Section 936.6 (a)(1)). In certain instances, the use of pipelines is environmentally preferable to the alternative of barging large amounts of oil through the sanctuary. Based on this fact, a complete prohibition of pipelines was rejected. Case-by-case review and certification will provide the most current data and coordinate information gathering among other concerned agencies, particularly the USGS and the CCC. The environmental benefits and potential impacts of pipeline placement can thus be assessed in a most informed manner.

drilling or conveying -- within the sanctuary:

Open ocean oil spill containment is not yet successful in seas as dynamic as those of the study area.

At the very minimum, we urge that final regulatory language concerning pipeline placement should correspond with that found in Section F.2.c. (Certification of Other Permits).

(2) Discharge of Polluting Substances. (F.2.b.2.)

Defenders supports OCZM's efforts to ensure the sanctuary's continued aesthetic and recreational appeal by prohibiting deposit or discharge of any substances, with certain limited exceptions.

The DEIS states (p. F-96) that NOAA is consulting with EPA and the Corps of Engineers regarding an interim dredge spoil disposal site, located 10 nmi south of the Farallon Islands. The FEIS should make clear that any permanent dredge spoil disposal site will not be placed inside sanctuary boundaries.

With respect to permits issued for municipal sewage outfalls, the process to be employed gives the unfortunate appearance of a "rubber stamp" approval of such certifications:

Unless the Assistant Administrator determines otherwise within 60 days of receiving notice of the proposed permit, certification shall be presumed to have been made.⁶

In light of the DEIS's discussion immediately preceding

8. See generic responses D and E.

9. The evaluation and review of data for any certification will begin much earlier than the notice of the final proposed permit, triggering the 60 day period. The adequacy of existing standards will be reviewed on a case-by-case basis should certification be requested. Coordination with agencies involved in the area should guarantee that NOAA is consulted as soon as the issue of location of an outfall arises. The standard for granting certification of no "significant effect on sanctuary resources" is the primary reference point for any certification. Although the management plan may address data required to establish standards, and the development of criteria will be further addressed by NOAA, the ultimate decision is intended on a case-by-case basis.

8.

9.

COMMENT

RESPONSE

-7-

9.

this quotation (regarding required sanctuary certification ensuring sanctuary review of impacts), it is unclear just how carefully NOAA intends to review such proposals. Because of the potentially adverse effects which poorly-implemented sewage outfalls present, Defenders urges strongly that the FEIS carefully delineate such review procedures. Final regulation language should correspond with that found in Section F.2.c. (Certification of Other Permits).

In addition, the FEIS should also discuss levels of treatment required for sewage outfalls to protect sanctuary resources. Currently required National Pollutant Discharge Elimination System (NPDES) standards should be assessed relative to whether those standards are sufficiently protective of the sanctuary.

(3) Alteration of or Construction on the Seabed. (F.2.b.3.)

The proposed regulation would exempt dredging (and other alteration of the seabed) activities from any review by the sanctuary manager. The discussion following does not explain why such exemption has been proposed; rather, particular note is made of the disruptive impacts associated with dredging activities. Dredging activities should be subject to review by the sanctuary manager and exemptions should only be granted if the sanctuary manager, following consultation with the public, is satisfied that minimal adverse impact to benthic and intertidal communities in particular, will ensue from such activities.

10.

10.

The proposed regulations on seabed alteration and construction do not require sanctuary review of certain projects likely to be located in the extreme nearshore waters--particularly Tomales Bay and Bolinas Lagoon. Dredging for such projects is closely reviewed by the California Coastal Commission, and in many instances the Corps of Engineers. Based on the intense shoreside connection of such activities and on existing levels of review, the proposed regulations limit sanctuary review. The impacts of dredging will be monitored as program resources allow. Dredging associated with outfalls or pipelines must be certified.

10.

COMMENT

RESPONSE

-8-

(4) Vessel Navigation and Operations. (P.2.b.4.)
Defenders supports the recommendations of both The Whale Center and the California Coastal Commission that the currently proposed 1 nmi protective "buffer" zone around the Farallon Islands and other sensitive areas be increased to 2 nmi, and that all dredge spoil disposal be prohibited within the sanctuary. As further support for this recommendation, the Pacific Merchant Shipping Association, in testimony at the May 13, 1980 public hearing on this marine sanctuary proposal in San Francisco, expressed no particular opposition to a 2 nmi "buffer" zone, so long as that did not occur within established shipping lanes.⁷

With respect to the suggested 2 nmi "buffer" zone, the present exclusion for vessels engaged in "activities directly associated with the resources of the area" (p. F-99) should be modified. It is unclear to what extent (if any) the sanctuary manager will be able to control vessel traffic within the buffer zone. With no capability to control ever-increasing vessel traffic within the buffer zone, the effects of this traffic on hauled-out seals, sea lions and other marine mammals, as well as nesting marine birds is a matter of serious concern. The DEIS notes (p. F-100) that the "mere sight of a passing vessel...has been sufficient to cause a stampede [of

⁷ Statement of Mr. Phillip Steinberg, Pacific Merchant Shipping Association, at 1:00 p.m. hearing in San Francisco, May 13, 1980. (Communication with Richard Spotts, California Field Representative, Defenders of Wildlife, May 23, 1980.)

11. See generic response D, E, and F.

12. The regulation on vessel traffic has been rewritten to state more clearly what classes of vessel traffic are affected by the buffer zone. The buffer zone intends to reduce the risk of significant polluting incidents as well as visual and acoustical disturbances and is therefore directed at larger vessels. The distance from the shore and the rough sea conditions at the Farallon Islands limit recreational and fishing traffic sufficiently that no further regulation is deemed necessary. The sanctuary management plan will evaluate methods of monitoring such uses, in conjunction with the Point Reyes Bird Observatory and the Farallon Island Refuge.

12.

COMMENT

-9-

pinnipeds) into the ocean. Similarly, a ship approaching the shore may frighten nesting birds, thereby leaving chicks and eggs unprotected." It makes little difference the type of vessel approaching shorelines if the effect is disruptive to marine mammals and birds.

Therefore, Defenders suggests that the proposed regulations be modified to allow the sanctuary manager discretionary control over all vessel traffic within the buffer zone. If it appears that recreational, research, and fishing vessel traffic is having an adverse cumulative impact on marine mammals and birds, the sanctuary manager should be able to control or reduce this traffic.

Based on the observations of the manager, this control might take the form of seasonal restrictions, or limits on the frequency of near-shore approaches, or even a "buffer within a buffer" zone (of perhaps 1/4 mile offshore), within which vessels should not venture (except only as necessary for access to the islands or mainland coast). A comprehensive and ongoing monitoring system of the incidence and effects of such vessel disturbances should also be required as part of the sanctuary's management regime.

As a more general comment relative to vessel operations within the sanctuary, the final EIS should deal more precisely and at greater length with the impacts associated with the likely increase in oil tanker traffic in and around sanctuary boundaries. The optimum situation would be the prohibition of

RESPONSE

13. The discussion of petroleum transportation in the proposed sanctuary has been expanded somewhat due to the availability of DOI's projections of the transportation scenarios results of OCS Sale #53. Regulation of vessel traffic beyond the buffer zone is premature at this point, given the ongoing USCG study and other factors. Also see generic response G.

12.

13.

13. all tanker traffic within the sanctuary. The final EIS should thoroughly assess the risks and trade-offs involved in oil tanker traffic, and should propose to the Coast Guard those traffic lanes which would be safest and least disruptive of the sanctuary's fragile natural resources.

14. (5) Certification of Other Permits. (F.2.c.) Defenders does not necessarily object to the certification of other permits which are shown to be in compliance with sanctuary regulations. However, no such certification should be "automatic," and every permit should be individually reviewed by the Assistant Administrator of OCZM to ensure such compliance. Public comments should be received on all such permit applications.

15. In this regard, the proposed regulations should be substantially clarified so as to indicate precisely what types of considerations and findings will be made before any certification occurs. These considerations have particular impact with respect to municipal sewage outfalls and the consideration of pipelines. The DEIS indeed states these two activities are "potentially harmful,"⁸ and as such, they should receive special attention in the regulation. The language in this section must obviously also correspond to that found in Section F.2.b.1. (Hydrocarbon Operations), and with that in Section F.2.b.2. (Discharge of Polluting Substances).

⁸ DEIS, p. F-105.

14. Individual review of every permit and license in the marine sanctuary would needlessly disrupt existing activities, cause delays in permit processing, and greatly overburden the sanctuary manager. The regulations identify those activities likely to have adverse impacts. Any permit authorizing an activity violating a regulation is, of course, not certified. If monitoring reveals that further controls are required, amendment of the regulations directed at the particular activity is preferred to a general certification requirement.

15. The proposed regulations require sanctuary certification of any municipal sewage outfall, pipeline location outside an exclusion zone, and disposal of dredged material at the interim site. The management plan will develop procedural devices in consultation with other agencies to assure that full information and maximum time is given for evaluation of matters to be certified.

COMMENT

-11-

RESPONSE

(6) Other Activities. (F.2.d.) With respect to "Defense Activities," the DEIS does not provide any discussion on whether these operations should or should not continue to be carried out within sanctuary boundaries. Defenders believes they should not. To allow activities such as "anti-submarine warfare training throughout the area, including all-weather missions, air intercepts, surface vessel coordination, and the dropping of inert ordnance" (p. E-71; emphasis added) to occur within the study area belies the stated goals of this, or any, marine sanctuary.⁹ The sanctuary is so designated because its resource values are superlative.

There can be little question these operations pose potential threats to marine mammals and marine birds using the Farallon Islands for haulout sites and for breeding/nesting areas. As the DEIS documents quite fully (pp. E-10 to E-19), the Farallon Islands encompass the largest seabird rookeries in the contiguous United States. Many of these birds are listed as endangered or threatened by state and/or federal agencies. And with respect to marine mammals, some 23 species (including five species of pinnipeds which are seasonal to the Farallons), migrate through or otherwise spend some portion of their lives within the study area. Obviously, the continuance of such activities as the dropping of inert ordnance will, at the very minimum, be disruptive to these sensitive marine wildlife organisms.

⁹ See sanctuary objective #1, DEIS, p. D-5.

16. The Department of Defense conducts its exercises in the area in such a way as to minimize the environmental impacts. For example, the Navy flight operations area requires that planes maintain a minimum height of 3000 feet over the Farallon Islands and surrounding waters. Major difficulties are posed for DOD due to the inaccessibility of other areas for Navy operations from the San Francisco Bay area military facilities. Discussions will continue with DOD on these matters and impacts of military activities will be monitored in the sanctuary.

16.

COMMENT

-12-

The DEIS does not present enough data on the precise nature and extent of military operations to allow an accurate assessment of these threats to marine mammals and marine birds. This information should be forthcoming in the FEIS. Based on what is known, however, Defenders strongly urges the OC2M to initiate consultation with the U.S. Navy on this matter. If the Navy demonstrates to the satisfaction of OC2M and the interested public that these activities cannot reasonably be conducted outside sanctuary boundaries, then Defenders recommends that, at a minimum, surface/air operations be suspended during the breeding/nesting seasons for these species. In effect, this would result in no surface/air operations occurring from March through August.

Additionally, submarine operations, if allowed to continue by virtue of the same demonstration, should be time-of-year and depth coordinated with known migration patterns of cetaceans.

(7) Management. (F.2.e.) Defenders commends the OC2M for its stated objectives in this section, and fully supports the concept of a Sanctuary Information Center, which would primarily serve as a research and public education facility. The idea of a master listing of all ongoing activities within the sanctuary is a good one, and vital to further understanding and better use of the area's fragile resources.

Defenders also supports and encourages the formation of a sanctuary management advisory committee, as suggested in this

RESPONSE

section. The composition of such a committee should allow for participation by environmental and wildlife organizations, as well as by state and local government agencies and research and academic institutions. Defenders recommends that the FEIS further delineate the authorities and functions of this committee, as it relates to overall on-site sanctuary management.

Needed Corrections in the DEIS. Defenders notes that the abbreviations "CAA" and "MLR," as they appear in Table F-2: "Existing State and Federal Management Authorities as they relate to resources and activities," are not defined in the following Table F-3: "Abbreviations of State and Federal authorities and agencies." These omissions should be included in the FEIS.

Conclusion. The foregoing comments represent a general statement of support for marine sanctuary designation in the Point Reyes-Farallon Islands area. Defenders believes that designation is critically important at this time because the unparalleled diversity of the marine ecosystem is threatened by the impending lease of tracts within OCS Lease Sale No. 53 (currently scheduled for May, 1981). Sanctuary designation can ensure the continuing vitality of this irreplaceable environment. Such designation would also allow for the coordination and consolidation of many diverse regulatory efforts into an overall management plan, based on the needs of many interests and resources.

17. See generic responses A, B.

18. "CAA" has been changed to read "CCA" for "California Coastal Act."
"MLR" stands for "Marine Life Refuge".

In summary, Defenders urges the OCZH to apply to the Point Reyes-Farallon Islands area the optimum protection possible pursuant to marine sanctuary designation. The fragility of the marine ecosystem's delicate balance and the press of commercial/industrial activities dictate there may not be another opportunity for such protection.

Sincerely,

Sherrard Coleman

(Ms.) Sherrard Coleman
Marine Issues Specialist

RESPONSE

COMMENT

-4-

Should such a group be formed to facilitate efforts to coordinate area management actions, the Commission recommends that such a committee include at least two marine scientists, one of which should be a marine mammal biologist, familiar with area resources and research. This addition would provide sanctuary managers with expert scientific advice on matters such as research priorities and management recommendations. Alternatively, it may be appropriate to establish a separate Scientific Advisory Committee for the Sanctuary. In either case, we recommend that appropriate scientific expertise be sought for various research and management plans initiated under any designated sanctuary.

3. Commercial Fishing

The review of commercial fishing in the DEIS (pages E-42 to E-51) does not discuss either the potential effect of such activities on food resources for marine mammals and seabirds or other ecological impacts. Ainley and Lewis (1974)* hypothesize that the collapse of the sardine population due to over-fishing between the 1920's and 1940's could have contributed to an observed decline, and prevented the repopulation, of Steller sea lions, double-crested cormorants, and tufted puffins in the Farallon Islands area. In addition, hake, which is a target species for commercial fishing during the spring and summer months, is the dominant spring and summer food item in the diet of the expanding Farallon Island population of California sea lions.

Although information on the relationship between fisheries and marine mammal and seabird populations in the Farallon Islands area is not sufficient to determine the significance of interactions between these species or what, if any, management actions might be appropriate relative to fishery activities, there is cause for concern. Accordingly, the Commission recommends that: a discussion of possible impacts of commercial fishing be added to Section E.2.c of the DEIS; studies of marine mammal/fishery interactions be considered as part of any research program developed within the proposed sanctuary; the FEIS identify those steps the sanctuary manager would take to reduce fishing impacts if the evidence were to indicate the activity to be inconsistent with the expressed sanctuary objective of "...insuring (that) human activities...do not...threaten the continued health, stability,

*Ainley, D.G. and T.J. Lewis. 1974. The History of Farallon Island Marine Bird Populations. The Condor 76: 432-446.

5. NOAA intends to include members of the scientific community in any sanctuary advisory committee, and is considering the option of creating a special sub-committee on research needs.

6. Fishing will certainly be considered in a sanctuary research program. The marine sanctuary will not regulate fishing, but will make research results available to DFG and the PMFC. NOAA believes the discussion of fishing activities in the FEIS is adequate.

5.

6.

6. and diversity of the marine ecosystem and the seabird and marine mammal populations using sanctuary waters", (page D-5).

4. Discussion of the Marine Mammal Protection Act

The discussion of the Marine Mammal Protection Act (page F-42 to F-43) is virtually identical with that presented in an earlier DEIS for the proposed Channel Islands Marine Sanctuary. As we noted in our 6 February 1980 comments on this earlier DEIS (attached), the discussion of the Act includes mis-statements and ambiguous language which should be corrected. The same changes that we recommended in our 6 February comments on the proposed Channel Islands Marine Sanctuary should be made in this text as well.

5. Boundaries

The boundary for the preferred sanctuary alternative specifically excludes ocean areas within the boundary of the Point Reyes National Seashore. This area extends seaward one-quarter mile off the Point Reyes National Seashore coast. Under Alternative 4 on page F-125, we are informed briefly that "...after consultation with the National Park Service, (NOAA) determined that no significant advantage would be gained by including the one-quarter mile of Point Reyes National Seashore in the Sanctuary." We recommend that the FEIS explain the basis for this determination in light of the following concerns.

First, these nearshore areas, like other such areas included within the sanctuary off the Farallon Islands and the Golden Gate National Recreation Area, include important marine habitat utilized by all marine mammals which haul-out on the National Seashore coast.

Second, within this quarter-mile strip of National Seashore waters, are three of the area's six State "Areas of Special Biological Significance" (Area). Based upon the description in the DEIS of regulatory provisions for the Areas, (pages F-21 to F-25), there are no restrictions on aircraft overflights over these Areas. By excluding the Areas from the sanctuary boundary, regulatory inconsistencies may result with the proposed sanctuary regulations (applicable only within the sanctuary) which refer to buffer areas around the Areas. At least one Area within the National Seashore boundary--the Double Point Area--does not appear to extend into the proposed sanctuary boundary. Consequently, the regulation prohibiting overflights within one mile of any Area may not be enforced over the Area or between the

7. Comment accepted. See Section F.1.b.

RESPONSE

COMMENT

-2-

In our opinion, an exceedingly important element of the proposed sanctuary would be the establishment of an area-wide overview authority designed to identify, consider, and where necessary, address possible adverse effects of human activities on the stability and productivity of the area's marine life and ecosystem. Accordingly, we believe that management actions developed for the proposed sanctuary should emphasize and include: 1) support for a research and studies program designed to further understanding of ecological interactions between species and their environment (including environmental changes caused by man); 2) a mechanism for coordinating the numerous individual management authorities already established in the area; and 3) the authority necessary to achieve stated objectives.

1. Description, Analysis, and Justification for Management Proposals

The preferred sanctuary designation alternative proposes a variety of regulatory and non-regulatory management steps. While many of these may be desirable, we find the background information provided for each to be insufficient to make an informed judgement. The Commission therefore recommends expanding the description of each management action proposed in section F of the DEIS to clarify: 1) the nature and extent of the problem to be addressed (e.g., the location, frequency, and extent of impacts); 2) how the proposed action relates to the overall ecosystem and how it will resolve the problem; and 3) how the proposed regulation or management action relates to the existing regulatory and administrative structure. With respect to the latter point, the rationale for proposed regulations should also explain how sanctuary regulations will differ from related regulations promulgated under existing authorities; why existing regulations or authorities are inadequate or less appropriate mechanisms for developing similar regulations; and what steps have been taken to ensure that proposed regulations are and will be consistent with other regulations or authorities.

In light of these comments, and as an example of the need for the analysis outlined above, the rationale for the proposed regulation concerning aircraft disturbance of marine mammals and seabirds (F-103) should be expanded to: 1) provide a more precise description of military, commercial, and private aircraft involvement, the frequency and location of disturbances caused by each, and the significance of the observed impacts; 2) explain why specific proposed regulatory provisions (e.g., the 1,000 ft. minimum overflight limit) were selected over other possible provisions and why certain flight activities were exempted from regulation; 3) describe

3. The DEIS and FEIS have attempted to provide this information throughout. Section D provides an overview of the purpose of and need for a marine sanctuary in the area; Section E-3 describes current and projected human activity in the area; Section F.1.C. discusses the probable impacts to the area in the absence of marine sanctuary designation, and Section F-2 discusses the need for and probable impact of the proposed marine sanctuary regulations and management provisions. NOAA had consulted extensively with authorities to ensure that the proposed action is as consistent as possible with current resource use and protection policies. In certain instances, such compatibility is not possible between DOI's mandate to develop OCS hydrocarbon resources and NOAA's intent to prohibit oil and gas development in the Point Reyes-Farallon Islands Marine Sanctuary. In such instances, the most stringent regulation must be met.

RESPONSE

COMMENT

-3-

3. the extent of expected benefits resulting from regulating aircraft (given the military exemption) on the distribution, abundance, and/or other population parameters of the proposed sanctuary area's marine mammal and seabird populations; 4) identify and describe provisions of the Marine Mammal Protection Act relating to harassment; and 5) describe how the proposed sanctuary regulation will differ from those provisions and why development and enforcement of specific regulations under the latter is a less appropriate means of accomplishing the same objective. In general, we believe that an analysis addressing questions such as those identified above should be developed in the FEIS for each of the proposed regulations to ensure that they are necessary, are effectively directed at the cause of identified impacts, and do not duplicate or conflict with existing authorities.

In addition to specific regulatory proposals, a number of other management proposals are also listed and described in the DEIS (pages F-108 to F-114). We believe that these measures--particularly those concerning research and coordination of existing management authorities--are the most important elements of the sanctuary proposal, and that they should be further developed and described in the DEIS. Accordingly, the discussion of each proposed management measure should be expanded to provide information on: 1) the purpose, scope, approximate funding level and source for proposed research efforts; 2) the mechanism through which proposed sanctuary sponsored research and monitoring will be coordinated with other agency and university research in the sanctuary area; 3) the composition and responsibilities of proposed on-site sanctuary managers, the sanctuary advisory group(s), and enforcement agents; 4) the management responsibilities to be retained by the Office of Coastal Zone Management, the State of California, and local communities; and 5) the administrative arrangements (e.g., memoranda of understanding) through which sanctuary management decisions will be coordinated with plans and decisions made by other sanctuary area management authorities. In general, we believe greater detail should be provided in the FEIS on how the proposed sanctuary manager will coordinate existing or planned research and management activities.

2. Sanctuary Advisory Committee

5. The description of proposed management provisions for the preferred alternative indicates that the Office of Coastal Zone Management is considering the development of a sanctuary advisory committee which would include representatives from Federal and State agencies and local interest groups.

4. See generic responses A and B and the discussion of management in the FEIS.

COMMENT

MADRONE AUDUBON SOCIETY, INC.

POST OFFICE
BOX 1911



SANTA ROSA
CALIFORNIA 95402

May 13, 1980

NATIONAL AUDUBON SOCIETY CHAPTER 0522

TO: U.S. Department of Commerce
Coastal Zone Management Division

RE: PROPOSED PT. REYES - FARRALLON ISLANDS MARINE SANCTUARY

NO RESPONSE NECESSARY

The Board of Directors of the Madrone Audubon Society strongly endorses the establishment of a Pt. Reyes - Farrollons Islands Marine Sanctuary.

Madrone Audubon is a conservation organization of over 1,000 Sonoma County residents. As such we concern ourselves primarily with the coast immediately to the north of the area now under consideration. However the Pt. Reyes - Farrallons area is of infinitely more than local importance. As a major seabird breeding area and a haven for migratory land birds it is vital nationally, even internationally, to the safe survival of a viable population of many avian species. We therefore feel no hesitation in stepping outside of our normal "sphere of action" to urge that this proposal be implemented with all possible speed.

Martha C. Bentley
Martha C. Bentley
Conservation Committee
for the
Board of Directors

COMMENT

MARINE MAMMAL COMMISSION
 423 EYE STREET, N. W.
 WASHINGTON, DC 20006

13 June 1980

Ms. JoAnn Chandler
 Director
 Sanctuaries Program Office
 Office of Coastal Zone
 Management
 3300 Whitehaven Street, NW
 Washington, DC 20235

Dear Ms. Chandler:

Thank you for sending the Draft Environmental Impact Statement (DEIS) on the proposed Point Reyes-Farallon Islands Marine Sanctuary. The Marine Mammal Commission, in consultation with its Committee of Scientific Advisors on Marine Mammals, has reviewed the DEIS, and is pleased to submit the following comments and recommendations.

General Comments

As we understand the proposed action, its purpose is to establish authority to oversee and support certain research and management measures which will further ensure that the marine resources of the Point Reyes-Farallon Islands area are not adversely affected by present or future uses of the area or its resources. Although we recognize the importance of the Point Reyes-Farallon Islands area and support efforts to protect it, we are unable to evaluate whether the proposed action would contribute to these goals based upon information presented in the DEIS. The Commission therefore recommends that the DEIS be expanded to provide a more complete description and analysis for the proposed regulatory measures and other research and management activities. We consider such additional information necessary in order to make the soundest determination possible with respect to the proposed action. In addition, we believe a detailed sanctuary management plan should be developed when and if the Point Reyes-Farallon Islands marine sanctuary is designated. The plan should present detailed descriptions for implementation of the research and management actions described and selected in the DEIS process, and should include a statement of goals and objectives, a cost estimate, personnel needs and qualifications, target initiation and completion dates, and such other specific information as may be necessary to effectively direct research and management activities.

1. Where NOAA had received additional information (for example on the question of dredged material disposal) the discussion of the regulatory measures has been expanded.
2. See generic response A.

COMMENT

RESPONSE

INVERNESS ASSOCIATION

BOX #2
INVERNESS, MARIN COUNTY, CALIFORNIA

Incorporated 1930

94937

April 30, 1980

JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D. C. 20235

Dear JoAnn Chandler:

The Inverness Association, at its April 25th meeting, endorsed the Proposed Point Reyes-Farallon Islands Marine Sanctuary as outlined in the Draft Environmental Impact Statement of March, 1980.

No other agency, of the many already operating in the area, has the preservation of the total marine environment as its prime purpose or has any authority to ensure this preservation.

With increased attention to the area because of the possibility of the oil leases in and near the proposed Sanctuary, the increasing use of the area for commercial fishing and mariculture, and the increasing use of these waters for recreation, the Inverness Association believes it is imperative to establish the Sanctuary as the coordinating authority.

Sincerely yours,



Anne West, President
Board of Directors

NO RESPONSE NECESSARY

RESPONSE

COMMENT

260 Drakes View Drive
Inverness, Ca., 94937

May 18, 1980

Federal Office of Coastal Zone Management
Washington, D.C.

Gentlemen:

The board of the Inverness Ridge Association strongly supports the creation of a marine sanctuary which would include the Farallone Islands and the area between the islands and Rocky Point (south of Bolinas Lagoon) and extend up the Marin Coast and into Sonoma County to Bodega Bay.

We wish to go on record as recommending that there should be no oil or gas exploration anywhere within the sanctuary.

As property and home owners in the Inverness Ridge area adjacent to Pt. Reyes National Seashore, we value the priceless resources which this proposed marine sanctuary would protect; specifically, marine mammals, seabirds, wetlands and estuaries, views of the sea, and recreation provided by the state and national parks and beaches--all of which would risk being damaged and/or destroyed by oil spills which have been statistically predicted as certain to occur.

We urge your help in preserving this unique area by means of designating it a "marine sanctuary".

Sincerely,

In behalf of and at the request of the
Board of the Inverness Ridge Association,
Inverness, Calif.

Margaret C. Ridge

Margaret C. Ridge, Board Member

NO RESPONSE NECESSARY

RESPONSE

COMMENT



OLDEN GATE NATIONAL RECREATION AREA
2827 Clement Street • San Francisco, Calif. 94121 • (415) 782-2777

PEOPLE FOR A

OFFICERS AND
STEERING COMMITTEE
Edgar Wayburn, M.D.
Chairman

Amy Meyer
Co-Chairman
Janice Holloway
Secretary
Lloyd E. Scott
Treasurer

Earl M. Blauner
J. Peter Erickson
Rebecca Evans
Diane Hunter
John H. Jacobs
Richard Jordan
Mia M. Prose
Connie Parrish
Robert F. Keab
Donald Rubenstein
Mantene Sarnat
James L. Weinberger
Robert C. Young

Director, Sanctuary Program Office
Office of Coastal Zone Management
3300 Whitehaven St. N.W.
Washington, D.C. 20235

Dear Sir:

People For a Golden Gate National Recreation Area warmly supports the concept of a marine sanctuary including the Gulf of the Farallones and the adjacent estuaries.

The Golden Gate National Recreation Area and Point Reyes National Seashore protect the continental lands bordering this triangle; the water joins these lands together. Prohibition within 12 miles of the shoreline of all development for hydrocarbons will help to protect the park ecosystems.

The concept of "sanctuary" should also help to emphasize the need to eliminate lowlevel non-emergency flights over areas such as Bolinas Lagoon and Drake's and Limantour Esteros.

Sincerely,

Amy Meyer
Amy Meyer
Co-Chairman

NO RESPONSE NECESSARY

May 24, 1980

GREENPEACE

COMMENT

RESPONSE

THE GREENPEACE FOUNDATION FORT MASON, BUILDING E SAN FRANCISCO, CALIFORNIA 94123
TELEX: 340-275 TELEPHONE: (415) 474-6767

TESTIMONY OF GREENPEACE AT POINT REYES/FARALLON ISLANDS MARINE SANCTUARY HEARINGS
Given by: Barbara Levin
May 13, 1980
San Francisco

Greenpeace has been in favor of the Marine Sanctuaries program since it began. We have also been concerned with the problems that this program has been facing almost since its beginning in 1972.

We strongly support designating a marine sanctuary in the area around Point Reyes and the Farallon Islands. Not only will this help to protect this ecologically valuable area, but hopefully it will also serve as a source of revitalization to an apparently ailing program.

Alternative #2, the preferred alternative of the Point Reyes/Farallon DEIS, is the alternative that we endorse, feeling that it is the most beneficial for the protection of the area. Because of its unique topography, current patterns, and meteorology, the preferred sanctuary is one of extreme environmental importance. Point Reyes and the Farallons provide a habitat that is essential for seabirds and marine mammals.

For example:

- Of the 16 species of seabirds that nest on the West coast, 12 are known to nest in the study area.
- The Farallon's seabird population includes just about the entire world population of the Ashy Storm-petrel.
- Several species of seabirds in the study area are on both state and federal endangered species lists.
- Several areas within the study area also provide important nesting grounds for many species of marine and coastal birds.
- 23 species of marine mammals, including pinnipeds and cetaceans, have been sighted in the study area.
- Because the Farallons provide a secluded area with access to both shallow and deep waters, they represent the most important habitat for pinnipeds in Northern California.
- Of the 17 species of cetaceans spotted in the study area, several, including the blue and humpback whale, are on state and federal endangered species lists. The area is also an important part of the gray whale migration path.
- The study area also hosts a wide variety of fish resources, marine flora, and benthic fauna.

The proposed sanctuary regulations on hydrocarbon operations, discharges, seabed alteration and construction, vessel traffic, disturbing marine mammals and birds, and removing or harming historic resources would be of great value in maintaining the ecological, educational, and recreational importance of this marine area.

NO RESPONSE NECESSARY

COMMENT

RESPONSE

FRIENDS OF THE SEA OTTER

May 14, 1980

Ms. JoAnn Chandler, Acting Director
Sanctuary Programs Office
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington D.C. 20235

Dear Ms. Chandler:

Earlier I had the opportunity to respond to the preliminary draft Environmental Impact Statement (PDEIS) on the Proposed Point Reyes-Farallon Islands Marine Sanctuary (letter of 24 October 1979) and herewith again, on behalf of the FRIENDS OF THE SEA OTTER, submit our comments on the final version of the DEIS. Although several of our earlier suggestions have been incorporated into the present document, others have not, and certain subjects commented on earlier apparently have been eliminated from specific mention in the present document.

In general, we are pleased to endorse with enthusiasm the Point Reyes-Farallon Islands Marine Sanctuary proposal and firmly believe that Alternative 2, the Preferred Alternative, is the best choice for further protection of the sensitive resources and habitats in that biotically rich and highly significant coastal and offshore area.

COMMENTS ON THE DEIS

• Although not mentioned in the revised version of the DEIS specifically (as far as could be ascertained), we wish again to reiterate our strong opposition to allowing the public hunting of any wildlife in this, or any other, proposed Marine Sanctuary--an activity now allowed by Department of Fish and Game regulations in parts of the proposed Sanctuary, but one inimical to the purposes and intent of a "sanctuary" in our opinion.

We believe regulations now in effect prohibiting the discharge of firearms within the Farallon Islands Game Refuge should be extended throughout the proposed sanctuary. The administrative benefit of this prohibition would be to make easier the enforcement of the complex system of regulations already in effect in the subject area, and of course, the increased protection to its wildlife resources are obvious and would be highly beneficial. For these reasons, we believe a prohibition on the use of firearms in this, or any other, proposed Marine Sanctuary is thoroughly justified and urge that such a regulation be included in Alternative 2, in the Final EIS.

1.

Notwithstanding the connotations of the term "sanctuary", Title III of the Marine Protection, Research and Sanctuary Act of 1972 (MPRSA) is designed to allow multiple use of marine sanctuaries. The California Department of Fish and Game has the authority to regulate hunting in State waters, and its objectives of long-term preservation of species are consistent with those of the sanctuary, and NOAA does not believe sanctuary regulation of this activity, nor of possession of firearms is necessary. A prohibition of firearms was considered in Alternative 4 and was rejected.

COMMENT

Comments on Point Reyes-
Farallon Islands DEIS

FRIENDS OF THE SEA OTTER

-2-

• The DEIS (p. F-28) still cites Kooyman, et al. (1977) when mentioning the effects of oil on sea otters. Again we ask that you make reference to and update the DEIS as to the more recently documented effects of oil on live sea otters (Kooyman and Costa, 1979; excerpts attached).

• Though Table E-5 incorporates most changes we suggested earlier under Sea Otter (*Enhydra lutris*), we still believe the sentence in mid-paragraph under this species account should read: "Breeding females tend to stay in the central part of the range, from Seaside to just south of Point Buchon...etc." Further, the sentences before the latter one should read: "After severe exploitation ...the population is now expanding from central California" (there is only one population in California at present). Breeding females are found both at Seaside and near Lion Rock, south of Pt. Buchon (20 females seen at latter recently).

• On p. E-48 (top para) we are puzzled by the reference to "some smaller commercial markets (which) center upon dungeness crab, and to a lesser extent, market squid, shrimps, and abalone." (emphasis added). To our knowledge, there is no commercial abalone fishing permitted within the proposed marine sanctuary zone (check with Fish and Game) and thus this reference in the text (and on Table E-10) to commercial abalone harvest should be deleted (if our information is correct).

In submitting the few foregoing corrections and suggestions for your consideration and possible incorporation into the Final DEIS on the Point Reyes-Farallon Islands Marine Sanctuary proposal, the FRIENDS OF THE SEA OTTER again wish to extend whole-hearted and enthusiastic support for the designation of the Point Reyes-Farallon Islands area (Alternative 2) as a Marine Sanctuary. The ~~sooner~~ it is designated the better considering the increase in oil-tanker traffic and oil drilling proposals that could severely impact that valuable and vulnerable area. We need this additional protection for our valuable coastal and offshore island biota and their habitats.

We will appreciate receiving a copy of the Final EIS on this Sanctuary and appreciate the opportunity to comment during the early stages of the designation process.

Respectfully submitted,

Betty S. Davis

Betty S. Davis, Ph.D.
Executive Secretary
FRIENDS OF THE SEA OTTER
Star Route Boc 80
Carmel Valley, CA 93924

Copies: Leon Panetta
Alan Cranston
Sam Hayakawa
California Coastal Commission
Marine Mammal Commission

RESPONSE

2. This has been corrected in the FEIS.

3. This has been corrected in the FEIS.

2.

3.

FRIENDS OF THE EARTH

124 SPEAR SAN FRANCISCO CALIFORNIA 94103
(415) 493-4770

Testimony of Connie Parrish, California Representative of Friends of the Earth, on the Draft Environmental Impact Statement on the Proposed Point Reyes-Parallon Islands Marine Sanctuary, May 13, 1980, San Francisco.

We appreciate this opportunity to comment on the Draft Environmental Impact Statement for the proposed Point Reyes-Parallon Islands Marine Sanctuary.

Friends of the Earth supports the National Oceanic and Atmospheric Administration's (NOAA) Alternative 2, the agency's preferred alternative, with the following strengthening provisions:

We agree with the recommendation of the California Coastal Commission that tankers and large vessels should not be allowed within two nmi of the Farallon Islands, the provision contained in Alternative 4. This prohibition should also apply to small oil tankers and tank barges that can be expected in this area if the Department of the Interior goes ahead with its oil and gas Lease Sale 53 as now proposed.

Friends of the Earth strongly supports the prohibition of oil and gas exploration and development within the sanctuary to protect this sensitive marine environment from oil spills, pipeline leaks, the noise and activity associated with offshore oil development. And we would like to compliment the writers of this environmental statement for the comprehensive description of the marine resources in the proposed sanctuary that could be jeopardized by oil and gas drilling. However, we believe that

Committed to the preservation, restoration, and rational use of the biosphere

1. See generic response F. The prohibition applies to any size tankers and barges.

COMMENT

Ms. JoAnn Chandler

-3-

May 23, 1980

4. air quality provisions in the buffer zone of 50 Km. surrounding the Wilderness area of Pt. Reyes (page F-54) would effectively cease new activity and development around San Francisco. It should also be noted that the application and enforcement of these provisions is not discriminatory but total.

The closing of our November 15, 1979 letter on the Pt. Reyes-Farallon Islands draft chapters E & F is also still appropriate and reads as follows:

"In summary, Exxon appreciates the value of protecting the marine environment. The public history of our operations and long experience in that environment attests to our concern. We believe that any objective consideration of national priorities would reject the arbitrary creation of sanctuaries almost exclusively for the purpose of preventing oil and gas operations as not only unsound but dangerous. Thus, we believe that the proposed sanctuary and its regulations are unnecessary, arbitrary, premature and prejudicial in excluding oil and gas activities."

Very truly yours,



JRJ:DWL:gb
Attachments

cc: Mr. John B. Breaux
Mr. Edwin B. Forsythe
Mr. John M. Murphy
Mr. Paul M. McCloskey, Jr.
Mr. Ernest F. Hollings
Ms. Heather Ross

RESPONSE

4. The FEIS sets forth the basis for the proposal and discusses the objectives of the designation. While the regulation of oil and gas is a necessary part of the proposal, it is not its purpose.

COMMENT

RESPONSE

Page 2 - Friends of the Earth

oil and gas development should be prohibited in state waters as well as on the federally controlled waters on the outer continental shelf. We therefore urge NOAA to delete language in the final sanctuary regulations that give the State of California the option to open up its territory to oil and gas activity.

We would also like to recommend that ocean dumping and disposal of dredge spoils be prohibited within the sanctuary... there's a big ocean out there and the proposed sanctuary boundary encompasses only a small but particularly valuable part of it. Dumping of dredge spoils is simply not an appropriate activity in any part of this proposed marine sanctuary.

We also would like to compliment NOAA on its decision to use an on site sanctuary manager to make sure that sanctuary regulations are enforced and that the activities of the various state and federal agencies that have jurisdiction in the sanctuary are coordinated with a minimum of duplication. The duties of the sanctuary manager, outlined on page F-109, are good ones. We look forward to their application.

Thank you.

2.

3.

2. Section 936.12 has been deleted from the proposed final regulations.
3. See generic responses D and E.



Friends of the Coast

Box 583, Redondo Bay, CA 94923

COMMENTS ON THE FARALLON ISLAND -- POINT REYES MARINE SANCTUARY AND THE ISSUED DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

Friends of the Coast would like to commend the Coastal Zone Management office for writing such a thorough and easily read DEIS. The cataloging and description of the surrounding marine resources is both complete and informative.

In that Friends of the Coast is an organization opposed to the development of the northern California outer continental shelf oil and gas resources, we are especially supportive of preventing oil and gas development in this sensitive area. By not allowing such development, the abundant marine resources will be afforded further protection from the hazards of oil and gas development. Pipelines transporting resources on-shore should be reviewed carefully in the special permit process and not be allowed in areas of high biological significance. Vessel operations, except fishing vessels, should also not be allowed in areas of high biological significance.

Friends of the Coast favors the preferred alternative, alternative #2 listed in the DEIS, though we do recommend minor changes in the boundary proposals. We would like to see the boundary extend to the mean high tide line along the shore of Point Reyes. We also feel that a 2 mile buffer zone around sensitive resource areas would afford better protection than the proposed 1 mile buffer zone.

Friends of the Coast is grateful for this opportunity to participate in a program designed to preserve the abundant marine resources of northern California.

Respectfully submitted on May 23, 1980

Julia A. Bott
Julia A. Bott, Chairperson
Steering Committee -- Friends
of the Coast

1. The proposed regulations prohibit pipeline placement within 2 mi of sensitive areas and require certification for any other placement in accordance with Sections 936.5 (a)(1) and 936.9.
2. See generic response F, which discusses the 2 mile buffer zone around Areas of Special Biological Significance.
3. Since the National Park Service has a similar environmental mandate and broad regulatory powers, sanctuary overlap with the Point Reyes National Seashore is unnecessary.
4. See generic response F.

COMMENT

RESPONSE

EXXON COMPANY, U.S.A.
POST OFFICE BOX 2180 - HOUSTON, TEXAS 77001

EXPLORATION DEPARTMENT
REGULATORY AFFAIRS
J.R. JACKSON, JR.
MANAGER

May 23, 1980

Pt. Reyes-Farallon Islands
Marine Sanctuaries Draft
Environmental Impact Statement

Ms. JoAnn Chandler, Acting Director
Sanctuary Program Office
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20035

Dear Ms. Chandler:

The following comments on the Pt. Reyes-Farallon Islands Marine Sanctuary Draft Environmental Impact Statement, Proposed Regulations and Draft Designation Document are offered on behalf of Exxon. They also apply to the Proposed Rules which appeared in the Federal Register, Vol. 45, No. 63, Monday, March 31, 1980, pages 20907-20911.

On November 15, 1979 we wrote to you expressing some of our thoughts on the draft chapters E and F then and now, we object to the SPO's unreasonable practice of prohibiting all exploration and exploitation of oil and gas within proposed sanctuaries. Although we are attaching that letter for your easy reference, portions of the second and third paragraph are repeated below for emphasis.

"On numerous occasions in the past, Exxon has submitted comments concerning its thoughts about marine sanctuaries. We will not repeat those comments again except to re-emphasize that we feel sanctuaries should be created only if special marine resources are seriously threatened and no other legal protective mechanisms exist. Further, both the threats and the protective controls should be scientifically supportable. Also, they should be based on realistic potential environmental impacts and applicable to all user groups.

"Specifically, Exxon is disturbed at the inconsistency, vagueness, incompleteness, and inaccuracy of the two draft

COMMENT

Ms. JoAnn Chandler

-2-

May 23, 1980

RESPONSE

chapters. The content of the material suggests a bias against development of "natural resources" on the OCS which was surely never intended by Congress in the passage of the Marine Protection, Research and Sanctuaries Act of 1972. The goals of the oil and gas industry and the Office of Coastal Zone Management may not always coincide, but both should, and must, recognize a common duty to consider the public good as a whole."

We are deeply disappointed in this DEIS and its supporting documents since it appears that none of our observations or suggestions from any prior communications have been incorporated. That is, we believe this DEIS to still be a most inferior product. By way of comparison, we suggest your office review the Department of Interior's Draft Natural and Cultural Resource Management Plan, February 1980 for the Channel Islands National Monument. The review would be worthwhile on two bases. First, the subject DEIS is all too similar to the NOAA Channel Island Sanctuary DEIS and second, the proposed Channel Islands Monument and proposed Marine Sanctuary cover many of the same resources. Again, for your easy reference, our comments on the Channel Island DEIS, the Designation Document and the Proposed Regulations are included as attachment #2. The similarities between the Pt. Reyes-Farallon Island documents and the Channel Island documents are so great that additional comments are not appropriate.

The Park Service's proposed management plan towards all flora and fauna appears most scientific, consistent and straight forward. By contrast, Sanctuary documents have a history of espousing three apparent objectives:

- 1) protection of natural and cultural resources
- 2) enhancement of human activity
- 3) prevention of oil and gas activity

There is little, if any correlation between and the three objectives except that items 1 and 2 tend to be mutually exclusive.

It should be evident that an ever growing accumulation of legal contingencies based upon an ever declining set of possibilities eventually reaches the absurd. The fact that the point of absurdity has already been passed would be recognized if the requirements in existing law were enforced. For instance, enforcement in the Pt. Reyes-Farallon Islands Wilderness area would prohibit all air polluting vehicles (vessels) except by special permit for emergencies. The non-significant deterioration

1. The DEIS on the proposed Point Reyes/Farallon Islands Marine Sanctuary does not represent a duplication of the Channel Islands Marine Sanctuary proposal. There are some similarities between the two documents because the sites are ecologically similar (e.g. both are island ecosystems which provide important marine mammal and bird habitat protection, because of the minimal amount of disturbance in those areas). Also, both are threatened by similar forms of development in the future. However, the two sites represent two biologically diverse ecosystems which are by their own nature unique.

2. See generic response C for a description of the activities which would be included in a management plan for the sanctuary. The Park Service's mandate tends to be more single purpose than that of the marine sanctuary program, although both programs emphasize long-term preservation.

3. The above regulations mentioned in your comment do not pertain to this sanctuary proposal. EPA along with the State air quality board sets the ambient air quality for the area.

1.

2.

3.

Ms. JoAnn Chandler

-2-

November 15, 1979

COMMENT

RESPONSE

2. Discharges or Deposits of Any Substance (pages F-102 and 3)

This appears to be an effort to prevent drilling effluent discharges and dredge spoil dumping. This prohibition seems unnecessary in light of the statement found on page F-72.

"The impacts of dredging, mining, dredge disposal and other activities which may alter the seabed presently are minimal. However, increases in such activity could pose threats to this area. The present regulatory system may not provide adequate protection for these sensitive resources."

Chapter E, on page E-66, describes a small dredge spoil site some 14 nautical miles south of Southeast Farallon Island which receives some 50,000 cubic yards of spoil per year. This is the rough equivalent of the cuttings discharges from one hundred wells. We believe the published DEIS should either discuss the results of scientific studies on the impact and geographic extent of this dredge spoil disposal activity upon the environment or the DEIS should explain more thoroughly the rationale for believing a serious threat exists and why further activity should be prohibited. It is difficult to believe that no studies have been conducted on this dredge spoil activity or that the SPO would propose a regulation without valid scientific documentation.

The numerous references in the draft chapters to high levels of turbidity indicate that temporarily suspended solids are not a serious threat to the environment but, in fact, are a naturally occurring condition.

We also believe the DEIS would be more complete, and accurate if the San Francisco Bar Site for spoil disposal was discussed in greater detail. It is located approximately the same distance from the boundaries of the proposed sanctuary as the referenced disposal site but the quantity dumped is much greater. In 1976, for instance, it received 1,390,000 cubic yards of spoil which approximates the cuttings discharges from 2700 wells. This is more than all of the offshore OCS wells drilled for the combined years of 1977 and 1978. Again, we are convinced that a study of an impact of this significance must have been conducted and the findings should be included in the DEIS.

3. Alteration of/or Construction on the Seabed (page F-104)

This proposed regulation would appear to exclude bottom trawlers, artificial reefs, drilling rigs, and platforms. Chapter E carefully documents the size and value of the bottom fishing industry in the proposed sanctuary area. The alteration to the bottom caused by bottom trawlers is well-known. Likewise, it is well-known that platforms are ecologically superior to any other item for artificial reefs. The proposed regulation excluding fishing, mariculture and plant harvesting from sanctuary regulations on page F-110 is noted. For the impact of drilling, please see the prior item.

2. See generic responses D and E.

3. There have been no studies of impacts of disposal at the 100 fathom site. Other existing work has been reviewed.

4. The San Francisco Bar Site is located 7 nmi west of the Golden Gate Bridge, and is well outside the proposed marine sanctuary boundary. Studies of the site would not appear to have great significant relevance for the sanctuary.

5. The proposed regulations have been modified to restate the exemption of bottom trawling, which is implicit in the proposed designation. Benefits derived from the artificial reefs created by the presence of a drilling or production platforms are relatively short-lived, but are noted in the FEIS.

RESPONSE

COMMENT

Ms. JoAnn Chandler

-3-

November 15, 1979

6. Operations of Vessels and Aircraft (pages F-105 - F-109)

The section is not clear. It appears to espouse double standards both between large and small vessels and between various types of vessels solely by ownership. As noted before, sanctuary regulations should be based on documentable science and by real impact rather than against arbitrarily determined user groups.

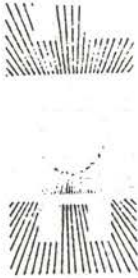
In summary, Exxon appreciates the value of protecting the marine environment. The public history of our operations and long experience in that environment attests to our concern. We believe that any objective consideration of national priorities would reject the arbitrary creation of sanctuaries almost exclusively for the purpose of preventing oil and gas operations as not only unsound but dangerous. Thus, we believe that the proposed sanctuary and its regulations are unnecessary, arbitrary, premature and prejudicial in excluding oil and gas activities.

6. The regulation has been rewritten to clarify its intent to exclude certain commercial vessels, which have no need to be present in nearshore sanctuary waters, or in sensitive areas. The basis for the restriction is set forth in the FEIS.

Very truly yours,



JRJ/DML/gb



COMMENT

May 27, 1980

Jo Ann Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D. C. 20235

Re: Draft Environmental Impact
Statement on the Proposed
Point Reyes-Farallon Islands
Marine Sanctuary

Dear Ms. Chandler:

The Environmental Defense Fund ("EDF") supports the designation of a Point Reyes-Farallon Islands Marine Sanctuary. Specifically, we support the preferred alternative (#2) identified in the DEIS. EDF may subsequently add its endorsement to a detailed analysis and critique of the proposed regulations that accompany alternative #2; such an analysis may be forthcoming from a coalition of environmental organizations.

Sincerely,


Michael J. Bean
Chairman, Wildlife Program

MJB/ry

cc: Bruce Barrett

RESPONSE

NO RESPONSE NECESSARY

COMMENT

RESPONSE

EXXON COMPANY, U.S.A.
POST OFFICE BOX 2180 · HOUSTON, TEXAS 77001

REGULATORY DEPARTMENT
REGULATORY AFFAIRS
J. R. JACKSON, JR.
JANUARY

November 15, 1979

Point Reyes/Farallon
Islands Marine Sanctuaries

Ms. JoAnn Chandler, Acting Director
Sanctuary Programs Office
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler:

This letter is in response to your letter of October 12, 1979 requesting comments on preliminary drafts of chapters E and F for the Point Reyes/Farallon Islands Marine Sanctuary DEIS.

On numerous occasions in the past, Exxon has submitted comments concerning its thoughts about marine sanctuaries. We will not repeat those comments again except to re-emphasize that we feel sanctuaries should be created only if special marine resources are seriously threatened and no other legal protective mechanisms exist. Further, both the threats and the protective controls should be scientifically supportable. Also, they should be based on realistic potential environmental impacts and applicable to all user groups.

Specifically, Exxon is disturbed at the inconsistency, vagueness, incompleteness, and inaccuracy of the two draft chapters. The content of the material suggests a bias against development of "natural resources" on the OCS which was surely never intended by Congress in the passage of the Marine Protection, Research and Sanctuaries Act of 1972. The goals of the oil and gas industry and the Office of Coastal Zone Management may not always coincide, but both should, and must, recognize a common duty to consider the public good as a whole. Rather than describe each flaw or error observed in the drafts, we offer the following comments on the proposed sanctuary regulations starting on page F-77.

1. Hydrocarbon Activities (pages F-75 - F-102)

Most of the 27 pages of concerns about OCS petroleum activity impacts upon the environment were thoroughly discussed and documented in API's response of August 31, 1979 to NOAA in discussing the Georges Bank Sanctuary. We strongly suggest a review of those comments.

1. The FEIS discusses the possible impacts of oil and gas development and indicates where controversy surrounds the issues.

COMMENT

RESPONSE

-6-

Area boundary and the sanctuary boundary. Similarly, for the other two Areas located partially within the National Seashore, overflight regulations would apply only over those portions within the proposed sanctuary boundary.

Third, the DEIS states on page F-68 that "...the proposed boundaries will integrate many of the important nearshore and island marine resources into one regime." Since the DEIS indicates (page F-103) that these Areas need additional protection from aircraft overflights, we recommend that the rationale for excluding the water areas of the National Seashore be discussed in detail in the FEIS so as to set forth the basis for this determination.

6. Military activities

Section 936.6(b) of the proposed sanctuary regulations states that "(a)ll activities currently carried out by the Department of Defense within the sanctuary are essential for the national defense and, therefore, not subject to (sanctuary) prohibitions." The basis for this conclusion is not supported in the DEIS, and it may, therefore, be unnecessarily permissive and thus needlessly inconsistent with the stated sanctuary objective of insuring that human activities and uses do not degrade habitat or otherwise threaten the health and stability of the marine ecosystem. For example, low-flying military (as well as private) aircraft have been reported frightening hauled-out marine mammals as well as seabirds along the Marin County shoreline, and it seems sensible that regulations against low-flying aircraft, should, to the extent possible, apply to all aircraft--private, commercial, and military--as well as differentiate, if appropriate, between regulation by aircraft type (e.g., fixed wing, helicopter, etc.). We believe that activities necessary for the national defense should be exempt from overflight regulations, but wonder whether the national security would be threatened if training flight paths were shifted by one mile so as to avoid disturbing the wildlife at the specific sites listed in the proposed regulations. Therefore, the Commission recommends that exemptions for military flights be limited to those which are essential to the national security and that the Office of Coastal Zone Management consult with the Department of Defense to attain compliance with sanctuary regulations for military overflights and other activities not critical to national defense.

7. Description of marine mammal populations

Information on marine mammal populations in the proposed sanctuary area is referenced in both Sections D and E of the DEIS. Although these presentations provide a good overview, several errors should be corrected.

8. NOAA believes the proposed boundaries are the most appropriate. Any difficulties arising in the enforcement of regulations near the National Seashore will be discussed and resolved with that agency.
9. As reported to NOAA, military activities in the area do not currently include low-level overflights near sensitive areas. The proposed regulation thus applies to all overflights.

COMMENT

RESPONSE

-7-

In the last paragraph on page D-1, a list is provided of pinnipeds which feed, haul-out, and pup in the study area. The Northern sea lion breeds at two and possibly three sites in the proposed sanctuary, and should be added to the list. Also, it may be misleading to include the California sea lion in the list of breeding species since only one female has been observed to use the area during the past five years for pupping purposes. Although this female may be the vanguard of a breeding population, its inclusion on the list should be qualified.

On Table E-4 on pages E-20 and E-21, the pinnipeds as well as the harbor and Dall porpoise are listed as either seasonal or transient species. The California sea lion, Northern elephant seal, harbor seal, and Steller sea lion as well as the two species of porpoise can be found year round in the proposed sanctuary area and the Table should be revised to reflect this fact.

On Table E-5 on page E-23, the description of harbor seal populations indicates that only 500 individuals occur in all of California. This estimate is incorrect and should be revised since approximately 700 harbor seals are presently resident within the proposed sanctuary alone.

Conclusion

In conclusion, we agree that the proposed sanctuary area includes significant populations of marine mammals and seabirds and warrants protection and further research efforts. We believe, however, that further description and analysis of the proposed research and management actions and mechanisms are necessary in order to evaluate the proposed actions.

Thank you for the opportunity to comment on the proposed Point Reyes-Farallon Islands Marine Sanctuary. If you have any questions on the above comments or recommendations, please do not hesitate to call.

Sincerely,


John R. Twiss, Jr.
Executive Director

10. These comments have been incorporated into the FEIS.

COMMENT

Ms. JoAnn Chandler, Director
Sanctuaries Program - OCZM
3300 Whitehaven St., NW
Washington, D.C. 20235

Dear Ms. Chandler:

We wish to reaffirm our support for the designation of the proposed Point Reyes - Farallon Islands Marine Sanctuary. In addition, we wish to assure your office of our support for your Preferred Alternative 2, as outlined in the DEIS for the above proposed sanctuary.

The area of this proposed sanctuary is one of the most productive offshore zones off the California Coast, due both to the diversity of habitats present and to the particular bottom upwelling and current mixing patterns of the area. The ecological and biological importance which this imparts to the Point Reyes-Farallon Islands area is self-evident.

This richness of marine life also provides favorable conditions for the largest seabird rookeries to be found in the contiguous United States. The fact that numerous sea birds and sea mammals classified as endangered or threatened are found in these waters clearly attest to the crucial ecological and research value which is provided by the area and which must be protected by means of a site-specific management program, embodying a holistic approach.

Under Preferred Alternative 2, we wish to note our concurrence with the exclusion of hydrocarbon exploration and development from the area of the sanctuary, as well as the strict prevention of adverse pollution and contamination effects. In this respect, we want the record to reflect our serious concern about possible oil spills and illicit discharges attributable to tanker traffic; it is our conclusion that such traffic should be routed around the sanctuary area in whatever manner is possible.

With regard to overflights, we would like to note that a minimum ceiling of 1000 feet is clearly inadequate to many experts on marine mammal behavior. Noted researcher Dr. Carleton Ray has manifested to us his conviction that behavior of pinnipeds will definitely be disrupted with an overflight stipulation of 1000 feet. We believe

The Marine Wilderness Society

Post Office Box 943
Miami, Florida 33165

that Dr. Ray's extensive experience in this regard should be heeded, and that overflights should be restricted to the 2000, or even 3000, foot level.

Thank you for the opportunity to comment on this important marine sanctuary proposal.

Sincerely,

Alexander Stone

ALEXANDER STONE
President
AS/bh

RESPONSE

1. See generic response G.

2. The 1000 foot minimum altitude for aircraft was chosen in order to be consistent with the regulations of the Farallon Islands Wildlife Refuge and Fish and Game Refuge and NMFS regulations on harassment of marine mammals. The effects of the regulation will be monitored.



COMMENT

NATIONAL FISHERIES INSTITUTE, INC.

RESPONSE

1101 CONNECTICUT AVENUE, N.W. ■ WASHINGTON, D.C. 20036 ■ (202) 857-1110

May 27, 1980

JoAnn Chandler, Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N. W.
Washington, D. C. 20235

Dear Ms. Chandler:

The National Fisheries Institute appreciates the opportunity to briefly comment on the draft environmental impact statement for the proposed Point Reyes - Farallon Islands Marine Sanctuary. Our review of the document reveals no new arguments which persuasively support the designation of a marine sanctuary for this area. Under Title III of Marine Protection Research and Sanctuaries Act of 1972, as amended (16 USC 1431-4) the Secretary may designate as marine sanctuaries those coastal and marine waters which he determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values. (emphasis added) Under pending legislation to authorize appropriations for the Act the House Committee on Merchant Marine and Fisheries in the Committee Report indicated its intent that the Secretary avoid duplicative regulatory authority and additional layers of bureaucracy where existing law and regulations provide sufficient protection.

On page C-2 the DEIS states "The protection afforded the shoreline by the Point Reyes National Seashore and the Farallon Islands by their state and national refuge status has so far sufficed to protect the resources in the area. . . . In addition, several federal and state agencies have authority to regulate specific threats or control individual resources." While the document goes on to express a concern that existing controls may not assure adequate protection in the future, the summary of existing activity within the area and the type of existing regulation does not conclusively show that existing state and federal authorities could not be coordinated so as to ensure protection for the area. In the opinion of the Institute, it is, in part, the function of the DEIS to conclusively demonstrate that existing programs will not preserve or protect the area.

1. See generic response C.

COMMENT

JoAnn Chandler, Director
May 27, 1980

Page Two

With regard to the management philosophy set forth in the DEIS, we are concerned that it is intended to "preserve the resources of the waters in and around the Point Reyes - Farallon Island offshore region in their present relatively undisturbed state." Expanded fishery development efforts are not necessarily synonymous with maintaining a region in an undisturbed state. The Institute is concerned with the indication that the basic management philosophy is opposed to the orderly development of resources found within the area. Evidence of the document's failure to show the necessity of designating a sanctuary to preserve or protect the area is clearly indicated in the section entitled "purpose and Need for Action" found on pages D-1 through D-5 of the document. Excessive reliance is placed upon the fact that no single authority is charged with preserving the ecological and biological value of the entire ecosystem and that there is no coordinating of authority which might evaluate the impacts of activity within the region. Based on this premise, the statement is then made that marine sanctuary designation could "supplement the administration effluent safeguards by establishing a mechanism for coordinating the various agencies and providing additional resources for enforcement." A possible alternative of encouraging greater coordination among the state and Federal agencies with statutory responsibilities is not discussed in the document.

2.

3.

4.

RESPONSE

Pacific Fisheries Management Council.

2. Although the primary management goal of the proposed sanctuary is the preservation of its living resources and habitat areas, this goal is not necessarily opposed to orderly development of the fisheries in the area. In fact, in the long run, the two goals should coincide.

3. See response 1 above.

4. The discussion of the status quo alternative identifies those areas where the present regulatory structure requires supplementation.

In summary, the Institute believes the marine sanctuary program continues to ignore specific provisions of the Act and its legislative history as well as more recent Congressional concern that there may be sufficient authority to protect resources in a particular area. The DEIS does not present sufficient facts to indicate that the area is presently being threatened or has been degraded to an extent that designation status is necessary to preserve or restore the area. The management philosophy set forth in the document is suspect inasmuch as there is no clear legal mandate for the sanctuary process to serve as a coordinating mechanism or that such a process is necessary to evaluate the cumulative impacts of human activity. It is our recommendation that this document be revised and that the revised document contain adequate discussion of existing authorities and the potential for achieving sufficient coordination of existing authorities. Further, any decision to propose the designation of the sanctuary due to the lack of sufficient state and Federal regulatory activity should be based on clearly documented evidence that adequate protection will not be provided.

Sincerely,


Gustave Fritschle
Director of Government Relations

cc: John Gilchrist, Rep. Gerry Studds, Rep. John Breaux, Rep. Joel Pritchard
Rep. Edwin Forsythe

COMMENT

Natural Resources Defense Council, Inc.

25 KEARNY STREET
SAN FRANCISCO, CALIFORNIA 94108
415 481-6561

Washington Office
1725 I STREET, N.W.
SUITE 600
WASHINGTON, D.C. 20006
202 293-8210

New York Office
188 EAST 42ND STREET
NEW YORK, N.Y. 10017
212 949-8049

June 2, 1980

Ms. JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235


Dear Ms. Chandler:

Enclosed are the comments of the Natural Resources Defense Council, Inc., on the draft environmental impact statement your office has prepared on the proposed Point Reyes-Farallon Islands marine sanctuary.

Overall, NRDC supports the designation of the Point Reyes-Farallon Islands area as a marine sanctuary. However, as set forth in our comments, we believe that the proposal should include considerably more detail, discussions of alternatives, and justification for specific regulations.

We recognize the considerable work your office has done on this proposal and would like to commend your efforts to date. We hope that our comments will be useful to you and your staff in the preparation of the final EIS.

Sincerely,



Trent W. Orr



TWO/kj
Encl. Bruce Barrett
cc: Bruce Barrett

COMMENT

The Natural Resources Defense Council, Inc. is an environmental public interest law organization with over 47,000 members and offices in San Francisco, New York, and Washington, D.C. NRDC wishes to submit the following comments on the proposed Point Reyes-Farallon Islands marine sanctuary. They specifically address the proposals set forth in the draft environmental impact statement (DEIS) and proposed regulations circulated by the Office of Coastal Zone Management of the National Oceanic and Atmospheric Administration (NOAA) in March, 1980, and are intended to offer suggestions for preparation of the final EIS on the proposed sanctuary. References to the proposed regulations are numbered in accordance with their publication in 45 Fed. Reg. 20907-11.

I. The Marine Sanctuary Designation

NRDC strongly supports the designation of waters offshore Point Reyes and the Farallon Islands as a marine sanctuary. The Point Reyes-Farallon Islands area is a truly unique setting deserving of the special protection marine sanctuary status can provide. It is a pristine and spectacularly beautiful coastal region which has special value because of its close proximity to a major metropolitan center -- San Francisco. In addition, the region provides valuable marine and shoreline habitats for a variety of seabirds, marine mammals, fish, and plant resources and supports many diverse commercial, recreational and educational activities of residents and visitors to the region.

NO RESPONSE NECESSARY

COMMENT

Special protection for the area is crucial now, with imminent plans to lease tracts for oil and gas development in the area under OCS Lease Sale No. 53 and the possibility of future lease sales even within the proposed sanctuary. The increased human activity and danger of oil spills and pipeline leaks which are certain to result pose real threats to the marine environment. Thus, while vigorously supporting the sanctuary designation, NRDC is concerned that adequate protection against hydrocarbon operations, discharges, dredging, navigation and other disturbances to the ecosystem be afforded at the outset, and that the regulations be based upon a careful and reasoned analysis of the impacts of these activities.

Presently there are numerous federal, state and local regulations which provide piecemeal protection to some of the resources of the area. The EIS should discuss more fully the insufficiency of current regulations to protect these resources and detail any instances of jurisdictional gaps which leave certain resources or regions unprotected, inadequate enforcement of existing regulations or lack of coordination between various agencies to the detriment of marine resources. It should also demonstrate how a marine sanctuary designation will improve the existing regulatory scheme.

II. Management of the Sanctuary

One of the greatest advantages of the sanctuary designation is that it would allow NOAA to establish an overall

1. See Summary, Sections F.1.c. and F.2. for a discussion of the current system for regulating the area and the effects and particular additional protection offered by the proposed sanctuary regulations.

COMMENT

management policy and plan for the conservation of resources in the area and to accommodate the activities of the existing federal, state and local authorities. NRDC previously recommended that the DEIS include a detailed management plan which carefully defines NOAA's management authority and its relationship with existing agencies (see NRDC Comments on Preliminary Chapters of the DEIS, pp. 2-3, 13-14 (Nov. 15, 1979)), and notes with regret the decision to develop such a plan following designation of the sanctuary (C-13). The lack of a clear management plan in the DEIS makes assessment of the proposed regulations difficult, and many of the deficiencies and ambiguities of the DEIS which these comments address would be alleviated by its presence. Without more information about the duties of the sanctuary manager and the means of coordinating various activities in the sanctuary, supporters of the proposed sanctuary will be unable to assess its effectiveness, and critics may charge that it does nothing to enhance or improve upon existing regulatory programs.

For example, the proposed regulations do include procedures for certifying permits issued by federal, state and local agencies (§ 936.9) and for permitting activities otherwise prohibited within the sanctuary (§§ 936.6, 936.8), but it is not clear from the DEIS what activities not specifically prohibited by the regulations require permits, if any. The automatic certification of permits, licenses and other authorizations issued pursuant to other authorities (§ 936.9(a)), in the absence of a detailed plan for their coordination, disservices

2.

3.

4.

2. See generic response A.

3. Activities not specifically prohibited by the regulations do not require sanctuary permits nor individuals permit certification. Section 936.9 has been clarified.

4. A management plan is being developed (see Section F.2.b. and generic response A). Requiring marine sanctuary certification of all individual permits and licenses would place a heavy burden on the sanctuary manager and seriously disrupt existing activities in the proposed sanctuary without necessarily benefiting the resources of the sanctuary. The marine sanctuary regulations and certification procedures are specifically designed to deal with all activities where sanctuary involvement is appropriate. However, the sanctuary management will include mechanisms to ensure that information on all activities on-going in the sanctuary are compiled and reviewed. If monitoring data reveal that aspects of the activities listed in the Designation require further sanctuary oversight, amendment of the regulations can be proposed to establish certification procedures in those specific instances.

y
es
r
sh

the purpose of providing comprehensive sanctuary management. The DEIS clearly recognizes the need to coordinate the diverse permitting and regulatory authorities of the many agencies having responsibilities in the area, to monitor the response of the system to various impacts and to assess their cumulative effects (D-4). The final document should demonstrate how a marine sanctuary will meet these needs. At the very least, procedures should be established to assure the Assistant Administrator or Sanctuary Manager ongoing review of all activities in the sanctuary.

5.

NRDC supports the designation of an on-site manager to administer and enforce sanctuary programs, policies and regulations, but the DEIS fails to make clear the sanctuary manager's role in implementing the regulations. The FEIS should include a management plan which clearly defines the sanctuary manager's authority and details how the responsibilities of the various agencies will be divided and coordinated to ensure efficient management of the sanctuary. The plan should describe which regulations require permits and which agencies will be responsible for issuing those permits, what permit standards will be applied and what agency will set these standards, and which agencies will be responsible for the enforcement of which regulations. Procedures should be established to assure the sanctuary manager notice of proposed and ongoing activities within the sanctuary and an opportunity to review and comment upon applications to other agencies before permits are issued. Unless the sanctuary

6.

5. The management plan will include provision for monitoring the effects of human activities on sanctuary resources. An advisory committee (see generic response B) would provide a principal coordinating mechanism for the sanctuary.

6. See generic response A and Section F.2.b. Except for permits and certifications issued by NOAA as set out in the proposed regulations, existing authorities shall continue to handle permitting as usual. A procedure to assure notice of, and an opportunity to comment upon permits of other agencies will be included in the sanctuary management plan.

COMMENT

RESPONSE

- 5 -

manager's role and relationship to other agencies is spelled out in this way, one of the most practical and important benefits of the sanctuary designation -- comprehensive management and coordination between the various agencies concerned with the area's resources -- may be lost.

The FEIS should also explain the sanctuary manager's relationship with NOAA and particularly with the Assistant Administrator of Coastal Zone Management, who is responsible for the certification and issuance of permits under the proposed regulations. Will permitting authority be delegated to the sanctuary manager? If not, what measures will assure the manager input into the certification process? The sanctuary manager, with the aid of an advisory board, is in a position to develop considerable expertise with respect to resources, activities and problems occurring in the area, which the Assistant Administrator should draw upon in exercising the permit certification responsibilities detailed in the regulations.

Finally, the sanctuary manager's enforcement authority needs to be defined. Enforcement of the regulations is a major function of on-site management (F-108), yet the DEIS does little more than list existing authorities which would be involved in a "State-Federal cooperative enforcement system" (F-110). The plan should outline the division of responsibilities among these agencies and clearly establish the sanctuary manager's authority with respect to their enforcement activities. Will the manager be able to order an agency to enforce a regulation? Will the manager be able to veto permits issued by other agencies, or to establish more stringent requirements? How will activities within the sanctuary be monitored to assure compliance with permit conditions and sanctuary

7. The Assistant Administrator will have the responsibility of certifying and issuing permits, based on the information and recommendation provided by the sanctuary manager. Delegation of authority will be considered in the future when sanctuary procedures are in place, if statutory amendments presently pending before Congress are enacted.

8. See generic response A. The Coast Guard and DFG will be the principal enforcement agencies in the sanctuary. The sanctuary manager will not have authority to veto or change permits issued by other agencies except as specifically provided by marine sanctuary regulations.

7.

8.

regulations?

The final EIS should answer these questions and demonstrate how the marine sanctuary designation will serve to coordinate the activities of various agencies and provide for comprehensive review of the cumulative impacts of permitted activities. We remind NOAA that the designation of a marine sanctuary must "clearly state the . . . management program under which it will operate" (15 CFR § 922.24), and recommend the inclusion of a detailed management plan in the FEIS. Only if such a plan is included can NOAA effectively demonstrate that the benefits of comprehensive management and coordination can be realized and that a marine sanctuary will provide more efficient management of the area's resources than exists presently.

III. The Sanctuary Boundaries

NRDC supports the designation of sanctuary boundaries in the preferred alternative over the other alternatives discussed, but the DEIS lacks sufficient data to justify the boundaries chosen. A more extensive and therefore more protective boundary might bear more relation to the purposes of the sanctuary and should be considered in the final EIS.

For example, the 1978 OCSLA Amendments established a fifteen nmi protective zone around the Point Reyes National Seashore in which oil and gas exploration and development activities are prohibited. NOAA at one time considered the option of extending the offshore boundary to 15 nmi so as to

COMMENT

RESPONSE

- 7 -

9. "provide a larger buffer for the mainland coast" (Issue Paper on Possible California Marine Sanctuary Sites, prepared by the Sanctuary Program Office, Office of Coastal Zone Management, NOAA, p. 22). As indicated in the DEIS, the sanctuary designation will assure the continued prohibition of leasing of OCS tracts within the 15 nmi boundary by preventing oil and gas activities within state waters (F-93). A sanctuary designation commensurate with the protective zone would not only be consistent with the intent of Congress as expressed in the Amendments, but would also afford the opportunity for comprehensive management of the protected area. Yet there is no explanation for the failure to consider this option in the DEIS, nor are the reasons given for preferring the lesser boundary over it. At the very least, the sanctuary should extend its management functions to all of the area covered by OCSLA Amendments, or show why this alternative is not feasible.

There are also three state coastal parks and portions of the Golden Gate National Recreation Area near the proposed sanctuary borders which might reasonably have been included within the sanctuary boundaries. Two of these parks were in fact mentioned in Section E as public scenic and recreation facilities close to the study area's limits (E-55). The Sonoma Coast Beaches State Park begins 2-1/2 miles northwest of the Bodega Head boundary and extends northward for 8-1/2 miles. Portions of this region have already been designated as a state underwater park. The Mount Tamalpais State Park is southeast of the Rocky Point boundary and the offshore area adjacent to the park is being considered for an underwater

10. The entire California coastline is dotted with Federal, State and local parks and beaches. The focus of the proposed sanctuary is the marine ecosystem off Point Reyes and the Farallon Islands and the boundaries reflect this emphasis. In addition, expanding the sanctuary to include all the areas listed in the comment would dilute the impact of limited program resources available for research, education and planning. Sanctuary activities, planning and programs will, of course, take into account the importance and protected status of these adjacent waters.

10.

COMMENT

-8-

10. park by the California Department of Parks and Recreation. The Marin Headlands State Park and portions of the Golden Gate National Recreation Area (Fort Cronkite, Fort Baker and Fort Barry) lie southeast of the Rocky Point boundary near the northern entrance to San Francisco Bay. Bodega Lagoon, though not a state or national park, touches the northern sanctuary boundary. Any or all of these coastal areas could logically have been a part of the marine sanctuary, yet there is no indication in the draft that they were ever considered for inclusion nor any explanation of why they were not. This type of information should be included in the final EIS in order to support and justify the boundaries chosen.

11. Finally, the proposed sanctuary boundaries should bear some rational relationship to oil spill clean-up capabilities. NOAA clearly recognizes that potential oil spills from well blow-outs, pipeline breakage and vessel accidents pose the most serious threat to the marine resources and environment of the Point Reyes-Farallons area (F-75 to 86). It is also clear that a buffer zone between potential oil and gas activities and the sanctuary resources is desirable and necessary (F-87 to 90). However, there is no data to indicate what would constitute an adequate buffer zone. The draft merely states that the buffer zone "ensures that . . . oil would have to undergo a minimum amount of weathering before reaching more sensitive nearshore and intertidal areas" and that "San Francisco Bay-based contingency crews

11. See Section F.2.c.1. The discussion of the impacts of an oil spill from OCS Sale #53 has been expanded based on the information now available in the BLM's DEIS on Lease Sale #53 and USGS's projection of possible oil spill trajectories. The six smi buffer along the PRMS is, of course, supplemented by the fifteen nmi exclusion of hydrocarbon operations established by the OCSLA. The detailed discussion of oil spill clean-up response time is impossible at present, due to the frontier nature of this lease sale area. The only existing spill response equipment in the area is designed for interior spills in the San Francisco Bay area. Oil spill response capability will be developed in the area if leasing proceeds and exploitation is planned. One important task of sanctuary management will be participation in the planning process, which will precede a decision on the necessary equipment and resources required in this sensitive area.

COMMENT

-9-

would have more time to reach the spill site and deploy containment equipment either at sea or around entrances to highly vulnerable lagoons and esteros." (F-87). NRDC agrees that a buffer zone is essential. However, the draft provides no evidence that the 12 nmi zone around the Farallons or the 6 nmi bank along the mainland coast will provide an adequate buffer zone in the event of an oil spill.

The final EIS should include detailed information on the speed at which oil travels under various conditions, the response times of oil-spill clean-up crews and the effectiveness of various containment and recovery equipment and control techniques under a range of conditions. As noted in the draft, the effectiveness of clean-up and recovery operations is dramatically affected by increased wave height, wind velocity, turbulence and other ocean conditions. The Point Reyes-Farallon Island offshore region is known for rough water conditions, strong currents, and frequent storm swells. (I-89).

Thus, sanctuary boundaries should be supported by, and chosen in accordance with, an analysis of oil spill containment and recovery capabilities under the worst set of conditions that could reasonably be expected to occur. Without this information neither NOAA, which prepares the EIS, nor the public, which reviews it, will be able to determine with any accuracy whether the proposed sanctuary boundaries will provide an adequate buffer zone from an oil spill. It should also be noted here that detailed oil spill information is not only relevant to the question of adequate sanctuary boundaries

COMMENT

-10-

but is directly related to the adequacy of proposed sanctuary regulations dealing with oil pipeline placement and oil tanker traffic through sanctuary waters.

In summary, NRDC urges NOAA to include in the DEIS a more detailed justification for its boundary selections which explains both significant omissions and inclusions and which accounts for oil spill clean-up capabilities. NRDC also specifically requests that NOAA reconsider expanding the proposed sanctuary boundaries to 15 nmi off the mainland coast to coincide with the OCSLA Amendments protective zone and consider extending the north and south boundaries to include the Bodega Lagoon and the ocean waters off the Sonoma Coast Beaches State Park, the Mt. Tamalpais State Park, the Marin Headlands State Park and the Golden Gate National Recreation Area.

IV. Regulation of Hydrocarbon Activities

NRDC supports the proposed sanctuary regulation which prohibits oil and gas exploration and exploitation activities within sanctuary boundaries. A stated purpose of this regulation is to "ensure the continued prohibition of leasing of Federal OCS tracts within 15 nmi (24 km) of the Point Reyes Wilderness Area by preventing oil and gas activities in State waters" (F-93). As amended following publication of the DEIS, however, the proposed regulations belie this purpose. Section 936.12(b) would permit amendments to the California Coastal Zone Management Program to "authorize in

state waters an activity prohibited by § 936.6" and authorize the Assistant Administrator to propose conforming amendments to the sanctuary regulations in that event. NRDC vigorously opposes this provision and urges NOAA to withdraw it from the proposed regulations, thereby foreclosing any option for future Lease Sales within the sanctuary. In general, it is difficult to see what the sanctuary designation would accomplish -- except temporarily -- if the state is free to alter the prohibitions with respect to state waters in the knowledge that OCZM is likely to follow suit. At the very least, the designation should serve to assure long-term protection of the sanctuary resources and preclude the opening of state or federal waters to oil and gas exploration and development.

In addition, the FEIS should include more data to justify that portion of the regulation which bans the placement of oil and gas pipelines within 2 nmi of the Farallon Islands, Bolinas Lagoon, and Areas of Special Biological Significance designated by California. NRDC recommends that NOAA reconsider the adequacy of the proposed pipeline regulation (and particularly the 2 nmi buffer zone) taking into account the adverse effects of oil on the sensitive marine environment and the effectiveness of oil spill clean-up capabilities under the worst conditions that could reasonably be expected to occur. The FEIS should include this type of oil spill information and should spell

12. Section 936.12, though not as significant in effect as suggested, has been deleted from the proposed regulations.

13. It did not seem appropriate to continue a complete prohibition on pipelines for an area larger than 2 nmi. Any project could be turned down but the case-by-case flexibility should be retained. For example, if it appeared that pipeline transport of oil and gas posed smaller environmental risks than the alternative of barging and tankering in a VTSS, the former could be allowed, rather than force the less desirable alternative. Of course, specific requirements such as pipeline placement would be imposed on a case-by-case basis, depending upon the individual circumstances.

COMMENT

- 12 -

out in detail the justification for allowing pipelines outside the buffer zone when certified in accordance with § 936.9. The draft states that the use of pipelines to transport oil or gas found pursuant to Lease Sale 53 appears unlikely because of the "geological instability of this region" (F-93 to 94). Although this statement seems to suggest that a pipeline exception is neither needed nor justified, the alternative of banning pipelines within the sanctuary altogether is not even considered. The FEIS should discuss this alternative and give reasons for its rejection.

13.
Under the regulations, it appears that pipelines may be placed outside the buffer zone "when certified to have no significant effect on sanctuary resources" (936.6(a)(1)). The regulation governing certification of permits states only that the Assistant Administrator must find pipeline or sewage permits "consistent with the purposes of the sanctuary and these regulations" (936.9(b)). The final EIS should include a fuller explanation of the standards under which permits will be certified. NRDC favors the more protective standard the certification requirement implies but the FEIS should clearly spell out what constitutes a "significant effect." We also support the provision under which NOAA may impose terms

and conditions on permits so certified. The FEIS should give full consideration to the alternative of imposing more specific requirements on pipeline placement, however; for example, that pipelines be buried or excluded from vessel traffic lanes to minimize damage from overhead vessels.

V. Regulation of Discharge of Polluting Substances

NRDC generally supports the proposed regulation which prohibits the deposit or discharge of any materials or substances except for certain limited exceptions. NRDC recommends, however, that the FEIS include a more detailed explanation of why municipal sewage outfalls would be permitted subject to certification by the Assistant Administrator for Coastal Zone Management. For example, in the Issue Paper on Possible California Marine Sanctuaries, one option considered was to require a specific level of treatment for all sewage outfalls. The FEIS should state why this alternative and any others considered were not adopted. It should also fully assess the environmental impacts of permitting sewage outfalls in order to justify the exception.

The draft states that "sanctuary certification of permits for municipal sewage outfalls will ensure sanctuary review of potential impacts on sensitive marine resources" and that the "certification process will be coordinated with EPA and with the State and Regional Water Quality Control Boards" (F-97). However, the draft fails to specify how this certification requirement will enhance existing regulations and what the standards for permit certification will be. Presently, a

14. Municipal sewage outfalls will be certified in the proposed sanctuary when there is a showing of no significant effect on sanctuary resources. Specific treatment, volume, location, and monitoring requirements will be considered by the Assistant Administrator on a case-by-case basis. A coordination mechanism with other permitting authorities to avoid duplication and delay will be developed as part of the management plan. This coordination should assure that sanctuary concerns are evaluated and resolved prior to the issuance of an NPDES permit, so that, in general, the NPDES permit conditions will be adequate. However, if issues are not so resolved, the Assistant Administrator will have the authority to refuse to certify the permit or impose more stringent conditions.

National Pollution Discharge Elimination System (NPDES) permit from a state Regional Water Quality Control Board is required for any municipal sewage outfall. Will the Assistant Administrator adopt the same standards required for an NPDES permit? Are these standards adequate to protect sanctuary resources? If they are, why is a special certification procedure necessary at all? If they are not, how will the certification procedure assure that protection? The draft is ambiguous on this point. While contemplating that "the Assistant Administrator will take economic considerations into account in NOAA's review" (F-97), the regulations require that outfalls be "certified to have no significant effect on sanctuary resources" (936.6(a)(2)(iv)). Can this certification be made on the basis of economic considerations? The FEIS should address these questions and set forth how the certification process will be coordinated with the EPA and Regional Water Quality Control Board so there will not be a wasteful duplication of procedures.

Finally, NRDC urges NOAA to broaden the discharge prohibition to protect against the dumping of dredge spoils, toxic wastes, and other harmful substances in the sanctuary area. As presently written, the discharge regulation lends itself to an interpretation that ocean dumping is not prohibited. This should be remedied in the final EIS and regulations.

VI. Regulation of the Alteration of or Construction on the Seabed.

The stated purpose of this regulation is to allow limited and ecologically sound dredging (particularly along

14.

15.

15. See generic responses D and E.

COMMENT

- 15 -

the mainland) at levels fairly certain not to harm breeding grounds, haul out areas and foraging areas (F-98). Unfortunately, the DEIS fails to show how this purpose will be achieved. The wording of the regulation is an improvement over that proposed in the preliminary draft, but a more complete explanation of, and justification for, the stated exceptions should be included. How do the exceptions for

"routine maintenance and navigation, mariculture and [dredging]

. . . for the construction of residences in Tomales Bay and new marinas" cover, for example, the U. S. Army Corps of Engineers' dredging in Bolinas Lagoon to restore its natural ecology (F-98 to 99)? What is the justification for allowing dredging for new marinas and for construction in Tomales Bay, and what will be the environmental effects of this exception? The FEIS should also make clear who will decide whether a particular activity falls within a certain exception, and how permission for dredging, drilling or construction is to be obtained. The standards under which dredging activities are permitted by the California Coastal Commission, and the effectiveness of those standards in protecting marine resources should also be set forth and evaluated. The FEIS should clearly articulate the sanctuary manager's authority in enforcing the regulation and provide for sanctuary review of construction and alteration activities to assure that the requirements of the regulation are met.

RESPONSE

16.

The proposed regulation on seabed alteration and construction has been rewritten (see Section F.2.c.3. and Appendix 1). There should be no ambiguity as to for whom any exceptions apply. For any activity not covered by an exception, the permitting requirements of Section 936.8 apply. Ecological dredging such as the possible COE project in Bolinas Lagoon is allowed; construction of new residences in Tomales Bay is not. Maintenance of existing facilities (including houses) and construction of piers and docks is allowed to avoid major economic impacts.

VII. Regulation of Vessels and Aircraft

The 1 nmi buffer zone around the Farallon Islands, Bolinas Lagoon, and the Areas of Special Biological Significance, as well as the 1000' limit on aircraft overflights, appears somewhat arbitrary. The draft devotes considerable discussion to the adverse impacts of near shore vessels on marine mammals and seabird rookeries (F-100) but offers no explanation why a 1 nmi zone was considered sufficient to prevent these adverse impacts. Nor is it evident from the draft what factors NOAA weighed in deciding to except fishing and recreational vessels from the 1 nmi restriction. The FEIS should include this information, and consider expanding the buffer zone to 2 nmi, as proposed by the California Coastal Commission.

NRDC takes issue with NOAA's expressed view that regulation of oil vessel traffic in the sanctuary would be premature at this time (F-102 to 103). The sanctuary regulations should establish effective protection of the area's resources at the time of designation, rather than waiting to respond, after the fact, to the increased vessel traffic that Lease Sale 53 will undoubtedly bring. A full consideration of the available alternatives is vital to the purposes of the sanctuary as well as to adequate preparation of the environmental impact statement under NEPA.

Given the adverse impact of oil on marine resources and the likelihood of increased oil tanker and barge traffic in the sanctuary as a result of the lease sale, NRDC urges NOAA

17. See generic response F and Section F.2.c.4. of the FEIS.

18. See generic responses F and G.

17.

18

COMMENT

- 17 -

18. to consider banning all such traffic within sanctuary boundaries. In the alternative, the DEIS should outline other options designed to minimize the danger of oil spills from oil transport vessels, such as the imposition of stringent safety standards for their operation and maintenance or the creation of a larger buffer zone between oil vessel traffic, the Farallons, and the mainland coast. In this regard, it should be noted that, although the draft contemplates consultation between NOAA and other applicable authorities should the occasion for regulating vessel traffic arise (F-103), the wording of the designation document seems to preclude the possibility of more extensive regulation. Article 4, section 1.d., permits regulation of navigation of vessels (except fishing vessels or vessels within a VTSS or port access route), but there is no authority for NOAA to require more stringent safety regulations unrelated to navigation. This should be remedied in the final regulations.

The FEIS should also consider making compliance with the VTSS mandatory in view of the likely increase in vessel traffic that will result from Lease Sale 53. The fact that voluntary compliance is presently 100% (F-26) should not be grounds for disregarding this option without considering the effects of these increases. Another alternative which should be considered is the restriction of oil vessel traffic to the Western (Main) Traffic Lane. There may be valid reasons, from the viewpoint of vessel safety, for maintaining the present system of vessel traffic regulation. If this is the case, however, the FEIS should provide a full

RESPONSE

19. See generic response G.

19.

19. explanation of those reasons as the basis for its decisions ,
not to regulate shipping traffic.

VIII. Conclusion

In summary, NRDC, would like to offer vigorous support for a marine sanctuary in the Point Reyes-Farallon Islands area, and to reemphasize the importance of a viable, comprehensive plan for managing the sanctuary's resources and coordinating the diverse activities of state, federal and local authorities within its boundaries. While generally supporting the proposed regulations, NRDC urges NOAA to include more detail, discussion of alternatives and justification for its decisions in the final EIS, and to specify the standards under which activities subject to sanctuary certification will be permitted. A more inclusive boundary, which takes account of the characteristics of the region, the likely extent of oil spill spread and existing statutory protections, should also be considered. This unique and valuable area is certainly deserving of all the protection and advantages a marine sanctuary designation can provide. We urge NOAA to give it that consideration in its final EIS.

COMMENT

RESPONSE

*The Northern California
Ports and Terminals Bureau, Inc.*

66 JACK LONDON SQUARE • OAKLAND 94607 • (415) 444-3188

May 19, 1980

JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, NW
Washington, D.C. 20235

Dear Ms. Chandler:

Re: Draft Environmental Impact
Statement on the Proposed
Pt. Reyes-Farallone Islands
Marine Sanctuary
March 1980

The Northern California Ports and Terminals Bureau, Inc. is comprised of the public and private ports served through the Golden Gate and San Francisco Bay. These comments on the referenced document stress the need for further clarification of some of the matters discussed.

The proposed new regulation establishes another permitting procedure for this Sanctuary. Your attention is directed to the enclosure which shows the permitting procedures already in effect in San Francisco Bay that also apply, with some changes in agencies, to those areas outside the Bay. Suffice it to say, the procedures are already complicated and duplicative. It, therefore, seems questionable whether the addition of another agency with another permit procedure, especially one administered from Washington, is a necessary or appropriate thing to do in the interest of good government.

Since a large portion of the ship traffic that enters the Bay enters through the dredged channel that is maintained by the Corps of Engineers, and since it may be appropriate in future years to modify that channel by deepening and lengthening it, the proposed regulation on alteration of or construction on the sea bed should be clarified to ensure that such dredging in or near the Sanctuary is not prohibited by these regulations. Future interpretations of the regulations, even though the intent may be clear to parties involved at this time, are matters of particular concern.

1. The sanctuary proposal involves limited permitting per se and certification. Generic response C sets forth the non-regulatory aspect of the program.

2. Sanctuary regulations only apply within the marine sanctuary boundaries. Thus, designation of a marine sanctuary will not affect the maintenance or alteration of the channel into San Francisco Bay, since that falls beyond the proposed boundary. However, the disposal of dredged material might be affected. See generic responses D and E.


RESPONSE

COMMENT

Office of Coastal Zone Management
Page 2 - May 19, 1980

The same concern over interpretations applies to prohibited activities which states that "hydrocarbon exploration and exploitation activities are prohibited...". Here the concern is that the "exploitation activities" not be interpreted broadly to mean the shipment of any petroleum products produced in other parts of the waters of the United States or international waters through the shipping lanes passing through the Sanctuary or near it. We conclude that that is not the current intention but feel that the language should be clear so that it will not be a future interpretation.

The intent of these comments is not to discourage the establishment of a marine sanctuary in this area but to ensure that it does not interfere with the viability of the port system in the San Francisco Bay area.

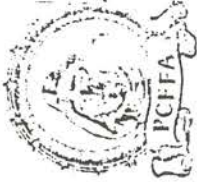
Sincerely,

Gerald R. Pope
President

GRP/gpl
Enclosure

3. Under international law, the marine sanctuary cannot impede the right of innocent passage. In addition, the proposed designation excludes navigation in a VTSS or PAR outside 2 nm from specified sensitive areas from sanctuary regulation.

COMMENT

RESPONSE



PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS, INCORPORATED

3000 BRIDGEWAY BUILDING, SUITE 104 • (415) 332-5080
P.O. BOX 1626, SAUSALITO, CA 94965, USA

2 June 1980

Office of Coastal Zone Management
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

RE: DEIS on the Proposed Point Reyes-Farallon Islands
Marine Sanctuary

To Whom It May Concern:

The Pacific Coast Federation of Fishermen's Associations represents 15 California commercial fishermen's organizations in California including the Bodega Bay Fishermen's Marketing Association, the Sausalito Fishermen's Association, the East Bay Fishermen's Marketing Association, the Crab Boat Owners Association and the Half Moon Bay Fishermen's Marketing Association. Fishermen belonging to these associations work within the areas being considered for the proposed marine sanctuary as do fishermen belonging to our other member associations during certain times of the year.

We have carefully reviewed the DEIS for the proposed sanctuary for Point Reyes-Farallon Islands. We wish to commend the authors for an excellent job. The DEIS recommendations answer many of the concerns voiced by commercial fishermen during the workshops. The DEIS recommends that the management of marine fisheries remain under the control of the California Department of Fish & Game or regulated by the Pacific Fishery Management Council. The DEIS is a thorough up-to-date catalog of resources for the area. It documents the wealth of resources found there, as well as the great importance of the area to commercial fishing interests (p. E-42). The DEIS recognizes the need to protect commercial fishing interests.

Commercial fishing activities are well documented (p. E-42). The outline of commercial fishing in the DEIS presents straight data, it is a thorough outline, excellent for reference. If the document were all that had to be contended with, we could readily endorse the preferred option-- Alternative #2. The commercial fishing industry would benefit from the protections and coordination that a sanctuary could offer.

However, despite the promise of protections the sanctuary has to offer, there are two major objections that our members have, not necessarily to the DEIS, but to the sanctuary proposal.

First, there are no assurances that the regulatory authority of the sanctuary will not seek to impose restrictions over commercial fishing. On pages F-66-68 the DEIS specifically states that fishing is an activity "clearly capable of generating conflict which could harm the

COMMENT

Office of Coastal Zone Management
RE: DEIS - Marine Sanctuary
Page Two
2 June 1980



resources of the marine area." Thus despite leaving the regulatory authority of fisheries to either the Department of Fish & Game or the Pacific Council, there is now created an official body capable of seeking additional restrictions over fishing within this area even though it itself (the Pacific Council) has no direct regulation authority. As an example, the Department of Interior has been notorious in this regard seeking to impose its will over marine fisheries.

Second, even if the Designation document precludes regulation of fishing activities within the sanctuary area, there is no guarantee that NOAA will not attempt to regulate fisheries anyway. The Fishery Conservation & Management Act of 1976 has provided a clear example of NOAA's unwillingness to obey laws passed by the Congress. Under the Department of Commerce, NOAA had steadfastly refused to manage fisheries, as they are required to, for optimum yield. They have refused to manage resources on the basis of the best scientific information available. There are no guarantees now that NOAA will obey the law, i.e., the designation document will be binding.

The two objections above, coupled with the fact that there are currently 10 state and 13 federal legislative acts affecting the proposed sanctuary area; the fact that so-called coordinating bodies themselves only result in an additional layer of bureaucracy with the same agency "turfs" remaining; and the fact that during periods of oil shortages it is unlikely sanctuary designations will be successful in halting oil exploration, development and transportation within a sanctuary, we see no choice but to recommend Alternative No. 1, the Status Quo Alternative.

Again, we wish to commend the authors of the DEIS for an excellent document. We recognize that they cannot be responsible for future actions of a sanctuary authority or the unwillingness of NOAA to obey federal statutes. Nor can they be responsible for future acts of Congress allowing energy development within a sanctuary. But, the commercial fishing industry has before endorsed protections (e.g., the FCMA) only to be burned. Despite the promises offered by a marine sanctuary, our past experience is our best guide; we cannot endorse this sanctuary. Alternative 1 is the only true protection offered the commercial fishing industry under the current administration.

Sincerely,

Zeke Grader
Zeke Grader
General Manager

ZG/djr

cc: Terry Leitzell, NOAA Administrator for Fisheries
Lucy Sloan, Executive Director, National Federation of Fishermen
California Department of Fish & Game
California Coastal Commission

RESPONSE

1. The DEIS does describe fishing both as a socially beneficial activity and as one of several uses of the proposed sanctuary capable of generating conflict which could harm sanctuary resources. However, in light of the mandate of the Regional Fisheries Councils and the Department of Fish and Game to preserve the fishery, NOAA does not feel that marine sanctuary regulation of fishing is warranted.

2. In the unlikely event that NOAA attempted to regulate fishing in violation of the Designation document, the courts offer a remedy.

3. See generic response C.

COMMENT

PACIFIC MERCHANT SHIPPING ASSOCIATION

635 SACRAMENTO STREET, SUITE 300
P. O. BOX 7681
SAN FRANCISCO, CA. 94120
(415) 866-7800

June 5, 1980

Dallas Miner, Director
Sanctuary Programs Office
Office of Coastal Zone Management
3300 Whitehaven Street N.W.
Washington, D.C. 20235

SUBJECT: PROPOSED MARINE SANCTUARY OFF POINT REYES AND
FARALLON ISLANDS IN CALIFORNIA

Dear Mr. Miner:

This confirms in writing PMSA's oral testimony before your Office in San Francisco on May 13.

We are speaking on behalf of American and foreign steamship lines operating out of the West Coast ports. These lines extensively use the waters on the approaches to San Francisco Bay. As we said once before, shipping interests are not opposed to the establishment of a marine sanctuary. We only want to insure that whatever is established will not interfere with vessel operation and navigation. Along these lines, we appreciate the modification of the Environmental Impact Statement to exclude supervision by marine sanctuaries managers of vessel operations and navigation in established Coast Guard vessel Traffic Separation Schemes or fairways and outside the one-mile buffer zone from the Islands or coast. However, this still leaves a sizeable area within the 12-mile sanctuary boundary which is not governed by the Coast Guard TSS but nevertheless is necessary for vessel navigation. Vessels use this area before picking up the TSS or arriving at the bar pilot station. Additionally tugs and barges normally try to stay out of the way of the deep-draft vessels in the TSS and use the close-in waters to take advantage of the current and shelter.

PMSA recommends that regulations of vessel operations and navigation outside of one mile, or if necessary two miles from the islands or coast of the sanctuary should be left to the Coast Guard whether or not it is in an established TSS or fairway.

Once again we would like to thank you for giving us the opportunity to express our views on this important matter. As you know, this is one of the busiest ports on the West Coast and not only do vessels need safe and clear access, but the local economy is heavily dependent on ocean commerce.

Very truly yours,


PHILIP STEINBERG, President

PS:rl

RESPONSE

1. Sanctuary regulations on navigation are applicable only as consistent with international law and will not violate the right of innocent passage. Thus, no future regulation will render ships unable to reach the VTSS. Moreover, the U. S. Coast Guard is currently considering various options for port access routes for San Francisco Harbor, which would either extend the VTSS out to meet a coastwise shipping lane from Oregon to Point Arguello, or avoid the Gulf of the Farallons completely.
2. Tugs and barges would be prohibited from the 2 nmi buffer zone; however, limited protection would not impose major delays or costs on such vessels, since the VTSS generally follows the most direct and safest route
3. Under the proposed regulation, the marine sanctuary does not regulate vessel traffic beyond 2 nautical miles from sensitive area. However, if in the future, conflicts between shipping and sanctuary resources should arise, perhaps due to increased use levels, NOAA reserves the right to regulate vessel traffic in the sanctuary as consistent with International law, except in a Coast Guard designated PAR or VTSS.

COMMENT

RESPONSE

POINT REYES BIRD OBSERVATORY

4990 Shoreline Highway, Stinson Beach, California 94970
Telephone (415) 868-1221

12 May 80

John Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler,

We would like to compliment you on your DEIS on the proposed Pt. Reyes/Fallon Islands Marine Sanctuary, a project PRBO wholeheartedly endorses.

The special attributes of this region have already been recognized in the fact that there already exist in the area two major national parks, various state parks, a National Wildlife Refuge, a National Wilderness Area, several state reserves and Areas of Special Biological Significance, and a County Game Refuge. What has not been formally recognized is that the adjacent waters which link all of these specific areas deserve special status as well. These parks and preserves do not exist in isolation; the waters around and in them contribute significantly to their existence and well-being. It is this concept that we would like to see expressed more in the EIS and in planning for the Sanctuary after it is designated.

PRBO has several specific suggestions for the EIS which we will submit in writing. There is one major point we want to emphasize. We would like to see the Sanctuary take the lead in negotiating the elimination of non-emergency military low-level overflights at a few sensitive areas such as Bolinas Lagoon, Drakes and Limantour esteros, and the Fallones. Our position is that all aircraft, civilian and military, should be prohibited from disturbing marine mammals and other wildlife. The only exceptions should be flights such as Coast Guard Search and Rescue operations. A recent study by PRBO for the Marine Mammal Commission on Harbor Seals on Bolinas Lagoon indicates that aircraft, particularly military helicopters, are a significant source of disturbance. We have made similar observations, though less frequently, in the other areas mentioned above. We would like to see the Sanctuary make a major contribution toward the solution of this problem.

We would also emphasize that the prohibition on hydrocarbon development within the Sanctuary is entirely appropriate and desirable.

Thank you for this opportunity to comment here where those most affected by the proposed Sanctuary reside.

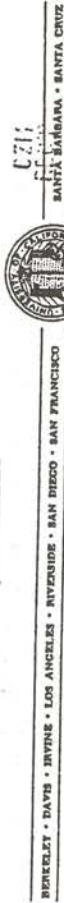
Sincerely,

Burr Heneman
Burr Heneman
Executive Director

1 The proposed regulations prohibit overflights below 1000 feet within one nautical mile of sensitive areas such as the Fallon Islands and Bolinas Lagoon, (Drakes and Limantour Esteros are not in the proposed sanctuary) With the exception of the U.S. Coast Guard, search and rescue missions, NOAA has not been able to confirm any information on military flights over sensitive areas in the proposed sanctuary. If violations of the overflight regulations occur after designation of the sanctuary, the sanctuary manager will identify and prosecute violators.

COMMENT

UNIVERSITY OF CALIFORNIA, BERKELEY



CZU

SANTA BARBARA • SANTA CRUZ

30 MAY - 9 PM 11: 10

SCHOOL OF LAW (BOALT HALL)
BERKELEY, CALIFORNIA 94720
TELEPHONE (415) 642- 5733

May 6, 1980

Ms. Jo Ann Chandler
Director, Sanctuary Programs Office
Office of Coastal Zone Management
National Oceanic and Atmospheric Administration
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler:

I write in support of the proposed designation of the Point Reyes/
Farallon Islands Marine Sanctuary. As a student and teacher of Environmental
Law, I think it vital that NOAA carry through on its statutory authority to
create marine sanctuaries, and afford protection to marine habitats and
environments of a sort that has long been recognized as necessary and
appropriate in the case of habitats on land. The Point Reyes/Farallon
Islands area is one with which I am familiar, and which fully deserves the
proposed designation. Not only are its resources and species of great
importance, but the designation of an area so close to a major population
center that attracts many tourists could form the basis of an extremely
important educational effort.

Sincerely yours,

Richard B. Stewart

Richard B. Stewart
Visiting Professor of Law

RBS:lm

NO RESPONSE NECESSARY

COMMENT

1 Whitaker Cove.
Berkeley, CA. 94708
May 19 1980.

Federal Office of Coastal Management
3300 Whitehaven St. N.W.
Washington D.C. 20235

Dear Sirs

I am writing in support of the proposed marine Sanctuary of the Farallone Islands adjacent waters, as shown in the May 14th issue of the San Francisco Chronicle.

This Sanctuary has been needed for a long time to protect the Farallones the present threat of drilling for oil & gas in the territory it would protect makes it even more necessary.

Oil Spills in this vicinity would seriously threaten San Francisco Bay & would kill off many of the birds & the great variety of fish that use the Farallones & the waters surrounding them. They would also destroy the beaches for

NO RESPONSE NECESSARY

COMMENT

^r
miles in either direction on the coast of
the beaches all the way around San Fran-
cisco Bay. And oil leaks are a certainty when
the Ocean bottom is disturbed by drilling.

People who live in this part of Califor-
nia will all be for your proposition with
the exception of the companies who plan
to do the drilling. Please don't let their
greed lead to the destruction of a very
beautiful part of California.

Yours Sincerely

J. D. Stitt,

COMMENT

1334 San Vicente Bl.
Santa Monica, Ca. 90402
May 20, 1980.

John C. Audler
Washington, D. C.
Dear Madam:

I am writing you to see if
you support the proposed Marine
Sanctuary as outlined in the
Draft Environmental Impact
Statement.

Also some recent full im-
plementation of specific regulations
that protect all birds and
birds who nest here or migrate
thru this area.

Commercial interests will
oppose the sanctuary, but there
are other areas for their projects,
whereas there is none for the
birds and sea mammals.

Thank you for all you can do,
they cannot speak for themselves,
Sincerely

Dr. James D. Fisher

NO RESPONSE NECESSARY

COMMENT

May 30, 1980

JoAnn Chandler, Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Director Chandler:

Please vigorously support and work for prompt implementation of the excellent proposed Point Reyes/Farallon Islands Marine Sanctuary off the coast of California. I have reviewed the Draft Environmental Impact Statement on this sanctuary proposal, and I believe that this DEIS amply documents the importance and compelling need for this sanctuary designation.

At least 23 marine mammal species, including migrating gray whales, are known to use these waters, and probably over half of the nesting marine bird pairs in California utilize lands within the sanctuary boundaries. These and other magnificent natural values, however, are threatened by the cumulative increase of development activities now taking place. The prospect of off-shore oil drilling is especially troubling. With these concerns in mind, I support the DEIS's preferred alternative #2 and the specific regulations contained therein.

These necessary regulations would prohibit oil exploration and exploitation, prohibit most marine discharges and dumping, prohibit construction on or alteration of the seabed, prohibit unnecessary operation of vessels, and prohibit disturbing marine mammals and birds.

These regulations should be strengthened in several important respects. The California Coastal Commission's recommendations should be adopted to prohibit all dredge spoil disposal, and expand the "buffer" around the Farallon Islands and other biologically important areas to two (2) nautical miles. Vessel traffic within these "buffers" should be regulated if it appears that continuous or increased levels of vessel traffic are disturbing wildlife. The DEIS acknowledges that such disturbance may occur, yet the proposed regulations would exempt all fishing, recreational, and research vessel traffic within the "buffers." More attention is also needed to the foreseeable dangers from increased oil tanker traffic. Thank you for considering my comments.

Sincerely,

Lynne M. Haugen
Lynne M. Haugen
6330 Havenside Drive, #5
Sacramento, CA 95831

RESPONSE

1. See generic response on dredge activities D. See also generic response F.

2. The regulation of vessels is addressed in part at reducing the risk of pollution from accidental or illegal spills or groundings. These aspects are of particular concern with large vessels and those having no particular need to be in the area. Reducing the occasions for disturbing wildlife habitats is likewise of concern, again, particularly when the vessels have no need to be in the nearshore waters. NOAA will monitor the effects of the regulation.

COMMENT

RESPONSE

May 23, 1980

Jeana Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N. W.
Washington, D. C., 20235

Dear Ms. Chandler:

In this tumultuous world of crises and needs we must not lose sight of the needs of wildlife and its habitat. When we are responsive to such needs, we also benefit in many ways.

Please support the Proposed Point Reyes/Farallon Islands Marine Sanctuary as outlined in the Draft Environmental Impact Statement. Please also support and request full implementation of the specific regulations to prohibit hydrocarbon exploration and exploitation, prohibit most marine discharges and dumping, prohibit construction or alteration of the seabed, prohibit unnecessary operation of vessels, and prohibit disturbing marine mammals and birds.

See generic responses D, E, F, and G.

Sincerely yours,

*Ms. J. Hunter
Family and Friends*

2137 Seventh Avenue
Sacramento, California
95818

C. C. Bruce Barrett
Alan Cranston
S. I. Hayakawa
Robert Matsui

COMMENT

Carrie Kutching
Box 408,
Suenness, Calif.
94937

Dear Sir -

I was very glad to hear of the proposed Sanctuary for the Point Reyes Area. It offers a glimmer of hope that maybe we can save this wonderful place from the oil companies.

I understand from an article in the Point Reyes Light (May 22, 1980) that local fishermen and oyster farmers are opposed to it because they fear more restrictions and regulations. I hope someone will point out to them that however much it might inconvenience them or even cause financial hardships ^(in the sanctuary) it is necessary to protect their very livelihood. If all the fish are dead or poisoned, they will have a much harder time and so will we all. These wonderful natural

and must be protected. I only wish the whole coast of California were a Sanctuary. I urge you to implement the Point Reyes-Farnallows Sanctuary as soon as possible. Thank you.

Carrie Kutching

NO RESPONSE NECESSARY

COMMENT

I favor the idea of a sanctuary & any other
limits which will ~~limit~~ ^{PROTECT} ACCESS to our coastal waters
from oil drilling & oil spills.
I hope that the ^{3 nautical mile} Territorial sea

limit will NOT ever be trespassed upon by
ANY oil related activities ANYWHERE ON OUR
COAST.

Please love your Mother Earth,

Arthur Levine

How about requiring oil companies to pay
fisherman

NO RESPONSE NECESSARY

COMMENT

Dear Jo Ann Chandler,
I am an avid abalone fisherman, sport diver, and water lover. I've had water disease since I was a boy. We used to have a boat on Lake Michigan for 11 years. My family went down to Florida every year. We also fished the trout streams in Michigan and Montana.

In each case we've seen damage done to a once pristine environment. My father could tell you stories on and on about the way things used to be. But now there are no more trout in the Michigan rivers due to overkill. Our favorite fishing spot in Florida, the Indian River is polluted and the area surrounding it is over developed. Lake Michigan has suffered too. Fortunately not as bad as Lake Erie.
These are just a few bad cases in my experience. I've

NO RESPONSE NECESSARY

COMMENT

read about many other instances of beautiful waters being turned into waste. I'm sure you're aware of different examples also.

I dive right off Pt Reyes! usually get my limit. I love it but I would give it up in a second if I knew we were damaging the eco system irreparably.

I'm writing to support the Point Reyes - Farallon Islands Marine Sanctuary, specifically Alternative 2. It probably wouldn't mean a ban on abalone but if it did I would still support it. We have to look at the bigger picture.

The oil companies also have to look at what is best for the whole planet. So does everyone. We need energy and food from the sea but we must conserve. We're already consuming more energy and food than any other

COMMENT

country, against Lease Sale # 53.
It's too risky having ships
cruising through those waters.
A spill is inevitable. Or a
blow out like what happened
in Mexico with American equip-
ment. They're still trying
to estimate the damage from
that disaster.

Please send me a copy of
the draft environmental im-
pact statement for the Marine
Sanctuary.

I hope this proposal goes
through to protect life off
the California coast. I know
if it's done it'll turn out
like the rivers of Michigan, the
waters of Florida, or the once
great Lakes. Thank - you
[2412 Grove St. Michael Hobbs
Berkeley, Ca. 94704]

RESPONSE

COMMENT

V

82 Havelock Street
San Francisco, CA 94112
May 12, 1980

SUBJECT: PROPOSED POINT REYES/FARALLONES
ISLANDS MARINE SANCTUARY

JoAnn Chandler, Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven St., N.W.
Washington, D. C. 20235

Dear Ms. Chandler:

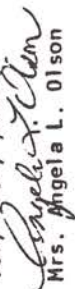
As a concerned Californian and very interested in preserving our environment, I am writing to ask your support for the proposed marine sanctuary as outlined in the recently released Draft Environmental Impact Statement.

This area is so necessary for the many marine bird species that nest and breed here. There are also many species of marine mammals including whales that migrate through this area yearly.

I also urge and request full implementation of the specific regulations to prohibit oil exploration and exploitation; prohibit most marine discharges and dumping; prohibit construction on or alteration of the seabed; prohibit unnecessary operation of vessels and prohibit disturbing marine mammals and birds.

This area is very fragile and should be protected as a wild preserve. Being so close to the Bay area - it is a wonderful place to visit and to see the wonders of nature. Please lend your efforts toward making this a marine sanctuary.

Very truly yours


Mrs. Angela L. Olson

See generic responses D, E, F, and G.

RESPONSE

COMMENT

May 17, 1980

JoAnn Chandler, Director
 Sanctuaries Program
 Office of Coastal Zone Management
 3300 Whitehaven Street, NW
 Washington, DC 20235

RE: Proposed Pt. Reyes/Farallon
 Islands Marine Sanctuary
 California

Dear Ms. Chandler:

We want you to know that we SUPPORT the referenced proposed marine sanctuary as outlined in the Draft Environmental Impact Statement. We feel that full implementation of the specific regulations to prohibit oil exploration and exploitation should be carried out. We also feel that unnecessary operation of vessels should be prohibited and marine mammals and birds should not be disturbed in this area... along with prohibiting any dumping in the waters. We hope there won't be any construction in the area.

Thank you,

R. J. Peterson
 R. J. Peterson
 P. O. Box 6723
 Santa Rosa, CA 95406

Nancy Peterson
 Nancy Peterson (Mrs.)

See generic responses D, E, F, and G.

CC: Bruce Barrett, Acting Director
 Office of Environmental Affairs, Washington DC

Rep. Don Clausen
 Washington, DC

Sen. Alan Cranston
 Washington, DC

Sen. S. I. Hayakawa
 Washington, DC

COMMENT

RESPONSE

4171 E. Third Avenue
Napa, CA 94558

May 14, 1980

Dallas Moner, Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street
N.W. Washington, D.C.

Dear Sir:

I wish to voice my comment concerning the proposed Point Reyes-Farallon Island Marine Sanctuary.

Bodega Bay is port for a substantial number of the West Coast's small boat fishermen. We're restricted to this area because of the difficulties to such craft going over the bar out of San Francisco Bay.

The control of this area is already governed by eight state and eleven federal agencies, which I feel is more than sufficient. Rather than spend more money on proposed sanctuaries, I prefer we maintain "Status Quo."

Sincerely,

J. E. Powers

cc: Rep. John Breazu
Chairman of the Fisheries and Wildlife Subcommittee
Room 204 Cannon House Office Building
Washington, D.C. 20515

Rep. Don Clausen
U.S. House of Representatives
Washington, D.C. 20515

1. See generic response C. Bodega Harbor is not included in the proposed sanctuary boundaries.

RESPONSE

COMMENT

Dear Mrs. Chandler,

I urge you to support the proposed Point Reyes/Farallon Islands Marine Sanctuary as outlined in the Draft Environmental Impact Statement. In addition, I would also urge you to support and request full implementation of the specific regulations to prohibit hydrocarbon exploration and exploitation, prohibit construction or alteration of the seabed, and prohibit disturbing marine mammals and birds. There is a compelling need to establish this sanctuary.

There are significant numbers of marine birds that use this area, including 12 of the 16 marine bird species known to breed on the west coast. At least 23 species of marine mammals have also been seen in this area. Yet these and other natural areas are threatened by the cumulative increase of development activities. We have a golden opportunity to save a valuable ecosystem and its wildlife, let us not waste it.

Please send me a response to my letter as soon as possible.

Sincerely,

Richard Rodgers

See generic responses D, E, F, and G.

COMMENT

May 22, 1980

JoAnn Chandler, Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven St., N.W.
Washington, DC 20235

Dear Director Chandler:

I urge your support of the proposed marine sanctuary as outlined in the Draft Environmental Impact Statement on the Proposed Point Reyes/Farallon Islands Marine Sanctuary.

The need to establish this sanctuary is compelling, since large numbers of marine birds use this area, and many species of marine mammals also frequent this area.

Please also support and request full implementation of the specific regulations to prohibit hydrocarbon exploration and exploitation, prohibit most marine discharges and dumping, prohibit construction on or alteration of the seabed, prohibit unnecessary operation of vessels, and prohibit disturbing marine mammals and birds.

Please support the establishment of this sanctuary.

Very truly yours,

Nancy A. Shull

Robert A. Shull

Robert W. Shull

Virginia C. Shull

25 St. Albans Avenue
South Pasadena, CA 91030

See generic responses D, E, F, and G.

RESPONSE

RESPONSE

COMMENT

May 18, 1980

Jo Ann Chandler, Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street N.W.
Washington, D.C. 20235

Re: Marine Sanctuaries

Dear Madam:

Please support the proposed Marine Sanctuaries as outlined in the Draft Environmental Impact statement.

I request full implementation of the specific regulations to prohibit oil explorations and exploitation, to prohibit marine discharges and dumping, construction on or alteration of the seabed, and to prohibit the disturbing of marine mammals and fish.

Thank you for your kind attention.

Sincerely,

Dawn Schulte

(Miss) Dawn Schulte
354 Park Street
San Francisco, Ca. 94110

See generic responses D, E, F, and G.

COMMENT

388 Carrera Drive
Mill Valley, CA 94941
14 May 1980

Office of Coastal Zone Management
2001 Wisconsin Avenue, NW
Washington, D.C. 20235

Dear Sirs:

Having read in this morning's San Francisco Chronicle (article enclosed) of the Point Reyes-Farallon Islands Marine Sanctuary proposed by your office, we now write to express our endorsement.

Although we did not know of the public hearings regarding the plan, we heartily endorse the concept - as delineated in the enclosed article.

Please count our "votes" in favor of the planned sanctuary.

Sincerely,

Mary Hilderman Smith
Mary Hilderman Smith
Jeffrey Arthur Smith
Jeffrey Arthur Smith

NO RESPONSE NECESSARY

COMMENT

May 21, 1980

JoAnn Chandler, Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Director Chandler:

I urge your support of the proposed marine sanctuary as outlined in the Draft Environmental Impact Statement on the Proposed Point Reyes/Farallon Islands Marine Sanctuary.

The need to establish this sanctuary is compelling, since large numbers of marine birds use this area and many species of marine mammals also frequent this area.

Please also support and request full implementation of the specific regulations to prohibit hydrocarbon exploration and exploitation, prohibit most marine discharges and dumping, prohibit construction on or alteration of the seabed, prohibit unnecessary operation of vessels, and prohibit disturbing marine mammals and birds.

Please support the establishment of this sanctuary.

Very truly yours,

June R. Spotts
(Mrs.) June R. Spotts

300 Eula Drive
Montebello, CA 90640

RESPONSE

See generic responses D, E, F, and G.

COMMENT

316 East Pershing
Cheyenne, WY 82001
May 14, 1980

Ms. JoAnn Chandler
Director, Sanctuaries Program
Office of Coast Zone Management
3300 Whitehaven Street, N. W.
Washington, D. C. 20235

Dear Ms. Chandler:


I have written before, but I am so concerned about the proposed Point Reyes/Farallon Islands Marine Sanctuary that I must write again. I am a California resident temporarily residing in Wyoming but I keep in daily touch with matters in California affecting all facets of California life, and one of the most important to me is the protection of our magnificent coastlines and of our wildlife and bird life.

It is absolutely impossible for me to fathom anything but total support of the proposed marine sanctuary as outlined in the Draft EIS. And full implementation of the specific regulations prohibiting oil exploration and exploitation is another absolute must. We must also totally prohibit most marine discharges and dumping and stop construction on altering the seabed, stop unnecessary operation of vessels thru the area, and most important of all stop any kind of the above and other disturbances of the marine mammals and birds in the area.

I know that commercial interests will mount a massive campaign against comments and sentiments such as I express, and I know the incredible pressures that will be brought against your office to ignore protection of the marine mammals and birds!

Nevertheless, commercial interests not only must but should take not just a second seat, but a totally bottom seat, in this issue. The mammals and birds must come first. Surely a nation which can send a man safely to and from the moon can manage somehow the fine balance between protecting our disappearing marine life and the necessities of oil, etc., that we need to maintain our daily life. I just cannot fathom that a nation with the technological expertise we have cannot find a reasonable and workable solution to "both sides of the fence in this issue."

Yours truly,


(Mrs.) J. R. Stallings

Home: Alameda, California

cc: Bruce Barrett, Acting Director
Office of Environmental Affairs
Room 3425, U. S. Dept. of Commerce
Washington, D. C. 20230

See generic responses D, E, F, and G.

RESPONSE

COMMENT

RESPONSE

DEAR JOANN CHANDLER

I URGE SUPPORT FOR THE
PROPOSED MARINE SANCTUARY
AS OUTLINED IN THE DRAFT
ENVIRONMENTAL IMPACT
STATEMENT. ALSO FULL
IMPLEMENTATION OF THE
SPECIFIC REGULATIONS TO
PROHIBIT HYDROCARBON OIL
EXPLORATION AND EXPLOITATION,
PROHIBIT MOST MARINE DIS-
CHARGES AND DUMPING,
PROHIBIT CONSTRUCTION ON
OR ALTERATION OF THE
SEABED, PROHIBIT UNNECESSARY
OPERATION OF VESSELS, AND
PROHIBIT DISTURBING
MARINE MAMMALS AND
BIRDS.

See generic responses D, E, F, and G.

YOURS TRULY
Robert Glaser
GLASER

455 Arlington St., Apt. 9
San Francisco, CA 94131

RESPONSE

COMMENT

May 22-1980

To Ann Comolite, Director
Sovereignty Program
Office of Cape Law Management
Washington, D.C. 20235

Dear Miss Comolite:

We plead for support of
NOAA's ALTERNATIVE 2 TO OUR
THE FOUR-KEYS-FRENCH ISLANDS
MARINE STRUCTURE.

A SOVEREIGNTY ADVISORY COMMITTEE
SHOULD BE CREATED TO WEIGH ALL
THREATS TO THE 1972 MARINE BIODIVERSITY
RESERVE AND SOVEREIGNTY ACT-
AGAINST SUCH AS CONGRESSMEN'S
RETRAX AND FOXYTHE.

per Elizabeth A. Ginnell
8140 Terrace Drive
Pittsburgh, Pa. 15237

2. Who's the problem with these
100 Congressmen? (A Democrat
from Louisiana, a Republican
from New Jersey) Who is
their concern with oil off
the Carolina coast?
Our borders-

E.G.

1. See generic response B.

2. NOAA cannot address the motives or interests of particular
Congressmen.

COMMENT

National Seashore. He truly requires this sanctuary as many hundreds of marine birds use the area, including 12 of the 16 marine bird species known to breed on the west coast. Over half of the nesting marine bird pairs in California utilize lands within the sanctuary boundaries. At least 23 species of marine mammals have also been sighted in this area, including gray whales on their annual migrations. These natural values are being threatened by the cumulative increase of human developmental activities in the area (with the prospect of off-shore drilling especially disturbing). With Commercial interests opposed to the sanctuary and protective regulations, I wanted to add this letter with my support for the Proposed Point Reyes/Sutallon Islands Marine Sanctuary.

Most Sincerely,

Dyanne Sabir

PHYLLIS M. FABER
318 DEL CABA DRIVE
MILL VALLEY, CALIFORNIA
94541

May 23, 1980

COMMENT

Ms. Jo Ann Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N. W.
Washington, D.C. 20235

Dear Jo Ann:

Congratulations for the production of a most thorough and competent D.E.I.S. on the proposed Point Reyes/Farallon Islands Marine Sanctuary and for your presentation at the Point Reyes hearing last Tuesday. I regret your time here was so short. The post hearing thoughts seemed a bit frenetic.

I did not comment at the hearing because I have felt that a partial (non-acquisition funded) Estuarine Sanctuary Program offers the Tomales Bay area more in the way of protection and integrated research and educational programs. Obviously, your hearing was not the time to explore the reality of the above thought. I do think it is important that the marine sanctuary not preclude consideration of the estuarine program.

As a part of the preparation of the final document, would you review the following items:

1. Do the two programs overlap in management and/or program or would they enhance one another?
2. Under the marine sanctuary program could research projects be funded which include the watershed of Tomales Bay?
3. Would the marine sanctuary regulations preclude effective conflict resolution between mariculture, recreation, and fishing in Tomales Bay? An advisory board to the estuarine program consisting of state agencies and local fishermen, mariculturalists, residents, etc. might be extremely helpful with such conflicts.

I am concerned that the problems facing Tomales Bay are of such a different nature than those in the ocean and around the Farallon Islands area that one or the other area will be neglected in the marine program. The educational and research goal of the estuarine program seems far better suited to Tomales Bay.

Good luck in your new endeavor. I hope you will not be totally glued to your desk. It is reassuring to see a concerned and effective person here from Washington.

Sincerely,

Phyllis Faber

PF/sp

RESPONSE

1. The management plans for an estuarine sanctuary versus those for a marine sanctuary are similar with respect to providing protection and preservation to areas with special conservation, recreational, ecological or esthetic values. However, the natural resources and the multitude of user groups which utilize a marine sanctuary are much broader in scope, and the management of these uses and resources usually requires joint State and Federal interagency coordination and cooperation. There are occasions when the Secretary of Commerce may establish a marine sanctuary to complement the designation of an estuarine sanctuary, because they would be mutually beneficial.
2. A study could be conducted of any activity in the upland areas, which could impact on the watershed of the Bay, and these studies could be funded through the sanctuary program. However, regulatory controls under the marine sanctuary extend only to the sanctuary boundary.
3. The proposed regulations for the marine sanctuary will be enforced by an on-site manager, that being the California Department of Fish and Game. See also generic responses A and B. Conflict resolution would be a function of the Sanctuary Advisory Committee as well.

4. Comment accepted.

COMMENT

RESPONSE

and exploitation should be prohibited in this area, that most marine discharges and dumping in the area be prohibited, and that construction or alteration of the seabed be prohibited. Also, no unnecessary operation of vessels should be allowed and marine mammals and birds should not be disturbed. I have seen this area for myself and can tell you that it is very beautiful and well worthy of protection. Please support the Proposed Point Reyes/ Farallon Islands Marine Sanctuary.
Thank you.

Sincerely,

Ariane Elander
1108 64th Street
Sacramento, Calif.
95819

1. See generic responses D, E, F, G and H.

RESPONSE

COMMENT

JoAnn Chandler
Director, Sanctuary
Program, Office of
Coastal Management
3300 Mitchelson
Street, N.W. Washington,
D. C. 20235

7330 Navajoa
Atascadero, California
93422

May 12, 1980

Dear JoAnn Chandler, Director,
Am writing to urge your support
for the proposed marsh Sanctuary
outlined in the draft Environ-
mental Impact Statement. Also
support and request full implement-
ation of the specific regulations to
prohibit hydrocarbon (oil) exploration
and exploitation, prohibit most
marine discharges and dumping,
prohibit construction on/or alteration
of the seabed, prohibit unnecessary
operation of vessels, and prohibit
disturbing marine mammals and
birds.

There is a great need to establish
this Sanctuary involving the waters
surrounding the Fallon Islands
and seaward of the Point Reyes

See generic responses D, E, F, and G.

COMMENT

May 23, 1980

Dear Ms. Chandler,

Please support the proposed Point Reyes / Farallon Islands Marine Sanctuary as outlined in the Draft Environmental Impact Statement.

This area includes twelve of the sixteen marine bird species known to breed on the West Coast. Probably over half of the nesting marine bird pairs in California utilize lands within the sanctuary boundaries. At least twenty three species of marine mammals have been seen in this area including the gray whales on their annual migrations.

I support and request full implementation of the specific regulations to prohibit hydrocarbon exploration and exploitation; prohibit most marine discharge and dumping; prohibit construction or alteration of the sea-bed; prohibit unnecessary operation of vessels; and prohibit disturbing marine mammals and birds.

cc: Bruce Barrett,
Acting Director,
Office of Environ.
Affairs 15500C

Sincerely,
Mrs. Eleanor Elander
1108 64th Street
Sacramento, Calif., 95819

RESPONSE

See generic responses D, E, F, and G.

COMMENT

Joanna Chandler, Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

5/31/80

Dear Ms. Chandler:

Please support the proposed Point Reyes Farallon Islands Marine Sanctuary as outlined in the Draft Environmental Impact Statement. This area deserves to be protected. Significant numbers of marine birds use this area, including 1/2 out of the 16 marine bird species known to breed on the west coast. Probably over half the nesting marine bird pairs in California live land within the sanctuary boundaries. 23 species of mammals have been seen in the area, including gray whales on their annual migrations. All of these natural values will be threatened if developmental activities such as off-shore oil drilling are allowed.

I believe that oil exploration
(con.)

RESPONSE

See generic responses D, E, F, and G.

RESPONSE

COMMENT

Ms. Mary L. Dua
P O BOX 653
Kelton, Ca., 95018

May 21, 1990.

Ms JoAnn Chandler - Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C., 20235

COMMENT

Dear Ms. Chandler:

As a former San Francisco resident of long standing, I have always had a special fondness for the Farallon Islands and the wildlife (both marine and avian) that makes its home on or near the islands.

There is a great need for the establishment of a sanctuary between Point Reyes and the Farallons, where else will our marine birds breed and continue to exist, but in such a sanctuary?? In addition, one of my favorite animals is the grey whale: we simply cannot deprive them of a safe-conduit during their annual migration. Off-shore drilling would mean a total disaster to both birds and marine mammals.

Furthermore, I consider it essential that dumping, chemical waste disposal, pollution from shipping and similar undesirable operations, be stopped.

Of course, oil-explorers and other greedy operators would put their own interests before the ecology, but I feel very strongly that unless we start to save a few wild beings and a few wild places NOW, we may not have a second chance of doing so later. What better place to start but with a marine sanctuary between Point Reyes and the Farallons???

Specific regulations should be put into effect curbing dangerous and harmful waste disposals of all types. And hopefully, these regulations would be enforced.

It is investment in the future.

Cordially,

Mary L. Dua
Mary L. Dua

copy to Sen Alan Cranston
Sen Sam Hayakawa
Bruce Barrett Ad/QDA
Congr. Leon Panetta

See generic responses D, E, F, and G.

COMMENT

22 May 1980
P O Box 516
Bollinas CA 94924

Director
Sanctuary Program Office
Office Coastal Zone Mgmt.
3300 Whitehove St.
Washington DC 20235

Pt. Reyes/Farallones
Marine Sanctuary

I most sincerely oppose formation of the Pt. Reyes and Farallones Sanctuary. I feel I can speak for many who will not speak up as I am involved in Senior Citizens' activities and local civic groups.

In todays atmosphere of tax revolt and growing fears of too much big government there is a fear of even one more layer of beurocracy. Especially as there are already laws and agencies to deal with some problems feared in this area.

Is this area so much more special than the thousands of miles of other coastline? Or is only the efforts of those who oppose efforts to increase our energy supply? Our remoteness in West Marin means we must rely on only our own personal cars for transportation. We will be the first to suffer when we run out of petroleum.

Given the state of the art in petroleum exploration I feel there is little to fear in the way of spills. From the thousands of offshore wells already drilled there have been but three or four real spills. Many studies prove there has been great growth of underwater life in the vicinity of drilling platforms.

As I can see the Farallones from my window I know that the large vessels avoid them already by more than one mile. If there is any pollution there it is by the smaller ships. Pollution by vessels is already covered by existing laws. Why add more?

Sincerely
John D. Duncan
John D. Duncan

RESPONSE

1. See generic response C.
2. NOAA has concluded that the resources of the area are particularly important and merit sanctuary status. The oil and gas resources likely to be affected are very minor.

RESPONSE

COMMENT

Cindy Davis
625 Tomi Lea St.
Los Altos, CA 94022
May 28, 1980

JoAnn Chandler, Director
Sanctuaries Program, Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Director Chandler,
The Office of Coastal Zone Management within the Commerce Department's National Oceanic and Atmospheric Administration has released an Environmental Impact Statement on the Proposed Point Reyes/Farallon Islands Marine Sanctuary. This proposed sanctuary would encompass the waters surrounding the Farallon Islands and out from the Point Reyes National Seashore, areas vitally important to the marine ecology of the west coast.

Many species of marine birds have a dependence on this area. 12 of the 16 marine bird species known to breed on the west coast are known to use the islands. It is believed that probably over half the nesting marine bird pairs in California utilize the area within the sanctuary boundaries.

At least 23 species of marine mammals are known to use the area. Gray whales cross through this region on their annual migration.

If the proposed sanctuary is not put into effect, the animals there may be in danger from commercial interests and human developmental activities. Specific threats include hydrocarbon exploration and exploitation, marine discharges and dumping, construction or alteration of the seabed, and unnecessary operation of vessels and other harassments.

I urge you to support this proposed marine sanctuary as outlined in the Draft Environmental Impact Statement. Specific regulations concerning possible threats listed above also need backing. Don't let the commercial interests destroy this irreplaceable region of marine wildlife habitat.

Thank you.

Sincerely,

Cindy Davis
Cindy Davis

See generic responses D, E, F, and G.

RESPONSE

COMMENT

5-18-80

John Chandler, Director,
Sanctuario Program
Office of Coastal Management
3300 Wilshire Street, N.W.
Washington, D.C. 20235

Dear Mr. Chandler,

Please support the proposed
Marine Sanctuaries as outlined
in the draft Environmental Impact
Statement.

I request full implementation
of the specific regulations to prohibit
oil exploration & exploitation,
to prohibit marine discharges & dumping,
construction or alteration of
the seabed, & to prohibit the dredging
of marine mammals & fish.

Thank you for your concern.

Sincerely yours,

(ms) Walter Dieckert
356 Park Street
San Francisco, Ca.
94110

See generic responses D, E, F, and G.

COMMENT

We are urging you to please support the proposed marine sanctuary in the Draft Environment Impact Statement. We also request full implementation of the specific regulations to prohibit hydrocarbon (oil) exploration and exploitation, prohibit dumping, and prohibit in any way disturbing marine mammals and birds.

Please please save our wildlife and birds, before commercial interests destroy them! Mrs. Stone Robinson

COMMENT

I am writing to ask you to support the proposed marine sanctuary which is outlined in the Draft Environmental Impact Statement. Also to ask you use your position to stop commercial interests from destroying more of our marine balance than they already have.
Thank You Tammy Cist

RESPONSE

See generic responses D, E, F, and G.

COMMENT

RESPONSE

802 S. 10th
Lanham, MD 20640
June 1, 1980

JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, DC. 20235

Dear Ms Chandler:

I am writing in regard to the marine sanctuary proposed for Point Reyes- Farallon Islands. I support the National Oceanic and Atmospheric Administration's preferred alternative, which is Alternative #2. I think this is basically a good plan to protect the outstanding marine and bird life in this area. I am concerned about vessel traffic in the proposed sanctuary. If two of the routes into San Francisco are eliminated, as the Coast Guard is thinking about doing, there will be increased vessel traffic in the lane that is just south of the Farallon Islands. I urge that you undertake a thorough analysis of the impact from this plan.

I also support the creation of a sanctuary advisory committee. This should be open to people who are interested, as well as officials.

I hope this deserving area can be designated as a sanctuary. It would protect so many different species!

Sincerely,
Martie Cone

1. See generic response G.

2. See generic response B.

1.

2.

COMMENT

It is clear that the types of resources delineated in the draft document are the resources most at risk if offshore oil development is to proceed either adjacent to or within the study area. The identification of the seabird and pinniped resources on a site-specific basis serves to underscore the vulnerability of these resources to OCS related impacts and clearly indicates a need for the type of buffer which the sanctuary designation of this area could provide. I am in strong agreement with the draft document in its stipulation that OCS activities not take place within the sanctuary and that pipeline activities be regulated adjacent to particularly sensitive areas. The prohibition of OCS development seems a logical conclusion given the juxtaposition of wind and sea conditions which would be likely to make oilspill cleanup impossible, the extremely significant impactable resources at hand, and the low resource potential for tracts within the sanctuary itself reflected by limited industry interest in the area during the call for nominations for Sale 53. The aesthetic intrusion, the sub-lethal effects of petroleum in the water column, and the risk of major and minor spill impacts clearly have no place within the study area, and are appropriately excluded under the preferred alternative.

In recognition of the extreme sensitivity of biological and other types of resources within and adjacent to the study area, and in response to a perceived threat to those resources by the accelerated program for holding Lease Sale 53 in May of next year (1981), the counties of San Mateo, Marin, and Sonoma (in addition to numerous other counties and local agencies) have gone on record recently as supporting a two year delay in the schedule for Lease Sale 53 so that needed studies can be completed prior to the FES on Sale 53. This request for a two year delay is reflective of a generic recognition of the values inherent in the current pristine condition of much of the central and northern California coastal area, and the sensitivity of the many intertidal and estuarine habitats which are so vulnerable to oilspill impacts.

In conclusion, I would like to say that your staff characterization of the resources of the study area seems to be accurate and compelling, and a recommendation in itself for sanctuary status.

It is for this reason and the possible protection of these resources from OCS related development that I would like to recommend adoption of the Alternative 2 preferred alternative and the inclusion of the regulatory structure as proposed regarding OCS development and pipeline review procedures.

Thank you for this opportunity to comment on this proposal. I will be submitting more in-depth specific comments on the proposal within the allotted comment period.

COMMENT

Arthur P. Cooley
341 Durkee Lane

East Palisogue, N. Y. 11772

27 April 1968

Mrs Jo Ann Chaudin

Director
Sanctuary Program Office
Office of Coastal Zone Mgmt.
NOAA
7300 Whitehaven St. N.W.
Washington, D.C. 20335

Dear Ms. Chandler:

I want to support designating
The Unit Page / Farallon Islands area
as a marine sanctuary. While
I live on the east coast I have
visited the Farallon Islands and
have been impressed with the
contribution these islands make
to the seafife of the California
Coast. As a teacher of marine
and an Associate Professor of marine
sciences at Stony Brook, I am aware
of the vital need that the marine
species found here have of the
area especially the proposal.
I strongly support the proposal.
Sincerely,
Arthur P. Cooley

NO RESPONSE NECESSARY

RESPONSE

COMMENT

George A. Bridges
3124 Brophy Drive
Sacramento, CA 95821

May 12, 1980

JoAnn Chandler,
Director, Sanctuaries Program,
Office of Coastal Zone Management,
3300 Whitehaven Street, N. W.,
Washington, D.C. 20235

Dear Director Chandler:

We are writing to urge your support for the Draft Environmental Impact Statement of the Office of Coastal Zone Management recommending the creation of the Point Reyes/Farallon Islands Marine Sanctuary.

We believe that there is a compelling need to establish this sanctuary. Twelve to sixteen native species of marine birds and twenty-three species of marine mammals of the west coast find this area indispensable to their nesting and feeding cycles. These values of marine biology together with other resource values are now being threatened by the cumulative increase of human developmental activities in the area, with the prospect of off-shore drilling especially disturbing.

We urge complete implementation of specific regulations to prohibit hydrocarbon exploration; prohibit most marine discharges and dumping; alteration of the seabed; or disturbing of marine mammals and birds.

As one who is familiar with this coastal area and has been a reader of much geologic material edited for the layman, we cannot believe that in any case that the shales and mudstones in the basin between the coast and the granite siver to the west extending up from Monterey to Point Reyes will produce a large oil or gas field.

Sincerely,



CC: Mr Bruce Barrett,
Acting Director,
Office of Environmental Affairs

See generic responses D, E, F, and G.

COMMENT

PERSONAL TESTIMONY OF

Richard A. Charter

CEIP Coordinator for Local Governments

ON THE DRAFT ENVIRONMENTAL STATEMENT FOR PROPOSED PT. REYES -
PARALLON ISLANDS MARINE SANCTUARY

I would like to thank you for this opportunity to provide comments on the Draft Environmental Statement for the Proposed Point Reyes-Farallon Islands Marine Sanctuary. I would like to limit the scope of my testimony to issues related to the sanctuary proposal which hold the promise of better allowing local jurisdictions to balance and mitigate impacts anticipated as a result of offshore oil and gas leasing under the upcoming Lease Sale 53 and subsequent lease sales which might take place in the future.

My comments before you today represent my own personal views, but they reflect an ongoing and deeply involved participation in the decision making process about offshore oil and gas leasing, and in a general sense reflect a strong concern on the part of counties landward of the sanctuary about the anticipated impacts of OCS development in this area.

I would like to first of all compliment the NOAA staff on an excellent and accessible data base in the form of the current Draft Statement on the Sanctuary proposal. The quantification of marine resources and their current uses in such a specific form makes me wish that the approach utilized by NOAA in preparing this document could be adapted by the Bureau of Land Management's Pacific OCS Office for inclusion in their environmental statement on Lease Sale 53. The NOAA staff has obviously taken great care to catalog the resources of the sanctuary study area, and in so doing have produced the best argument for implementation of the regulatory framework proposed under the sanctuary designation - the preservation of these quite significant and unique resources.

I am also heartened to see a more thorough discussion of the interrelationship of sanctuary protections and OCS oil impacts in this draft in comparison to the preliminary draft circulated previously, because it seems apparent to me that the most critical threat to marine resources in the study area will likely come from OCS development in adjoining basins and of course potentially from OCS activities within the sanctuary study area itself from future lease sales which might be held.

To be specific, I would like to voice my concurrence with the NOAA staff recommendation of the nominated area designated in the draft as "Alternative 2". This alternative seems to me to represent the most complete degree of protection to the widest possible range of resources, and at the same time covers the major concerns associated with OCS development now targeted for adjacent areas.

NO RESPONSE NECESSARY

COMMENT

RESPONSE

cc Diane

May 15, 1980

Dear Mrs. Chandler,

I am writing concerning the Proposed Port Reyes Farallon Islands Marine Sanctuary off the California Coast.

As a resident of California, I am aware of the significant numbers of marine birds that use the area. Therefore, I urge support for the proposed marine sanctuary as outlined in the Draft Environmental Impact Statement.

I also support and request full implementation of the specific regulations to prohibit hydrocarbon (oil) exploration and exploitation, prohibit most marine discharges and dumping, prohibit construction or alteration of the seabed, prohibit necessary operation of vessels, and prohibit construction or disturbing marine mammals and birds.

Yours Truly, Albert Bretz
150 S. Beach #285, La Habra, Ca.
90631

See generic responses D, E, F, and G. The proposal prohibits oil and gas activities.

COMMENT

RESPONSE

Borba's Marine
4409 Solano Avenue • Napa, Calif. 94558

Dear Dally Brown,
I have never written a protest letter before but this idea of creating a Marine Sanctuary of the Point Reyes shore, Farallon Islands cannot be ignored.

I don't think it will benefit anyone. It will hurt commercial fishing, sport fishing & party boat fishing. I think the agencies involved are sufficient.

This proposal must be a disagree for to compensate for jobs being held by the Sanctuaries Program.

Regards,
Mr. & Mrs. Dick Borba

1. Since the regulation of fishing is excluded from sanctuary authority, the proposal will not restrict fishing. It will benefit the long-term preservation of species and their habitats which are important to fishermen.

2. See generic response C.

COMMENT

RESPONSE



T.K. Blakesley / Borrego Star Route - Box 509 / Julian, CA 92036*

JoAnn Chandler, Director
 Sanctuaries Program
 Office of Coastal Zone Management
 3300 Whitehaven Street, NW
 Washington, DC 20235

11 May 1980

Dear Ms. Chandler:

I wish to express my support for the proposed Point Reyes/
 Farallon Islands Marine Sanctuary as outlined in the Draft
 Environmental Impact Statement.

I further support and request full implementation of the
 specific regulations to prohibit:

1. Hydrocarbon exploration & exploitation
2. Most marine discharges and dumping
3. Construction or alteration of the seabed
4. Unnecessary operation of vessels
5. Disturbing marine mammals and birds

I would also like to request a copy of the Draft
 Environmental Impact Statement for my own records. Thank you.

Sincerely,

T.K. Blakesley

Copies to: Bruce Barret, Rep. Claire Burgner, Senators Alan
 Cranston and S.I. Hayakawa

See generic responses D, E, F, and G. The proposal
 prohibits oil and gas activities.

COMMENT

1505 Alcazar Avenue
Hayward, CA 94544
May 21, 1980

JoAnn Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven St. N.W.
Washington, D. C. 20235

Dear Director Chandler:

As a native and lifelong resident of the San Francisco Bay area, I am enthusiastically in favor of the proposed Point Reyes/Farallon Islands Marine Sanctuary.

The marine animals and many kinds of birds in this area are a tremendous source of interest to Californians and an attraction to tourists.

I urge your support of the proposed sanctuary and of protective regulations to prevent oil exploration, dumping of wastes, construction, etc., that would disturb marine birds and animals.

Respectfully,

Ethel Blumann

(Miss) Ethel Blumann

cc to Bruce Berrett
Senator Cranston
Senator Hayakawa

NO RESPONSE NECESSARY

COMMENT

Testimony of Eugene Barnett to the NOAA, May 13, 1980

Ladies & Gentlemen:

My name is Eugene Barnett. I am 38 years old and have been based in Berkeley, California for the past 20 years. I have spent a total of 15 years at sea as a commercial fisherman, a merchant marine officer, and a member of the US Navy aboard a nuclear submarine as a sonarman. I am currently enrolled in Vista College, Berkeley, working toward upgrading my merchant marine officer's licenses so that I can work as a marine pilot on San Francisco Bay.

I began commercial fishing in the San Francisco area in 1959 and fished commercially through 1965 for salmon, tuna and bottom fish, throughout most of the area this committee is concerned with.

In 1965 I began working as a merchant marine officer home-ported in San Francisco, towing marine commerce to ports in the US, Latin America, and the Far East.

In 1972 I joined the US Navy and worked as a submarine sonarman aboard nuclear submarines. Sonar is the eyes of a nuclear submarine. It is a complex electronic system that allows the sonar technician to hear, record, and differentiate sounds of the sea, including the sounds of undersea mammals. I spent approximately 1,000 hours performing this task in my training at Key West, Fla., and aboard the USS Billfish (SSN 676) home-ported in Groton, Conn.

Up to this point in my life I had given very little thought to the issue of intelligence in whales and to the fact of whales being members of the mammalian species. In the course of my regular duties aboard the USS Billfish I became convinced of the intelligence of whales because I collected data proving that a particular whale

1) followed our vessel for several weeks during a transit of the Atlantic;

2) showed awareness through modifications in its sonar responses of changing shifts of personnel aboard our vessel. (Since we were putting no active transmissions into the water, the modifications of the whale's sounds had to be from an awareness on the part of the whale that its active transmissions were being received by personnel aboard the vessel).

While I make no claim to have any understanding of what the whale was attempting to communicate, I am absolutely convinced that there was an attempt at communication on the part of the whale.

In conclusion I would like to say that we seem to know a great deal more about the outer space environment than we do about our own marine environment, and it seems that the least we can do is provide a secure sanctuary for sea life while we continue to research our relationship to the sea, especially where it concerns the sea mammals.

Thank you.

NO RESPONSE NECESSARY

*a. f. - 1
attached
Sub.*

COMMENT

LL:UWIK

Barbara Belding
1413 - 6th Street - Berkeley, California 94710

RESPONSE

May 13, 1980

To Ann Chandler
Director, Sanctuaries Program
OCZM
3300 Whitehaven St. N.W.
Wash. D.C. 20235

Dear Ms. Chandler;

I have closely followed the proposals & participated in hearings regarding establishment of Federal Marine Sanctuaries along the California Coast.

Because of the invaluable natural resources, such as fish & shellfish, marine mammals, birds & kelp in this area, I strongly support creation of the Pt. Reyes-Farallon Islands Marine Sanctuary. I particularly support Alternative 2 of the DEIS and am anxious to see a sanctuary advisory committee established.

I commend you for your consistent dedication to including the public in this most important process.

Sincerely,

Barbara Belding

1. See generic response B.

COMMENT



BALA & STRANDGAARD
CIVIL AND STRUCTURAL ENGINEERS
PLANNERS / 271 MILLER AVENUE, POST OFFICE BOX 780
MILL VALLEY, CALIFORNIA 94941 / TELEPHONE (415) 383-4533

RESPONSE

April 11, 1980

Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Re: Proposed Marine Sanctuary
between Point Reyes
and Farallon Islands, California

Gentlemen:

The existing referenced sanctuary should not affect any of the fishing rights of the California fisherman, sport or commercial.

Fishing is thoroughly controlled by the State of California Fish and Game Department.

It appears that the proposed sanctuary is another bureaucratic harassment to the American population.

Please realize that being in a boat in this area one may not see another boat for weeks. The proposed area is virtually empty and has been a sanctuary for man from the bureaucrats.

What damage can a fisherman do to the fish population in that area with a line and hook, and the limit for salmon is 2 per day, and for rock fish is 15. Consider also, the fishing season is very restrictive and it takes an average of \$45.00 of gasoline a day to arrive at the fishing grounds.

The office of the Coastal Zone Management may better protect the marine life by taking their aim to stop the Russian fishermen from netting everything that swims in those very waters.

Yours truly,

BALA & STRANDGAARD

S.M. Ball

cc: John Burton, D-5th Dist.

1. See generic response C.

COMMENT

961 Country Lane
Walnut Creek, CA
94598
May 18, 1980

Michael Fischer Executive Director
California Coastal Commission

Dear Sir,

We want to support your plan for a
marine sanctuary in the Pt. Reyes-Farewell
Bend coastal area.

Over the past 8 years our girl scout
troop has backpacked into the Pt. Reyes
Wilderness Area, and have enjoyed the
marine life of whales, seals, seabirds,
sandwiches, sea-side flora, etc.

We would hate to see any of these
things endangered by an oil slick or
other accident that could occur in an
unprotected marine habitat.

Diane Beck	Donna Smith	Jan Allen
Tracie Allen	Sue Stein	Agnes M. Men
Louise Schultz	Tom Schuler	Herb Markson
Diane Shutz	Lord Johnson	Deanna Shatz
Ann Watkins	Julie Sprad	Shelley Peterson
Jane E. Fitzke	Emory Hull	
Kathy McNamara	Rana Scott	

NO RESPONSE NECESSARY

COMMENT

May 8, 1980

Dear Miss Chandler:

I am writing you regarding the need for a Marine Sanctuary on the Point Reyes-Farallon Islands area. There is a real need for this sanctuary area. There are large numbers of marine birds that inhabit this area. There are also about 23 species of marine mammals that frequent this area. All of this is threatened by the increased human activity in the area and also the prospect of off shore drilling looms in the future. Please support this proposed marine sanctuary as outlined in the Draft Environmental Impact Statement.

Thank you,

Nathaniel D. Flynn

NO RESPONSE NECESSARY

SID ARNOLD
8666 Florin Rd., #109
Sacramento, California
95826



MAIL CARD



Dear Jo Ann Chandler,
Please support the
Proposed Point Reyes
Farallon Islands Marine
Sanctuary as
shown in the
attached DEIS.
Thank you.
SID Arnold

M.M. 2
Jo Ann Chandler
Director, Sanctuaries
Program
Office of Coastal Zone
Management
3300 Whitehaven St.
N.W.
Washington D.C.
20335

After Science, Ltd. Oxford

16 MAY 1980

Joann Chandler, Director
 Sanctuaries Program
 Office of Coastal Zone Management
 3300 Whitehaven Street, N.W.
 Washington, D.C. 20235

Dear Mr. Chandler

I support the proposal for a marine sanctuary as outlined in the Draft Environmental Impact statement of the Commerce Department's Office of Coastal Zone Management. I understand that the area involved in this proposal — the waters surrounding the ~~Parallon~~ Parallon Islands and seaward of the Point Reyes National Seashore — is a breeding ground for 12 of the 16 marine birds which breed on the West Coast, and that over ~~2~~ half of the nesting marine birds pairs and at least 23 species of marine mammals (including the migrating grey whale) use this region.

Please, if you can, support the Commerce Department's proposal.
 Respectfully

ANNIE BAECK
 441 Baynton Ave.
 Dan Kiley, Ca 94701
 cc Congressman Ronald Dellums
 cc Senators Alan Cranston and
 S.I. Rogakawa

Ann C. Baeck

COMMENT

May 22, 1980

JoAnn Chandler, Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven St., N.W.
Washington, DC 20235

Dear Director Chandler:

I urge your support of the proposed marine sanctuary as outlined in the Draft Environmental Impact Statement on the Proposed Point Reyes/Farallon Islands Marine Sanctuary.

The need to establish this sanctuary is compelling, since large numbers of marine birds use this area and many species of marine mammals also frequent this area.

Please also support and request full implementation of the specific regulations to prohibit hydrocarbon exploration and exploitation, prohibit most marine discharges and dumping, prohibit construction or alteration of the seabed, prohibit unnecessary operation of vessels, and prohibit disturbing marine mammals and birds.

Please support the establishment of this sanctuary.

Very truly yours,

Jill Atkinson

251 St. Albans Avenue
South Pasadena, CA 91030

RESPONSE

See generic responses D, E, F, and G. The proposal prohibits oil and gas activities.

COMMENT

May 16, 1980

Director Johann Chandler
Sanctuaries Program
Office of Coastal Management
3300 Whitehaven Street NW
Washington, D.C. 20230

Dear Ms. Chandler:

Please give your full support to the proposed Marine Sanctuary in the Point Reyes/Farallon Islands as outlined in the Draft Environmental Impact Statement. The need for such a sanctuary is vital and immediate!

At least 23 species of marine mammals have been observed in the area including the grey whales in migration. 12 of the 16 marine bird species known to breed on the west coast utilize this area which is now being threatened by increased human development activities.

We fully support and ask full implementation of the specific regulations prohibiting hydrocarbon (oil) exploration and exploitation, construction or alteration of the seabed, unnecessary operation of vessels, prohibiting MOST marine discharges and dumping and disturbing marine mammals and birds.

Sincerely,

Virginia R. Bacher

Mrs. Frederick A. Böcher Jr.
24 Seca Place
Salinas, Ca. 93908

NO RESPONSE NECESSARY

RESPONSE

COMMENT

Ms. A. Arise
Mr. F. LaBall
Ms. P. di Parma
P.O. Box 2073
Burlingame,
Ca. 94010

21st of May, 1980

Johnn Chandler, Director
Sanctuaries Programme Office
of Coastal Zone Management,
3300 Whitehaven St., N.W.,
Washington, D.C. 20235

Madam,

The undersigned urge you most strongly to support the proposed marine sanctuary as outlined in the Draft Environmental Impact Statement and also to support and request full implementation of the specific regulations to prohibit hydrocarbon exploration and exploitation, prohibit most marine discharging and dumping, prohibit construction on or alteration of the seabed, prohibit unnecessary operation of vessels and prohibit disturbing marine mammals and birds.

With great hope and gratitude for your efforts, we are

Sincerely yours,

A. Arise

See generic responses D, E, F, and G. The proposal prohibits oil and gas activities.

COMMENT

RESPONSE

Carol J. Arnold
88 Lundy Lane
San Francisco, CA 94110

May 13, 1980

Joann Chandler
Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D. C. 20235

Dear Ms. Chandler:

I urge that you support the proposed Point Reyes/
Farallon Islands Marine Sanctuary as outlined in the Draft
Environmental Impact Statement. I also urge that you support
and work for full implementation of the specific regulations
to prohibit hydrocarbon exploration and exploitation, prohibition
of most marine discharges and dumping, prohibition of construction
on or alteration of the seabed, prohibition of unnecessary
operation of vessels, and prohibition of the disturbing of
marine animals and birds.

See generic responses D, E, F, and G. The proposal
prohibits oil and gas activities.

Thank you for your time and consideration.

Sincerely,



Carol J. Arnold

cc: Congressman Phillip Burton
Senator Alan Cranston
Senator S. I. Hayakawa
Bruce Barrett/Office of Environmental Affairs

COMMENT

RESPONSE

discharges and dumping,
Prohibit construction on
or alteration of the sea-
bed, Prohibit unnecessary
operation of vessels, and
Prohibit disturbance
of the Marine Mammals and
birds.

Please see need for
Marine Sanctuary.

Sincerely,

Mrs. Mary Evelyn J. Davis

Sat. 5-10-80

COMMENT

RESPONSE

May 15, 1980

Office of Coastal Zone Management
3300 Whitehaven Street
N.W. Washington, D. C. 20235

Attention: Dallas Moner

Subject: Farallon Island Marine Sanctuary

Director Moner:

Congratulations on your recent appointment, I think.

We wish to express our concern and opposition to the creation of more marine sanctuaries which will further effect our fishing industry. The sanctuaries in existence or proposed seem to encompass the most productive fishing areas along the California coast.

Existing regulatory agencies prevent environmental or ecological disruptions in all areas of the coast; further bureaucratic layering will only add tax loads.

Our fishing effort has been disrupted and our livelihood adversely effected by sanctuary action which has been imposed to date.

Again, we would express our objection to further restrictive and non-productive action by any part of government and support alternative #1 "Status Quo".

Sincerely,



Mr. & Mrs. H. W. Anderson
1273 San Miguelito Canyon Road
Lompoc, CA 93436

cc: U. S. Senator Alan Cranston
U. S. Senator S. I. Hayakawa
Rep. Robert J. Lagomarsino
Rep. John Breaux

See generic response C. Fishing is excluded from sanctuary regulation.

COMMENT

-3-

4. We support the California Coastal Commission's recommendation that all dredge spoil disposal and ocean dumping within the sanctuary should be prohibited.

5. We support the proposal for using existing regulatory agencies for management and enforcement. We support the establishment of a sanctuary advisory committee with funds for travel and per diem for members.

In conclusion, the Whale Center and the Marine Sanctuary Coalition wish to commend NOAA for proceeding with the proposal for this marine sanctuary. We especially appreciate the opportunities for consultation and public involvement in developing the DEIS, the draft designation document and the regulations. We are eager to see this sanctuary designated and to see its protective regulations implemented through a sanctuary manager. We feel that the documents prepared by NOAA are of high caliber, successfully balancing the needs of various users with the needs of the site and its living components.

RESPONSE

4. See generic responses D and E.

5. See generic response 8.

COMMENT

RESPONSE

**WILDLIFE
WAYSTATION**

1431 Link, Tulare County Road
San Fernando Valley, Calif. 91344



765 Stearns Blvd. Apt. 307
San Francisco, Calif. 94124

Director Palm Chandler
Sanctuaris Program
Washington, D.C.
Dear Director Chandler:

Please support the
Point Pups / Farallon Islands
Marine Sanctuary!!

Please support and
request full implementation
of the specific regulations
to prohibit oil
exploration and
exploitation, marine
prohibit marine

Reesha



See generic responses D, E, F, and G. The proposal prohibits oil and gas activities.



COMMENT

RESPONSE

3929 Piedmont Ave., Oakland, California 94611 -- (415) 654-4892

6621

Home office of
Whale Center
International

Other offices in:

France
Canada
Mexico
Brazil
Japan

TESTIMONY PRESENTED AT PUBLIC HEARINGS

ON PROPOSED POINT REYES-FARALLON ISLANDS MARINE

SANCTUARY, HELD IN SAN FRANCISCO

May 13, 1980

I am Marine McCloskey, Executive Director of the Whale Center, an Oakland-based national nonprofit membership group. Today I am also representing the Marine Sanctuary Coalition, which is comprised of major national conservation organizations including the Whale Center. The coalition will be submitting detailed written comments.

The Whale Center and the Marine Sanctuary Coalition support the objectives of NOAA's marine sanctuary program in California and in other coastal areas around the nation. Today we specifically address the proposals for sanctuary designation in waters offshore the Farallon Islands and Point Reyes.

We are convinced that sanctuary designation is essential for a number of reasons. The Draft Environmental Impact Statement clearly identifies the natural values and resources in this area. The living resources are particularly vulnerable to increasing impacts from human use of the area. These impacts include increasing commercial cargo vessel traffic and the planned oil and gas exploitation in the outer continental shelf in the area and up and down the coast. Conflicts in use will increase. It is essential that there be a management framework for resolution of such conflicts. A well-planned marine sanctuary would

COMMENT

-2-

RESPONSE

provide the kind of management framework required.

The Whale Center and the coalition support alternative 2 as providing the best protection and regulations for the largest area.

We do have some concerns, however, which I will present briefly here. A more complete discussion will be contained in our written statement.

1. Our overriding concern is with oil exploitation and transportation. There should be no drilling allowed within the borders of the sanctuary now or in the future. Regulations should insure this prohibition. Hydrocarbon transportation should be prohibited within the northern traffic lane that bisects the sanctuary. The documented negative impacts from oil on the living resources are too harmful. As OCS drilling increases on the entire coastline, the numbers of hydrocarbon-bearing vessels also increases. The chance of accidents increases likewise. The safest course to protect the identified living resource values is to require such traffic to use the main traffic lane.

2. We share the concern stated by the California Coastal Commission that the proposed one-mile distance requirement from important habitat areas is an inadequate safeguard. At a minimum it should be two miles, although we support exceptions for fishing, research, and recreational activities.

3. We are studying the proposed regulations on traffic lanes for commercial cargo vessels. We are concerned that they may be too permissive, and may conflict with the objective of insuring that human uses and activities within the proposed sanctuary boundaries do not threaten the continued health, stability, and diversity of the marine ecosystem and the seabird and marine mammal populations using the sanctuary waters."

1 See generic response G.

2. See generic response F.

3. See generic response G.

COMMENT

RESPONSE

At the same time, we see no reason to interfere with the continued use of the northern traffic lane by merchant cargo vessels as long as they observe the 2-mile buffer zone around the islands and other sensitive areas mentioned.

We support the proposal that a sanctuary advisory committee be established composed of representatives of local government, recreational users, commercial fishers, merchant vessel operations, and conservation groups. There should be provision for their travel expense and per diem.

We would like to express our concern about the management system that will be instituted for the sanctuary. There is little discussion of management in the DEIS. It would have been helpful if there were more indication of management authority, priorities, procedures, policies, and directions to work out safe transportation routes, and oil spill contingencies. Where will the final authority lie, and what management plan will be followed?

In conclusion, the Whale Center wishes to emphasize our support for the concept of federal marine sanctuaries, and our support for designation of the Point Reyes-Farallon Islands Marine Sanctuary. We believe the sanctuary is in the public interest for this and future generations.

10.

11.

12.

10. See generic response C.

11. See generic response B.

12. See generic response A.

COMMENT



3929 Piedmont Ave. Oakland, California 94611 -- (415) 654-1452

6621

Home office of
Whale Centers
International
Other offices in:

France
Canada
Mexico
Brazil
Japan

June 10, 1980

Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Sir/Madam:

Attached is the statement of the Whale Center in support of the proposed Point Reyes-Parallon Marine Sanctuary.

We hope that this proposal will be approved, with the modifications recommended in the statement.

It is important to get the sanctuary established before OCS Sale #53 goes forward in order to provide an extra mechanism that can achieve safeguards to better protect the special natural values of the site from oil spills.

Thank you for your consideration of Whale Center views.

Sincerely yours,

Maxine McCloskey
Executive Director

COMMENT

RESPONSE

the proposed sanctuary boundaries, even though those revenues would be short-term benefits from nonrenewable resources.

The Whale Center supports NOAA's alternative 2 for sanctuary designation. At the same time, we urge that the boundaries be adjusted to include all the area to the north that is contained within the area exempted from oil and gas exploration by the OCS Lands Act. This would put under one management all the area that would be protected from oil and gas leasing. There is nothing to lose and something to gain in management efficiency in making these two boundaries contiguous.

The sanctuary as proposed includes within its boundaries the state's three-mile territorial waters. It should be clear in the Presidential designation document that the prohibition on oil and gas leasing also includes those state waters. For this reason we oppose § 936.12 (b) which provides a mechanism that could allow the state to explore and develop these waters for oil and gas in the future. This is an essential point that reinforces the recommendation above that the entire area exempted by the OCS Lands Act be included within the sanctuary. According to that act, if the State of California should authorize oil and gas leasing within its three-mile limit, then the prohibition on oil and gas in the remainder of the protected area would be withdrawn. It would be a bad precedent for a state to drill for oil and gas within a sanctuary area.

In the interest of insuring that there be no dredge spoil disposal and ocean dumping within the sanctuary, there should be a specific prohibition in the management plan.

Proposed regulations prohibit within one nautical mile from the Farallon Islands, Bolinas Lagoon, or any Area of Special Biological Significance the operation of any commercial vessels (except fishing, recreational or research vessels). We believe that a two-mile buffer zone is preferable, and we strongly support the Coastal Commission's proposal to change the one-mile zone to two miles.

We note that the proposed regulations state that all activities currently carried out by the Department of Defense within the sanctuary are essential, and therefore, not subject to the listed prohibitions. We question the permissive nature of this military exemption. Military overflights are a significant source of disturbance. The exemption permits continued use over sensitive wildlife areas of helicopters, which have the highest frightening effect on wildlife. We urge the Administrator to negotiate with the Department of Defense to eliminate nonemergency low-level overflights at a few sensitive areas, such as Bolinas Lagoon, Drakes Estero, and the Farallon Islands.

The Administrator should negotiate with all relevant agencies to seek establishment of a minimum 1,000-ft. nonemergency overflight level throughout the sanctuary, with possibly a 2,000-ft. level over critical rookeries, although enforcement may be difficult. While there presently is a good working agreement with the U.S. Coast Guard, a formal agreement would be desirable.

2.

3.

4.

5.

6.

7.

1. Comment accepted.

2. See response to comment 2, the Center for Environmental Education, May 30, 1980.

3. Section 936.12 has been deleted from the regulations.

4. See generic response D, E. The general prohibition against discharges clearly includes ocean dumping.

5. See generic response F.

6. The activities included in the exemption to the regulations are those which the Department of Defense has identified to NOAA. NOAA has repeatedly tried to find out whether there are any low level (below 1000 feet) military overflights over sensitive areas in the sanctuary. With the exception of the U.S. Coast Guard search and rescue missions, which are necessarily exempt from the overflights prohibition, NOAA has no confirmed information that any branch of the military continues to conduct low level overflights in this area. Obviously, military activities of which NOAA was not informed cannot be included in the general finding that military operations are consistent with the purposes of the sanctuary. If violations of the regulations on overflights occur, the sanctuary manager will identify and prosecute the violator.

7. The provisions of the Marine Mammal Protection Act of 1972 appear to provide sufficient protection from disturbance by overflights more than 1 mile away from the sensitive habitats in the proposed sanctuary. NOAA will monitor this situation and continue to consult with the interested agencies.

COMMENT

RESPONSE

Concerning vessel navigation and operation, we would like to point out a misstatement in the DEIS. The traffic separation scheme running the length of California that is depicted in the DEIS is but one of several proposals the Coast Guard is presently studying, and the scheme is not under serious consideration at this time. The Coast Guard, through its port access study, is gathering data in order to determine whether changes in the present system should be recommended. We urge that the Administrator work closely with the Coast Guard as the port access study progresses to insure that the safety and welfare of the marine sanctuary receives consideration equal to the safety requirements of the shipping industry.

We feel the subject of transportation of hydrocarbons is not dealt with adequately in the DEIS. While oil and gas leasing would be prohibited within the sanctuary boundaries, OCS sale #53 is scheduled to begin in 1981. This sale is located on the southern and northern sides of the sanctuary. In addition, the five-year OCS schedule provides for escalation of oil and gas drilling along the entire California and Alaska coasts. All this activity will create increasing tanker, barge, and servicing vessel traffic through the proposed marine sanctuary.

According to table IV.A.1-4 in the DEIS for OCS #53, the increases in the use of the western route (main route) will result in a high probability of spill reaching the Farallon Islands and the Gulf of the Farallon. Figures given in the chart show that for the Farallon Islands, there is a

- 13% chance of a spill reaching the islands in 3 days
- 22% chance of a spill reaching the islands in 10 days
- 24% chance of a spill reaching the islands in 30 days

and for the Gulf of the Farallon, there is a

- 30% chance of a spill reaching the gulf in 3 days
- 35% chance of a spill reaching the gulf in 10 days
- 38% chance of a spill reaching the gulf in 30 days.

The DEIS for the proposed sanctuary does not contain trajectories of expected movement of oil spills at different times of the year. These should be prepared and evaluated carefully by the Administrator and the Coast Guard to develop oil spill contingency plans for the sanctuary PRIOR to OCS #53. Because of the great amount of hydrocarbon vessel traffic presently moving through the proposed sanctuary, oil spill contingency plans should be drawn up by the Administrator and the Coast Guard as soon as possible regardless of whether the OCS #53 sale is made. Currently 67 percent of vessel traffic passes within 10 miles of the headlands, and 87 percent passes within 15 miles while transiting the coast.

We recommend that the Administrator negotiate agreements with the Coast Guard and hydrocarbon shippers to reduce or eliminate their use of the present northern traffic lane. This is because their cargo is a danger to the health of the extraordinary ecosystem comprising the sanctuary. It is essential to keep as much tanker traffic out of the sanctuary as possible.

8.

9.

8. See generic response G.

9. The discussion of petroleum transportation has been expanded in the FEIS, based on information supplied in the DEIS on OCS Sale #53. NOAA will consult with the Coast Guard after the results of its study are available. Oil spill contingency planning will also be a major concern of sanctuary management.

COMMENT

RESPONSE

2.
has retained its mineral rights adjacent to Pt. Reyes would open up for OCS exploration those areas outside the Sanctuary but within fifteen miles of a "wilderness area" of the Seashore, i.e. in that sensitive area north of Ten Mile Beach. This is a most critical problem and one would hope that, together with support from the California Coastal Commission, you would make a concerted effort to convince the State authorities to make a concession here.

In addition to the above, I also suggest you look strongly at the Coastal Commission proposal to extend from one to two miles the distance between vessel traffic and sensitive habitat areas.

In regards to your management program, we agree that the Sanctuary manager should coordinate regulation by the various existing agencies to avoid unnecessary duplication. But I would prefer that NOAA designate one of its own people as a Sanctuary manager; however, if you insist on delegating the on-site management lead to an existing agency, I would think that the most appropriate agency for a federal jurisdiction would be some sort of a federal agency.

We sincerely recommend the formation of a Sanctuary management advisory committee and strongly urge the appointment of a citizen contingent to that committee, and to include one or more individuals from the West Marin areas adjacent to the Sanctuary. We note in passing the very good relations between the National Park Service at the Point Reyes Seashore and the GGNRA and the local West Marin communities, which condition owes much to an on-going series of both formal and informal meetings between Park personnel and community representatives.

Finally, we are interested in the prospects for low key interpretation, perhaps in conjunction with Park Service work of this nature in the Seashore, and also for the potentialities for research activities in the Sanctuary under NOAA auspices. We in the Tomales Bay area feel keenly the loss of research potential as a result of the closing of the Pacific Marine Station at Dillon Beach. We know the need for marine research and would hope that NOAA could revive the stimulus for such work both in and adjacent to the Sanctuary boundaries.

Respectfully yours,
William S. Howe, Jr.
William S. Howe, Jr.,
President

1. NOAA has deleted Section 936.12 of the proposed regulations.

2. See generic response F.

3. See generic response A. The advantage of delegating on-site management to an existing agency as the Department of Fish and Game is that such an on-site manager can bring experience in the area and familiarity with local issues and uses to the job. However, final management and regulatory authority will remain with NOAA.

4. See generic response B.

5. NOAA agrees with the importance of research and educational activities in the sanctuary and will stress the development of such programs in its management plan (see Section F.2.b. and generic response A).



COMMENT

RESPONSE

3929 Piedmont Ave. Oakland, California 94611 -- (415) 651-8822x 6621

Home office of
Whale Center
International

Other offices in:

France

Canada

Mexico

Brazil

Japan

June 10, 1980

Statement on the
Proposed Point Reyes-Farallon Islands
Marine Sanctuary

Submitted to
NOAA, Office of Coastal Zone Management

The Whale Center is pleased to express enthusiastic support for the establishment of federal marine sanctuaries at significant and critical areas along the coastline of the United States. We recognize the need to identify and protect critical areas because commercial and extractive uses of the marine environment are increasing. We are convinced that sanctuary designation at the Point Reyes-Farallon Islands site is essential.

The unique combination of natural, scenic, and recreation characteristics of this area have already been recognized through designation of federal and state park units, wildlife refuges, areas of special biological significance, ecological reserves and wilderness. The marine waters provide the link among all these units. They provide the habitat and food for many of the living components of the natural communities.

The living resources are particularly vulnerable to increasing human use of the area. The most serious threats come from activities associated with leasing of tracts for oil and gas on the outer continental shelf. These threats include increasing noise, increasing hydrocarbon vessel traffic, increasing air pollution, and probability of accidents that will release oil into the environment.

While we wish to see the natural values maintained primarily for their own intrinsic worth and for passive use, we also support the concept of continued use of renewable resources that is inherent in the marine sanctuary program. For example, properly managed commercial and sport fishing should continue, as is clearly set out in the proposal. Recreational activities that have no negative impact should continue.

We would like to point out that the value of continuing the long-term sustainable economic benefit from fishing is not mentioned in the DEIS. This is a current renewable benefit that may be diminished by oil spills. The DEIS instead discusses the potential loss of revenues from as-yet undeveloped oil and gas tracts within

COMMENT

RESPONSE

- 5 -

insists that no decision has yet been reached to designate a sanctuary, the entire format of the DEIS indicates that its mind is made up and the regulations will be promulgated as stated.

A review of the DEIS leads one to this conclusion since NOAA has published in the Federal Register (Vol. 45, No. 63), page 20907, et seq. - March 31, 1980) proposed rules to control activities within the sanctuary. Comments on the proposed rules are due on or before May 30, 1980, despite the fact that no designation has been made.

We believe that the Department of Commerce should not propose regulations to govern activities within the Point Reyes - Farallon Islands Marine Sanctuary prior to completion of the EIS on the sanctuary proposal. The law is clear that an EIS must be completed prior to major federal action, not afterwards.

The decision by the Department of Commerce to prepare an EIS on the Point Reyes - Farallon Islands sanctuary proposal recognizes that the creation of such a sanctuary is a major federal action as that term is used in NEPA. The heart of the sanctuary proposal is not the mere designation of a sanctuary, but rather is embodied in the regulations to govern activities within the sanctuary. It is the effects of activities to be regulated which are discussed in the EIS. To allow Commerce to promulgate those regulations without benefit of a completed EIS could render that EIS

COMMENT

- 6 -

7. and any subsequent formal designation of the sanctuary a post hoc rationalization of the agency's regulations. It is precisely such a rationalization which the courts have invalidated under NEPA. (See Attachment C excerpted from the opinion of Mr. James F. Vernon, McCutchen, Black, Verieger and Shea, Counselors at Law, December 17, 1979).

Accordingly, we believe NOAA should amend the DEIS by deleting Appendix I and should withdraw its notice of proposed rulemaking as published in the Federal Register.

In summary, we do not believe the need for sanctuary designation has been demonstrated in the DEIS for the following reasons:

- (1) The status quo is fully adequate to protect the marine environment.
- (2) Oil and gas operations have been conducted and will continue to be conducted in an environmentally sound manner.
- (3) The "preferred alternative" fails to recognize the national interest as far as exploration and production of oil and gas is concerned.
- (4) It is improper for the DEIS and Appendix to discuss and propose regulations for the sanctuary prior to completion of the EIS process.

Thank you for your consideration of our views.

RESPONSE

COMMENT

RESPONSE

- 3 -

In addition, we believe the DEIS is inadequate because it fails to analyze the environmental benefits by doing nothing: the status quo alternative. The deficiency is serious because it is a fact that the loss of substantial oil production carries with it environmental as well as economic disadvantages. It is national policy at the present time to reduce dependence on foreign oil as much as possible. Thus, it may reasonably be foreseen that a failure to develop available domestic oil and gas supplies will lead to increased use of coal, or, more remotely, nuclear energy. Each of those sources of energy has significant disadvantages as compared with oil and gas: The designation of a sanctuary and the attendant adoption of regulations prohibiting oil and gas operations has environmental disadvantages as well as advantages. This we believe requires a full review of the environmental benefits of the change, as opposed to leaving the status quo ^{intact} ~~intact~~.

On page F65 it is stated that each regulatory agency reviews only the impact that an activity under its jurisdiction will have. We submit that the multiplicity of regulatory authorities cited in the status quo alternative and the various interagency cooperative agreements and review does not leave gaps which result in significant harm to the environment. Every conceivable aspect of air and water quality, cultural and historic resources, birds, marine mammals, fish and maritime traffic are regulated. Most of the agencies are oriented wholly or in large part

3

4.

3. The very minor resource potential of the area makes such analysis inappropriate and not very useful.
4. In the discussion of the status quo, the FEIS describes some problem areas in the present regulatory structure. It is not possible to predict precisely how cumulative impacts may escape agency attention.

to environmental protection. The DEIS fails to discuss how the cumulative impact of a number of different uses may not fully be taken into consideration. The benefits of sanctuary designation are not clearly demonstrated in the DEIS and no meaningful consideration is given to the need for yet another agency to exercise regulatory authority.

Nowhere in the DEIS is there any quantification of the overall size of the various sanctuary alternatives. Our calculations, as referenced to the preferred alternative, show that this alternative would enclose an area approximately 1,168 square statute miles, 747,450 acres. We do not believe it was the intent of Congress in enacting Title III of the Marine Protection, Research and Sanctuaries Act of 1972 to remove vast ocean areas from commerce. Given the protection already afforded to the Farallon Islands and related offshore areas we see no demonstrated need for the sanctuary and indeed one as large as proposed.

A final important concern, is the failure of the DEIS to follow the above-mentioned Title III and the National Environmental Policy Act and related CEQ guidelines. Section 302(f) of Title III states in part: "(f) After a marine sanctuary has been designated under this section, the Secretary, after consultation with other interested Federal agencies shall issue necessary and reasonable regulations to control any activities permitted within the designated marine sanctuary ..." (emphasis added.) Although NOAA

5. See generic response C.

6. Neither Title III nor its legislative history indicate this area is inappropriately large for sanctuary status. The size of the sanctuary is appropriate to protect the marine resources.

7. NOAA has no intention of issuing the regulations for the sanctuary until after designation in accord with Section 302 (f) of the Marine Protection Research and Sanctuary Act of 1972. However, waiting to propose regulations until after designation as the commentor suggests, would result in a highly inefficient procedure. The impact of any proposed sanctuary simply cannot be assessed without knowing the proposed regulations. This commentor would have NOAA circulate the DEIS covering only the designation unable to describe the practical effects of the designation. Then NOAA would begin rulemaking, presumably circulating a second DEIS, describing the actual impacts of the sanctuary.

COMMENT

RESPONSE

STATEMENT OF E. J. TAARFF, REPRESENTING
WESTERN OIL AND GAS ASSOCIATION
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE
PROPOSED POINT REYES - FARALLON ISLANDS MARINE SANCTUARY

SAN FRANCISCO, CALIFORNIA, TUESDAY MAY 13, 1980

Western Oil and Gas Association welcomes the opportunity to comment on the DEIS for the proposed Point Reyes - Farallon Islands Marine Sanctuary. The members of our Association are engaged in oil and gas exploration and development on the Outer Continental Shelf, offshore California, Oregon, Washington and Alaska, and have a keen interest in bringing about timely development accompanied by appropriate environmental controls.

Attached to and made a part of this statement are two documents labeled Exhibits A and B. Exhibit A consists of comments, pertaining primarily to environmental matters, prepared by Dr. E. W. Mertens, Chevron U.S.A. Inc. Exhibit B was submitted to you with our testimony on the Proposed Santa Barbara Channel Marine Sanctuary and is resubmitted as being equally applicable to the Point Reyes - Farallon Islands Proposal.

On October 12, 1979 the Sanctuary Programs Office of NOAA circulated for review and comment preliminary drafts of Sections E and F of the DEIS for the proposed Point Reyes - Farallon Islands Sanctuary. By letter dated November 9, 1979 our Association commented on such preliminary sections which is a part of the record in this matter. A comparison of the preliminary draft sections with the DEIS issued on March 21, 1980 indicates that (a) no attempt has been made to incorporate or discuss the comments made in our letter of November 9, 1979, and (b) that NOAA is determined to designate a sanctuary in the manner proposed in Section F.2 without following the requirement of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Guidelines.

COMMENT

RESPONSE

- 2 -

Rather than repeat the comments in our letter of November 9, 1979 we hereby incorporate them in this statement by reference and urge that they be included in the final EIS when issued.

Several other matters should be discussed in the DEIS which have so far been ignored.

1. Section F.2 b.1 proposes that all hydrocarbon exploration and exploitation activities pursuant to leases executed on or after the sanctuary designation be prohibited. However, the preferred alternative does not adequately consider the national interest as such interest applies to the development of urgently needed oil and gas supplies. Prohibition of oil and gas activities on future leases creates a de facto withdrawal of land by NOAA because the Interior Department cannot expect to receive meaningful bids on tracts included in such sanctuary areas.

The same policy with respect to future leases was expressed in the DEIS on the proposed Channel Islands Marine Sanctuary which we vigorously objected in our statement filed for the record on January 10, 1980. The continuance of this policy, prohibiting oil and gas development in sanctuary areas, of which there are now seventy odd proposals outstanding, could seriously impair exploration and development throughout the OCS. The cumulative impacts of these proposals have not been evaluated, as required by NEPA. Further, no valid reasoning under the OCS Lands Act and regulations can be used in support of such a policy.

1. The DEIS and FEIS discuss the likely low resources of the proposed sanctuary area. The proposal considers the national interest in preserving special marine areas and concludes it outweighs the current need for the limited oil and gas resources of the area.
2. The marine sanctuary program evaluates each proposal on a case-by-case basis. While two active proposals on offshore California sites would restrict oil and gas development, several other areas under active review would not involve such restrictions.

COMMENT

Office of Coastal Zone Management
May 23

Sundance
Sportfishing
SF Calif —

RESPONSE

Dear Sirs:

I was unable to attend either the public hearing in Pt Reyes or the one in SF. I would like to express a concern that I had planned to voice in person.

As a native of the Bay Area & West Marin I grew up with and hold a deep affection for the natural beauty of our coastline, our seashores our marine natural resources. I hold a deep concern for their preservation.

I used to be a flat-out, balmer-waring conservationist; all development, exploitation, any change, was wrong and should be halted.

Now I have also another perspective. I run a party-boat, sportfishing for salmon almost every day in precisely the area designate for the Pt Reyes - Farallones Marine Sanctuary.

It seems to me that oil exploration & oil-drilling in this area would pose a real threat to the marine environment & shoreline. The possibility of a major oil-spill has me quaking in my boots and I'm against it one hundred percent. NO DRILLING!

However, what I understand of the Sanctuary proposal could have disastrous consequences for those of us who make a living (which has almost been ruled and regulated and slashed and hacked into a pretty magre living at that) fishing these waters. In

1. The proposed sanctuary would prohibit oil and gas activities.

COMMENT

No sport, newspaper account, discussion or anywhere have I found quarantees to the substantial number of us that we don't have more restrictions to back or for that matter, any consideration of us the Gulf of the Farallones fishermen at all. In the Pt Reyes light account of the West Marin fishing, some Bruce Wachtell claims to have seen "abuse of marine life" by some fishermen. I have been out there for almost 4 years almost everyday A Salmon season, and I wonder what he's talking about. Some Robert Brown of the Regional Coast Commission mentioned the "lack of restrictions on recreational boating and fishing." These people I submit have no idea what they're talking about!! We are almost restricted out of business and we almost all have a greater love & respect for our working environment than anyone employed onshore could match.

Cpt I feel that we could become a casualty of an idea I believe is basically good.

If hysterical people lump the local fishermen with the "bad guys" who want to drill oil offshore, and really do threaten the environment we fishermen will have to oppose the Sanctuary all the way.

What about the fishermen? Please reply.

Sincerely
Sam Bratenahl

Sundaca Sportfishing

RESPONSE

2. The Designation document excludes fishing from sanctuary regulation. In addition, the regulation prohibiting certain tankers, barges, and other cargo carrying vessels from a 2 nmi zone near sensitive areas guarantees access for fishing, recreational and research vessels.

Ms. JoAnn Chandler
26 May 1980
Page 4.

COMMENT

Page C-15 The words "less impacted" (or something similar) should be incorporated into the last line of the first paragraph:

"...will thereby be less impacted."

We feel it is a mistake to imply the assumption anywhere that a line drawn on a map can act as a physical barrier.

Page E-9, Figure E-2 The Golden Gate National Recreation Area now stretches from San Mateo County in the south to the Point Reyes National Seashore in the north, and incorporates Stinson Beach Park which is no longer owned by the State of California.

Page E-55 The Golden Gate National Recreation Area is a major park and really should be described. We suggest that a discussion of it be placed after paragraph 2 on this page. Additionally, in paragraph 3, line 5, "Stinson State Beach" should be changed to "Stinson Beach Park".

Page E-57, Figure E-14 Same as Page E-9, Figure E-2 above, plus Marin Headlands is now a part of the GGNRA.

Page E-58, Table E-12 Change "Stinson SB" to "Stinson Beach Park NRA"; change .4 to .7; include hiking and nature observation under activities.

Page E-65, Figure E-15 The College of Marin Bolinas Marine Station is no longer in its former location and may be closed. You can check with Gordon Chan at the College of Marin in Kentfield (415-485-9510) for its actual status.

Page F-3, Table F-1, Seabed Alteration and Construction Mariculture has been left out of Alternative 4.

Page F-8, Table F-3 The federal listings should include something to the effect of:

"NRA - National Recreation Area - Department of the Interior"

Page F-59 After the discussion of the Point Reyes National Seashore a similar discussion of the Golden Gate National Recreation Area should be inserted.

Page F-96 Paragraph 1, lines 10 and 11 include the following statement:

"Under current human activity levels, littering is not a severe problem."

We strongly disagree with this statement. During sport fishing season Stinson Beach is littered with plastic bait bags, and during duck hunting season spent plastic shotgun shell casings litter it.

RESPONSE

9. This language is not intended to imply that the boundary will provide protection, but that the prohibition of hydrocarbon development will add protection.

10. The Golden Gate National Recreation Area falls under the heading of the National Park Service in Table F-3. A description of the GGNRA has been added.

11. The remaining comment have been noted and responded to as appropriate.

Ms. JoAnn Chandler
26 May 1980
Page 5.

Surely what washes onto Stinson Beach represents only a small proportion of all that settles to the beds of the ocean, bays and estuaries.

We hope that our comments will be of assistance to you in the development of appropriate regulations for governing activities within the proposed Point Reyes-Farallon Islands Marine Sanctuary. Could you please send us a copy of the regulations as they will appear in the Federal Register?

Sincerely,


Barbara E. Alban
Coordinator


Jake Skaer
Coordinator

BEA/JS:ba

xc: Bruce Barrett, Acting Director
Office of Environmental Affairs

Bob Brown, Executive Director
North Central Coast Regional Commission

Warner Chabot, Coordinator
Marin County Coastal Energy Impact Program
Citizens' Advisory Committee

Richard Danielson, Area Supervisor
Stinson Beach Park, GGNRA

Gary Giacomini, Supervisor
Marin County, District 4

Marge Macris, Director
Marin County Planning Department

Doug Nadeau, Chief
Division of Resource and Management Planning
Golden Gate National Recreation Area, Fort Mason

Coastal Post

Point Reyes Light

COMMENT

Ms. JoAnn Chandler
26 May 1980
Page 2.

RESPONSE

Boundaries: We endorse Alternative 2. The boundaries described in Alternative 4 are far too limited in scope to meet the basic objectives outlined on page D-5. Bodega, Tomales and Bolinas Bays are all excluded, as are Drakes and Limantour Esteros and Bolinas Lagoon. Also left out are Duxbury Reef and Rocky Point. Each of these areas are biologically important and are delicately linked and related to the rest of the area under consideration.

Oil and Gas Activities: We endorse Alternatives 2 and 4. They provide the maximum amount of protection of the alternatives offered.

Discharges: We endorse Alternatives 3a, 3b and 4. These alternatives exclude ocean outfalls of municipal sewage from within the sanctuary boundaries. Currently land-based sewage disposal methods are successfully used by the communities adjacent to the proposed sanctuary. During the inevitable treatment plant failures, untreated sewage would be dumped directly into the sanctuary. If this includes material from inland urban centers, then industrial as well as organic wastes will be dumped. This is unacceptable.

Seabed Alteration and Construction: We endorse Alternative 4. Because the potential impacts to the sanctuary from new residential construction along Tomales Bay and new marina construction within the sanctuary were not addressed by the DEIS a conservative attitude is called for. Unless it can be clearly shown that the sanctuary would not be negatively impacted by these forms of development such construction should be excluded.

Vessel Traffic: We endorse Alternative 4. With the potential for greatly increased numbers of tankers due to the consummation of Lease Sale 53 the formalization of the use of the VTSS lanes becomes ever more important if real protection of the sanctuary from vessel related incidents is to be sought. Additionally, this alternative increases the buffer between vessels (other than those for fishing, research, recreation and enforcement) and sensitive areas thereby more closely adhering to the objectives described on page D-5.

Disturbing Marine Mammals and Birds: We endorse a combination of Alternatives 2 and 4. While the 1000' minimum ceiling for overflights described in Alternative 2 appears reasonable, the 1 nmi radius around sensitive areas seems low. Some of the military aircraft, especially when there is more than one of them can be particularly loud and disturbing, even at distances of one mile. We therefore suggest that the 2 nmi radius described in Alternative 4 be used.

Historical Resources: We endorse Alternatives 2 and 4. These alternatives would appear to protect the resources.

1. 2. 3. 4.

1. Alternative 2 would not automatically allow the disposal of municipal wastes in the sanctuary. The certification requirement for such disposal insures that it will not occur unless there will be no significant impacts on sanctuary resources. However, unlike Alternative 3 and 4, the preferred boundary alternative adjoins several residential and developed areas (particularly Tomales and Bodega Bays). NOAA felt that the potential for flexibility was important in regulations concerning municipal waste. NOAA agrees, however, that in general, disposal of municipal waste in this proposed sanctuary is inadvisable.
2. The regulation has been rewritten and clarified.
3. See generic responses F and G.
4. The 1 nmi buffer appears sufficient, but effects of the restriction will be monitored.

COMMENT

Ms. JoAnn Chandler
26 May 1980
Page 3.

RESPONSE

5. Firearms: We endorse Alternative 4. The use of firearms within the sanctuary must be prohibited to protect marine life while within its boundaries. Much of the marine life which washes ashore has been reported to have bullet wounds. Many of these wounds are allegedly inflicted in the name of "sport". In light of the objectives of the sanctuary program it seems reasonable to exclude the use of firearms (not their possession) from the sanctuary.

6. Fishing: We endorse Alternatives 2, 3a, 3b and 4. They appear adequate, assuming that California's Department of Fish and Game is capable of properly monitoring activities within the sanctuary. The amount of staff and equipment currently available to them seems grossly inadequate to deal with their existing varied workload. For them to properly carry out their responsibilities within the sanctuary it may be necessary for the Marine Sanctuary Program to augment their monitoring and enforcement staff and equipment.

7. Military Activities: We conditionally accept Alternatives 2, 3a, 3b and 4. The DEIS policy statement is without specific definition of the regulatory guidelines for the allowed levels of military activity. Without specific definition of terms like "essential", "national defense", "emergency" and "maximum extent practicable", and specific guidelines as to the types of activities which would be prohibited this policy can be subject to many differing interpretations. The DEIS indicates that NOAA has no data showing that military operations as currently conducted within the sanctuary harm the marine life. Yet harbor seals have been documented stampeding from their hauling-out grounds in Bolinas Lagoon as military Huey Cobras flew overhead. Therefore it should be noted that (1) clearly non-essential military operations do occur within proposed sanctuary boundaries, and (2) at least some of these activities do create a serious negative impact on marine life. The question which concerns us regarding this element of the proposal is: Who has the final say on the interpretation of this alternative--the marine sanctuary manager or the military?

8. Research/Education: We endorse Alternatives 2, 3a, 3b and 4. These alternatives appear to protect the resources.

Management: We endorse alternatives 2, 3a, 3b and 4. These alternatives appear to protect the resources and the program itself. We strongly endorse the inclusion of continued public participation through the development of a Sanctuary Advisory Committee as recommended on page F-113.

Below are listed corrections and suggested clarifications to the text itself, organized by page.

5. The regulation has not been added. Adequate enforcement of existing regulation appears more appropriate in this instance.

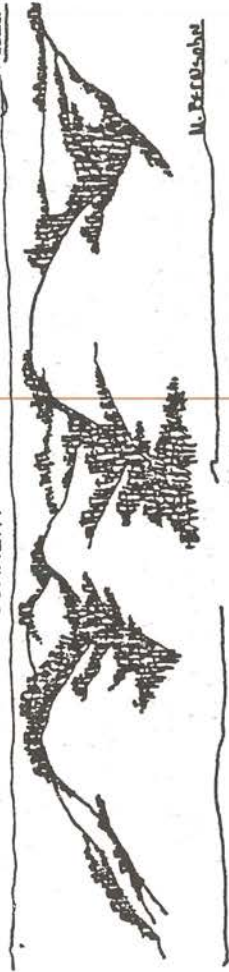
6. Some sanctuary funds would be available for these purposes.

7. NOAA will engage in discussions with DOD on the impacts of defense activities within the proposed sanctuary.

8. See generic response B.

COMMENT

RESPONSE



STINSON BEACH VILLAGE ASSOCIATION

7 May 1980

JoAnn Chandler, Director
 Sanctuary Programs Office
 Office of Coastal Zone Management
 3300 Whitehaven Street, NW
 Washington, D. C. 20235

Ms. Chandler,

We would like to thank you and your office for the opportunity to review and respond to the Draft Environmental Impact Statement on the Proposed Point Reyes-Farallon Islands Marine Sanctuary (March 1980).

The Stinson Beach Village Association represents more than 300 residents and property owners throughout the community. Established in 1976 after the unanimous adoption of the Stinson Beach Community Plan by the Marin County Board of Supervisors, the two major goals of the Association are to protect and implement the policies of the Community Plan, and to serve as liaison between the community and outside agencies and organizations.

At this time we would simply like to inform you of our support for the Marine Sanctuary Program generally, especially as it addresses hydrocarbon operations (Lease Sale # 53) and disturbance of marine mammals and marine birds (minimum overflight ceiling of 1000'). Both these issues are particularly important to us.

More detailed comments will be available for the May 13, 1980, Point Reyes Station meeting. We look forward to seeing you there.

Sincerely,

Barbara E. Alban
 Barbara E. Alban
 Coordinator

BEA/JS:ba

Jake Skaer
 Jake Skaer
 Coordinator

NO RESPONSE NECESSARY

COMMENT



STINSON BEACH VILLAGE ASSOCIATION

26 May 1980

Ms. JoAnn Chandler
 Director, Sanctuaries Program
 Office of Coastal Zone Management
 3300 Whitehaven Street, N.W.
 Washington, D.C. 20235

Subject: Draft Environmental Impact Statement on the
 Proposed Point Reyes-Farallon Islands Marine Sanctuary

Ms. Chandler,

We would first like to thank you for this opportunity to submit our written comments on the above DEIS. The document itself is generally well written and organized and therefore fairly easy to review.

The Stinson Beach Village Association approves the intent expressed in the DEIS to protect the ecosystem of the Point Reyes-Farallon Islands region by designating it a Marine Sanctuary. The objectives identified on page D-5 are noble in scope and should be obtainable through the implementation of one or a combination of the alternatives offered; however, there doesn't seem to be any effective way to protect the area from the intrusion of oil from the spills expected to take place should Lease Sale 53 go through. One of the areas where the Sanctuary Program would appear to be most effective would be in the coordination of the myriad agencies and their regulations currently governing the uses of the area.

The lack of coordination between the various County, State and Federal regulatory bodies is in itself sufficient reason to reject the first alternative listed, that of Status Quo-Do Nothing. Therefore, the Stinson Beach Village Association does not support this alternative.

Of the remaining alternatives, Alternative 4 seems to most nearly reflect the objectives as described on page D-5. The exceptions to this are in the categories of "Boundaries" and "Disturbing Marine Mammals and Birds." The following lists our preferences for the various alternatives offered in each category and our reasons for them.

COMMENT

RESPONSE

other specified areas. This larger diversion of vessels could increase costs in labor, but these costs would be outweighed by the savings in benefits to the environment of the Sanctuary.

3.

3) Regulation of pipelines -- The Comptroller General's Report To The Congress, August 27, 1979, states, "...pipelines are vulnerable to disruptions caused by human error, sabotage, or natural disaster." We'd like to prohibit the laying of pipeline in the whole sanctuary, rather than only within 2 mi of the sensitive areas. The route diversions could cause increased costs monetarily, but would cause increased savings environmentally. For example, avoidance of "noise, sedimentation, and other disturbance impacts associated with the laying of pipelines..." (p-93), and avoidance of the impacts caused by disruption of pipes after they're in service.

4.

We have some further comments:

4) We want to see the safe disposal of the radioactive wastes that are presently stored near the Farallone Islands in corroded and leaky containers. The Sanctuary will not be a true sanctuary as long as radioactive wastes continue to seep into the environment.

5.

5) The elephant seals live and breed not only on the Farallones but also have now been sighted on some beaches of the Point Reyes National Seashore.

6.

6) Your continued and increased correspondence with local fishing and mariculture people, directly and/or indirectly through DRU, could clear up fears over increased regulation of these industries and so diminish these peoples' opposition to the proposed Sanctuary. We hope this kind of communication will occur.

At the bottom line we all want the same thing, we have this one important goal in common - a healthy, pretty, and productive place to live. Now we need good information upon which to base our decisions on how to get and keep such an environment. We thank you very much for providing such a comprehensive and well written DEIS on the proposed sanctuary.

Sincerely and hopefully yours.

Kim Patch

Kim Patch
Student in Environmental Studies and Planning
Sonoma State University

P.S. Is it yet timely to direct letters of support for the Sanctuary to President Carter?

P.S.S. Please send a copy of the DEIS and the FEIS as soon as possible to:

Resource Room Coordinator
School of Environmental Studies and Planning
Sonoma State University
1801 East Cotati Avenue
Rohnert Park, CA 94928

3. See generic responses F and G.

4. NOAA feels it is wiser to certify permits for pipeline placement on a case-by-case basis. In certain instances, it is environmentally safer to transport oil and gas by pipeline than by barges and tankers. Routing a pipeline around the sanctuary could, in addition to costing more, have greater impacts than a pipeline through the sanctuary. A longer pipeline disrupts more sea bottom, and has a greater chance of rupture, particularly if the sea bottom outside the proposed sanctuary should prove less geologically stable. A pipeline spill just beyond sanctuary boundaries would probably be more damaging than a "safe-pipeline" in the sanctuary.

5. This question will be addressed under the management plan. At present, NOAA does not have enough information to determine whether safe disposal is possible.

6. Comments accepted

COMMENT



STATE UNIVERSITY OF NEW YORK, STONY BROOK, N.Y. 11794, 516-246-XXXX 4002

29 May 1980

Ms. JoAnn Chandler, Director
Sanctuary Programs Office
Office of Coastal Zone Management
NOAA
3300 Whitehaven Street, N. W.
Washington, D. C. 20235


Dear Ms. Chandler:

I wish to support wholeheartedly your proposed Point Reyes/Farallon Islands Marine Sanctuary as published in the Federal Register of 31 March 1980, Vol. 45, pages 20907 to 20911.

I have on at least half a dozen occasions visited Point Reyes, the Farallon Islands and the surrounding waters during the past 25 years. I have also visited many other parts of the West Coast, and can therefore make comparisons. The Farallon Islands/Point Reyes vicinity is unique in its richness of marine life, including marine birds, marine mammals and other organisms. I am not aware that any other part of our West Coast is so richly endowed.

This region is an obvious candidate for such a sanctuary. It must have full protection, including prohibitions on oil drilling and mineral excavations. The rich natural resources of this region deserve nothing less.

Sincerely,


Charles F. Wurster
Associate Professor of
Environmental Sciences

RESPONSE

NO RESPONSE NECESSARY

Sonoma State University

School of Environmental Studies
and Planning
707 864-2883
707 864-2306

May 21, 1980, The Year Of The Coast.

JoAnn Chandler, Acting Director
Sanctuary Programs Office
Office of Coastal Zone Management, NOAA
3300Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler,

I am writing you to express our school's support of the preferred alternative for the proposed Point Reyes-Farallon Islands Marine Sanctuary. We believe the way to insure the health of the environment is to plan and regulate it's use. We believe this can be done efficiently, effectively, and in harmony with the lifestyles of locally affected people. Through careful planning such as the proposals described in the DEIS on the Sanctuary, we can continue to meet our economic needs and also maintain the health of the environment.

We have a few comments on the DEIS:

- 1) Prohibited Activities, hydrocarbon operations
We'd like a strong and clear statement prohibiting hydrocarbon exploration and exploitation. Existing statements are weak. For example: Section 935.6 states, "Except as may be necessary...to respond to an emergency threatening life,...the following activities are prohibited within the Sanctuary unless permitted by the Assistant Administrator in accordance with Sections 935.9 or 936.10: (1)Hydrocarbon operations." (P.A-13) Then Section 935.8 (a) states, "Any person in possession of a valid permit issued by the Assistant Administrator in accordance with this section may conduct any activity in the Sanctuary, including any activity specifically prohibited under Section 935.6, if such activity is (1) research related to the resources of the Sanctuary...." (P.A-16)

Oil companies could stretch a few phrases to obtain permits for hydrocarbon exploration in the Sanctuary. The phrase "an emergency threatening life" is often used to argue for the need to get more oil and gas. And hydrocarbon operations could be seen as "research related to the resources of the Sanctuary".

Socio-economic impacts - In the long run, the amount of hydrocarbon reserves foregone will have little cumulative effect on energy fuel supply. Sooner or later (probably sooner) we'll use up fossil fuel resources and then we'll need an alternative energy source. We should use the alternative resource(s) now. For example, Solar Technology can provide what diminishing oil and gas reserves can not provide: a renewable, continual, secure source of energy. This fact should be made clear in the final EIS.

- 2) Regulation of vessels - We'd like to prohibit oil tanker traffic within the whole Sanctuary rather than only within 1 mi of the Farallones and



1. The clause allowing otherwise prohibited activities in an emergency situation which threatens life is a reasonable and necessary provision. Hydrocarbon exploration and development is a lengthy process requiring many levels of permitting and preparation, and therefore cannot fit the legal interpretation of the emergency clause, in which lack of time for appeal is a crucial factor.

This decision of the Assistant Administrator will be made in the context of the administrative history of the sanctuary designation, the sanctuary management plan, and the recommendation of the sanctuary advisory committee and on-site manager. In this context, it is highly unlikely that he/she will grant a permit for hydrocarbon exploration.

2. Comment accepted. However, even though in the long run alternative sources of energy must supplant fossil fuels, if there is petroleum in the proposed sanctuary, which would otherwise be recovered, the value of that petroleum will be forgone.

24 May 80

COMMENT

Dear Director,

I'm sorry I was not able to attend the recent hearings for the proposed Point Reyes-Farallones Marine Sanctuary. This is to let you know that I just completed a General Marine Biology course at College of Marin, and with that background I am convinced of the need for such a sanctuary.

I would certainly hope that the one-mile protection proposed for the Farallones would be increased, however.

We hear a lot of worrying on the part of the local oyster companies because they are afraid of more regulation. Well, I do not feel their fears are well-founded, and certainly such a fine proposal as this marine sanctuary cannot be hindered because of fears of more regulation by local commercial oyster beds.

Yours truly,

Terry Sullivan
9 Ridge Avenue
Mill Valley, CA 94941

NO RESPONSE NECESSARY

COMMENT

To: Jo Ann Chandler
Subject: Marine Sanctuary

I am writing in support of the proposed Point Reyes/Farallon Islands Marine Sanctuary. I urge you to support this marine sanctuary. I hope to see full implementation of regulations to prohibit oil exploration, marine discharges, and dumping in this area.

This sanctuary is desperately needed for the 12 species of marine mammals that use this area. This area can be quickly destroyed as a nesting place by the increase of human (so called) development.

Thank You
Lynn Tennessee
10654 Montura Ct.
Lakeside, Ca. 92040

COMMENT

824 CHESTER ROAD
DEVON, PENNSYLVANIA 19300

April 28, 1980

Director
Sanctuary Programs Office
Office of Coastal Zone Management
NOAA 3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Sir/Madam:

I note that there is a proposal to designate the Farallon Islands as a Marine Sanctuary. I was fortunate enough to visit the Farallon Islands about a year ago and was enormously impressed with the range of bird life and animal life which is now there. I think that it is highly important that the Islands be preserved as a sanctuary.

Sincerely yours,

Ann L. Strong
Ann L. Strong

ALS/kc

NO RESPONSE NECESSARY

COMMENT

2120 Bowdoin Street
Palo Alto, California 94306
May 21, 1980

John Chandler
Director, Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

Dear Ms. Chandler:

We are writing to urge you to support the proposed Point Reyes/Farallon Islands Marine Sanctuary as outlined in the Draft Environmental Impact Statement. There is a tremendous need for this sanctuary for the many species of birds and marine mammals that utilize it. Without the establishment of this sanctuary, many of these birds and mammals are severely threatened by the effects of our coastal over-development, and especially by the prospect of off-shore drilling.

In addition, we would like you to support and request full implementation of the specific regulations to prohibit hydrocarbon exploration and exploitation, to prohibit most marine discharges and dumping, to prohibit construction or alteration of the seabed, to prohibit unnecessary operation of vessels, and to prohibit disturbing marine mammals and birds.

Your support for this sanctuary is of utmost importance in determining the future of this area and of the many birds and marine mammals that utilize it. Thank you.

Sincerely,
Judith Thielew
Bill Thielew

See generic responses D, E, F, and G.

cc: Bruce Barrett, Acting Director, Office of Environmental Affairs,
U.S. Dept. of Commerce, Senator Alan Cranston, Senator S.I.
Hayakawa, Congressman Paul McCloskey

RESPONSE

COMMENT

6965 Chambers Drive
Oakland, CA 94611
May 18, 1980

JoAnn Chandler, Director
Sanctuaries Program
Office of Coastal Management
3300 Whitehaven St. N. W.
Washington, D. C. 20235

Dear Ms. Chandler:

I am in full support of the proposed Point Reyes/Farallon Islands Marine Sanctuary.

And to insure that the area is indeed a sanctuary, I support full implementation of the proposal's specific regulations to bar any oil exploration, to outlaw most marine dumping and discharges, any alteration of the seabed - to prohibit any disturbing of the marine mammals and birds of that area.

I am fully aware that such prohibitions and restrictions on human activities could result in a loss of material well-being to me and my children but believe that we must stop exploitation of the habitats of other creatures with whom we must learn to share this planet.

Sincerely yours,

Margaret Q. Wehinger
Margaret Q. Wehinger

cc: Bruce Barrett, Acting Director
Office of Environmental Affairs
Room 3425, U. S. Department of Commerce
Washington, D. C. 20230

Senator Alan Cranston
Senator S. I. Hayakawa
Representative Ron Dellums

1. See generic responses D, E, F, and G.

COMMENT

John Chandler, Director
Sanctuaries Program
Office of Coastal Zone Management
3300 Whitehaven Street, N.W.
Washington, D.C. 20235

59 Poppy Lane
Berkeley, Calif. 94708
May 22, 1980

Dear Ms. Chandler:

It has been brought to my attention that the Point-Reyes-Farallon Islands area off the coast of California is under study as a sanctuary designation.

I would like to comment that I consider the Alternative #2 is the least that we can do to preserve and safeguard this valuable and ecologically rich area. I would urge adoption of Alternative #2 and would hope that further action can be taken to restrict vessel traffic in this area. Our life-giving planet needs all the help it can get if it is to continue as our survival base.

The fact that I live in the Bay Area does not necessarily mean that I want to see the area safeguarded because I live here. It is valuable beyond its immediate inhabited environment.

In talking to my friends, none of whom would or could take time to write their opinions on this matter, all are agreed that we must take any and all steps necessary to preserve the ecological integrity of this area especially. All of us agree too, that we support the use of our taxes & projects such as this.

Sincerely,

Carole J. Wells
Carole J. Wells

NO RESPONSE NECESSARY

COMMENT

May 14, 1950

Handwritten note:
RECEIVED BY
MAY 14 1950

TO: Mr. Chandler

Director, Sanctuaries
Handwritten note:
RECEIVED BY
MAY 14 1950

Dear Mr. Chandler:

I was very happy to here about
the Sanctuaries, when my mother, Barbara
Belding told me about them at the dinner
table tonight. I really think that we
should have them.

Sharon Hasselmann

NO RESPONSE NECESSARY

COMMENT

To: Jo Ann Chandler, Director Sonotruaie
Program OCZM
From: Charles O'Boyle
Re: Sonotruaie Development

Dear Jo Ann,

Our marine resources of biological
& geological nature should be protected
through the establishment of Sonotruaie.

In 1972 I participated in a preliminary
Law of the Sea Conference in Malta.
Here we considered global ocean management
strategies and specifically focused on the
Mediterranean Sea & Indian Ocean. It is
imperative that you act to entitle
marine Sonotruaie wherever possible. As
a native Californian our coast has profound
meaning for me & my family. I want to see it
protected through your programs.

Sincerely
Charles O'Boyle

NO RESPONSE NECESSARY

COMMENT

5/15/80

I have been studying the proposed
 Farallon-Bodega Bay Sanctuary of San
 Francisco, and feel it is feasible and
 desirable to set aside said waters for
 the preservation of wildlife and estuarine, etc.
 alternative & activities, special monuments,
 dumping or exploitation and preventing
 harm to the marine life some preferable
 and I strongly urge its adoption. Thank
 you for your support. Sincerely, Theo Frankel

COMMENT

Dear Ms. Chandler, 5-15-80
 I urge you to support the proposed
 marine sanctuary as outlined in the
 Draft Environmental Impact Statement.
 I also urge you to support ~~very~~ full
 implementation of specific regulations
 to prohibit oil exploration - discharge
 ion, prohibit most marine discharge
 dumping, prohibit construction or al-
 teration of the seabed, prohibit un-
 necessary operation of vessels + prohibit
 distribution of marine mammals + birds
 Thank you, Rubin
 Erna B.

1. See generic responses D, E, F, and G.

COMMENT

Dear Ms. Chandler:
 As a spokesperson for our
 center, The Farallones Institute,
 we have been greatly inspired
 by the islands, the Ft. Reyes
 Seashore. It is truly a wonderful
 area and should definitely be
 protected as a marine sanctuary
 for others to study, enjoy...
 Our environmental work is
 predicated on our respect for
 the natural beauty of Farallon
 Islands + Ft. Reyes Peninsula. Please
 visit the area - help to preserve it.
 Donna Cleveland + friends

Bolinas Hearsay News & Pelican Alliance for Safe Energy
May 13, 1980.

Summary of comments made by Mara Korppel at the public
hearings on the Proposed Point Reyes/Farallon Islands
Marine Sanctuary.

We favor the proposal, mainly due to its educational
and research possibilities.

No response necessary

[Faint, illegible handwritten notes in the right margin]

[Faint, illegible handwritten notes in the left margin]

[Faint, illegible handwritten notes at the bottom of the page]

California Marine Mammal Center May 13, 1980

Leslie Dierouf

Comments:

1. NOAA needs to explicate funding of marine mammal operations. California DFG currently has no funds for rescue operations for stranded marine mammals.

2. We question whether the proposed 1 nmi vessel limit would be adequate in the event of a major disaster.

RESPONSE

1. The regional offices of the National Marine Fisheries Service help the State out whenever possible in cases where a marine mammal has been stranded. However, there are no funds available from NOAA to any State for assistance in such operations. When NOAA and the California DFG develop a management plan along with the research components, a section on marine mammal research will be included.
2. The 1 nautical mile boundary restriction for vessels has been expanded to 2 nautical miles in the FEIS.

Golden Gate Sportfishing May 13, 1980

Summary of comments made by Barney E. Holder at the public hearings on the proposed Point Reyes Farallon Islands Marine Sanctuary.

RESPONSE

1. We understand that fishing activities are presently excluded from sanctuary regulation, but we are concerned that somewhere along the line a Federal official will decide to regulate fishing in the area.
1. Regulation of fishing activities under the presently proposed marine sanctuary is legally impossible.

Sierra Club

May 13, 1980

Summary of comments made by Mark J. Palmer at the public hearings on the proposed Point Reyes Farallon Islands Marine Sanctuary.

1. The Sierra Club strongly supports the 2nd Alternative. We also support the 2 nautical mile buffer zone and the dredge disposal limitations mentioned by the CCC. We support the proposal. The Sanctuary Programs Office should take a more active role in research programs than indicated in the DEIS. It could fund needed research. We stress our opposition to any oil and gas research and development within the sanctuary. In terms of present technology, oil and gas development within the sanctuary is simply incompatible with the resources.

2. Pages E-10 and E-16 lists of endangered species are incorrect: the California list of endangered species includes the California clapper rail, the peregrine falcon and the bald eagle.

RESPONSE

1. See generic responses A and B. If the sanctuary is designated, NOAA and California DFG will work jointly on a research and management plan for the sanctuary.
2. This list has been corrected in the FEIS.

