



Proposed Changes to Greater Farallones and Cordell Bank National Marine Sanctuaries' Regulations to Allow Certain U.S. Coast Guard Discharges

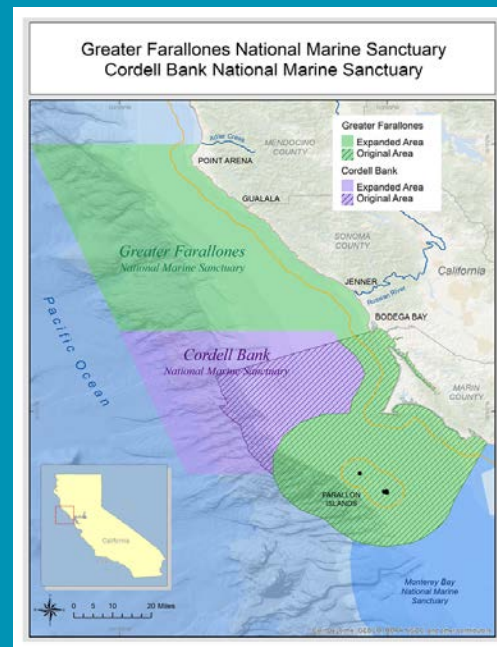
January 10, 2018

Background



On 6/9/15, the expansion of Greater Farallones National Marine Sanctuary and Cordell Bank National Marine Sanctuary (GFNMS and CBNMS) boundaries north and west became effective. Pursuant to a request from the United States Coast Guard (USCG), NOAA is considering allowing the USCG to carry out certain otherwise-prohibited discharges in GFNMS and CBNMS.

NOAA has postponed the effective date the discharge requirements would apply to the USCG in the expanded portions of the two sanctuaries until 12/9/18 or 30 days after publication of a final rule (whichever comes first).



Need for Action



- Expansion of GFNMS and CBNMS, with the resulting larger sizes of the sanctuaries and extension of the discharge prohibitions to the expanded areas, would make it difficult for the USCG to comply with the prohibitions in the expansion areas and stay mission ready.
- Certain USCG vessels have constraints for treating and holding sewage and non-clean graywater, and the USCG has trained its personnel for use of force and search and rescue (SAR) missions (involving ammunition and pyrotechnics discharges) in their area of operation, in the sanctuaries' expansion areas.
- USCG activities involving these types of discharges occurred in the expansion areas before the GFNMS and CBNMS expanded in 2015.
- USCG enforces the NMSA and all applicable federal laws and many other USCG missions support GFNMS & CBNMS management (incl. planning/response for oil spills & protecting living marine resources). The USCG also has other missions, not related to sanctuary management (i.e., defense readiness & drug interdiction).

Purpose



The purpose of the proposed action would be to enable the USCG to continue mission operations that entail certain discharges in the expanded portions of GFNMS and CBNMS including surveillance and upholding the NMSA and its implementing regulations.



Proposed Preferred Alternative



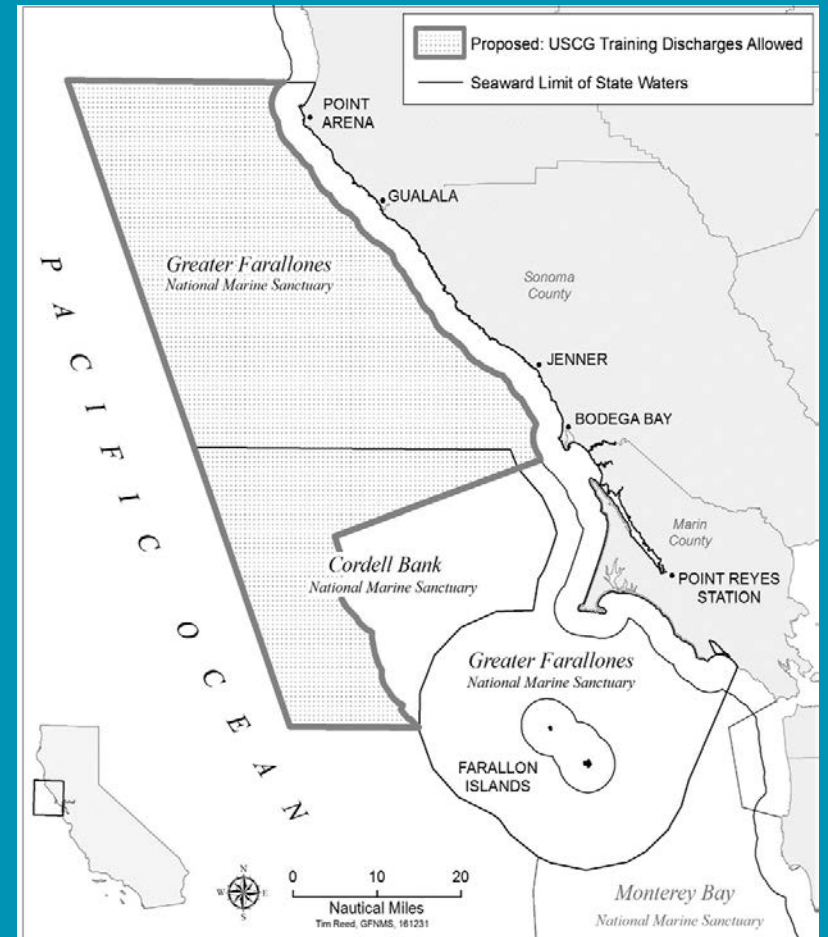
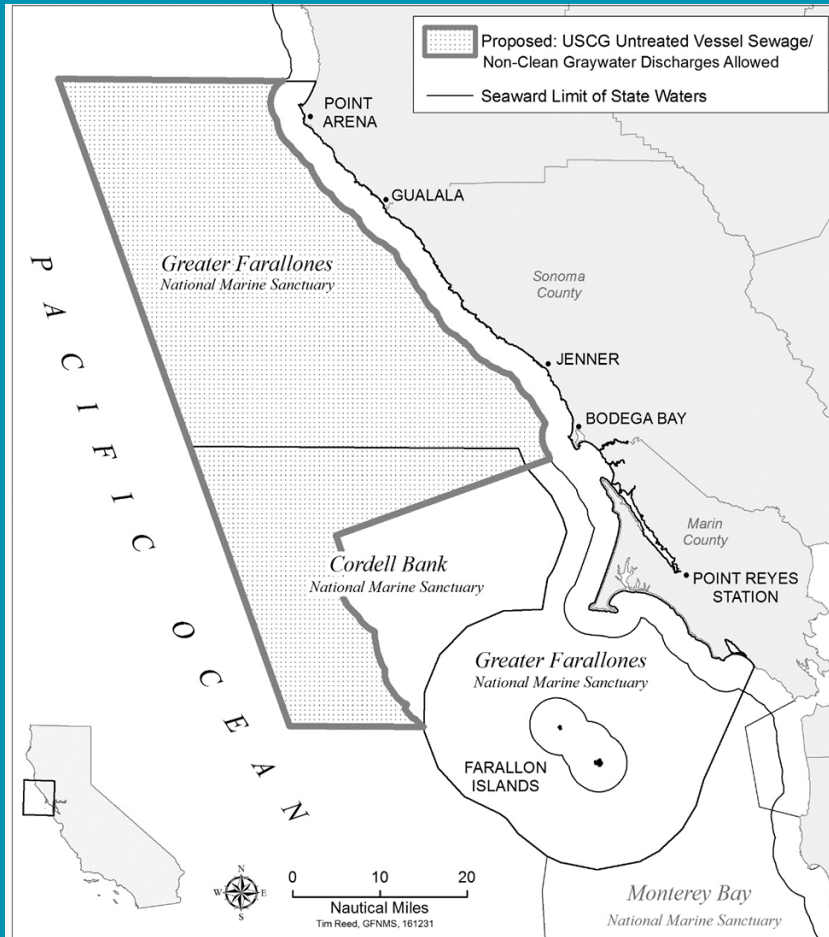
NOAA is proposing regulatory changes to allow these USCG discharges within the expanded portions of GFNMS and CBNMS, beyond approximately 3 nm from shore:

1. Untreated vessel sewage (i.e., not discharged through a Type I or II Marine Sanitation Device)
2. Vessel graywater (galley, bath and shower water) that does not meet the definition of clean in the GFNMS and CBNMS regulations
3. Ammunition and pyrotechnic materials used in USCG training exercises--“live fire” and SAR



Note, already exempt are activities necessary to respond to an emergency threatening life, property or the environment.

Sewage/Graywater Alternative 1 and Training Alternative 1 (Proposed Preferred Alternative)



Proposed Rule



Excerpt from proposed rule, regarding allowing the USCG discharges:

For a United States Coast Guard vessel that is without sufficient holding tank capacity and is without a Type I or II marine sanitation device, and that is operating within the designated area defined in Appendix G, sewage and non clean graywater as defined by section 312 of the FWPCA generated incidental to vessel use,

and ammunition, pyrotechnics or other materials directly related to search and rescue and live ammunition training activities conducted by United States Coast Guard vessels and aircraft in the designated areas defined in Appendix G.

(The GFNMS example is presented here; CBNMS's would be similar. "FWPCA" stands for Federal Water Pollution Control Act [the Clean Water Act].)

Other Alternatives

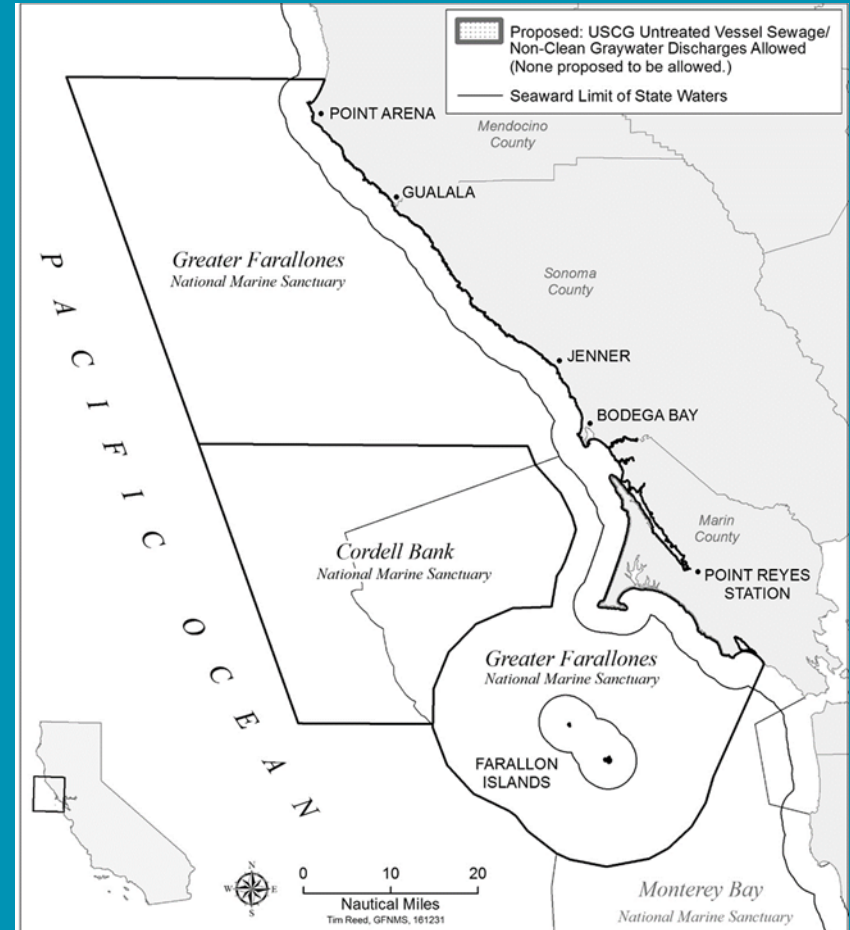
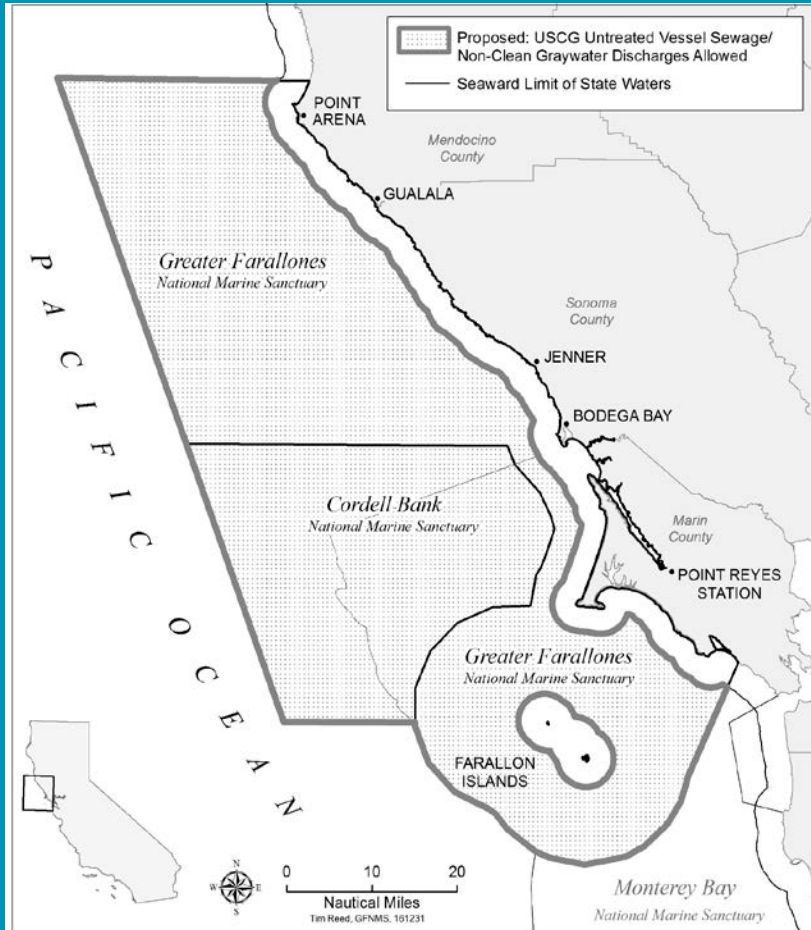


Under consideration:

Sewage/Graywater Alternative 2: Change the regulations to allow USCG untreated vessel sewage and vessel non-clean graywater discharges throughout the two sanctuaries, beyond approximately 3 nm from shore.

Sewage/Graywater Alternative 3 (No Action): NOAA takes no further action and the GFNMS and CBNMS discharge prohibitions take effect in the two sanctuaries' expansion areas with respect to USCG discharges, including untreated vessel sewage and vessel non-clean graywater discharges.

Sewage/Graywater Alternative 2 and Sewage/Graywater Alternative 3 (No Action)



Other Alternatives

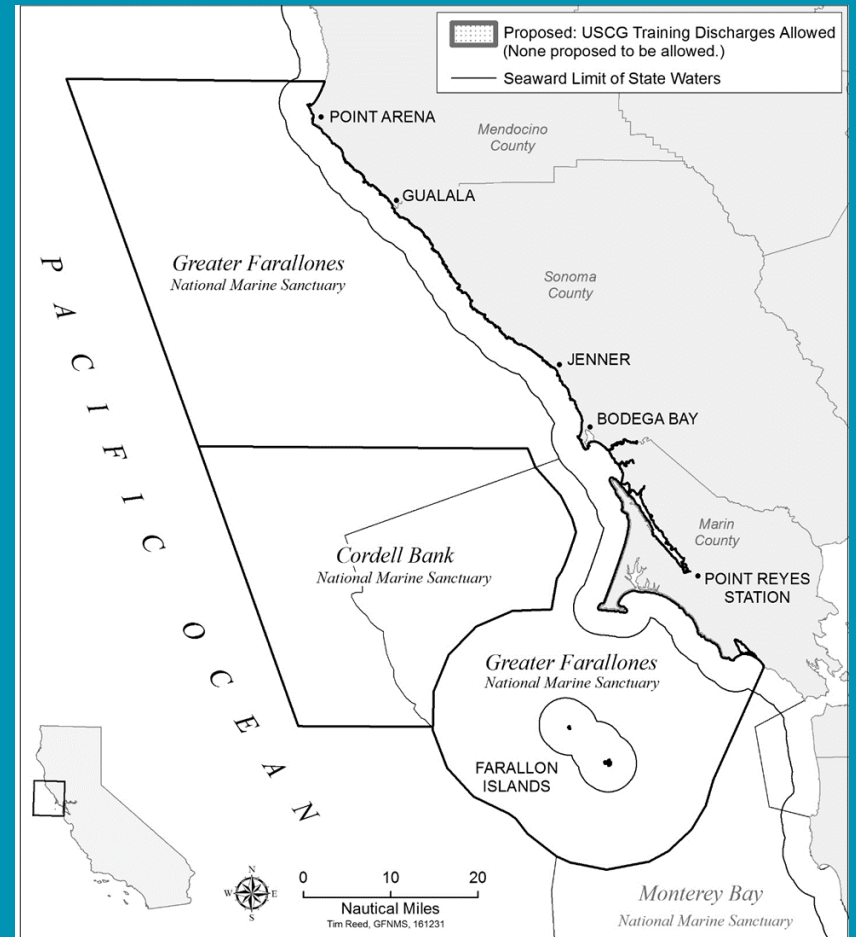
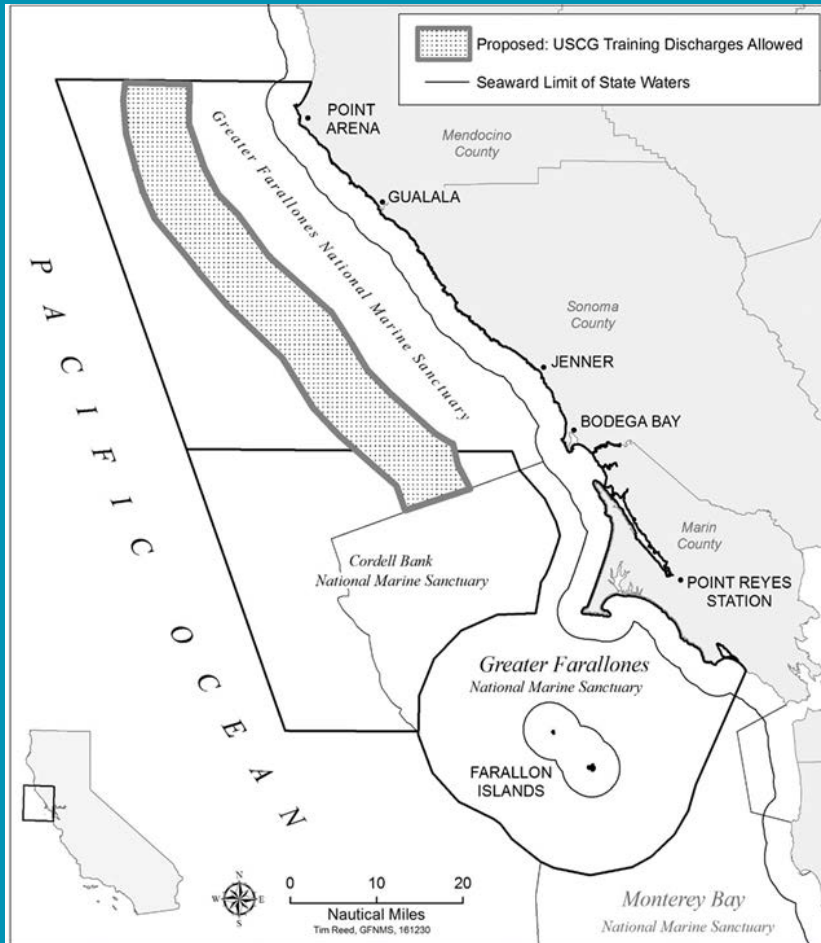


Under consideration:

Training Alternative 2: Change the regulations to allow discharges of ammunition and pyrotechnic materials used in USCG live fire and SAR training exercises in a specified portion of the GFNMS and CBNMS expansion areas, approximately 12 to 20 nm from shore.

Training Alternative 3 (No Action): NOAA takes no further action and the GFNMS and CBNMS discharge prohibitions take effect in the two sanctuaries' expansion areas with respect to USCG discharges, including USCG training-related discharges.

Training Alternative 2 and Training Alternative 3 (No Action Alternative)



Commenting on Proposed Action and to Learn More



Public Comment Period Open Until **January 16, 2018**

Ways people may individually comment:

- through the Federal eRulemaking Portal (must submit by 11:59 PM ET 1/16), at <https://www.regulations.gov/#!docketDetail;D=NOAA-NOS-2017-0140>;
- U.S. mail, to: Maria Brown, Sanctuary Superintendent, Greater Farallones National Marine Sanctuary, 991 Marine Dr. The Presidio, San Francisco, CA 94129

To read the draft documents and learn more, visit:

- <https://farallones.noaa.gov/manage/regulations.html>
- <https://www.regulations.gov/#!docketDetail;D=NOAA-NOS-2017-0140>

Major Remaining Steps



Major Remaining Steps for NOAA in this process:

1. Take comments on draft environmental assessment and proposed rule through end of comment period.
2. Consider comments received, and, as necessary, revise the draft environmental assessment and proposed rule.
3. Publish final environmental assessment and, if appropriate as the final action, a final rule.

