

PORT ACCESS ROUTE STUDY

APPROACHES TO Los Angeles - Long Beach and in the Santa Barbara Channel

DOCKET #USCG-2009-0765

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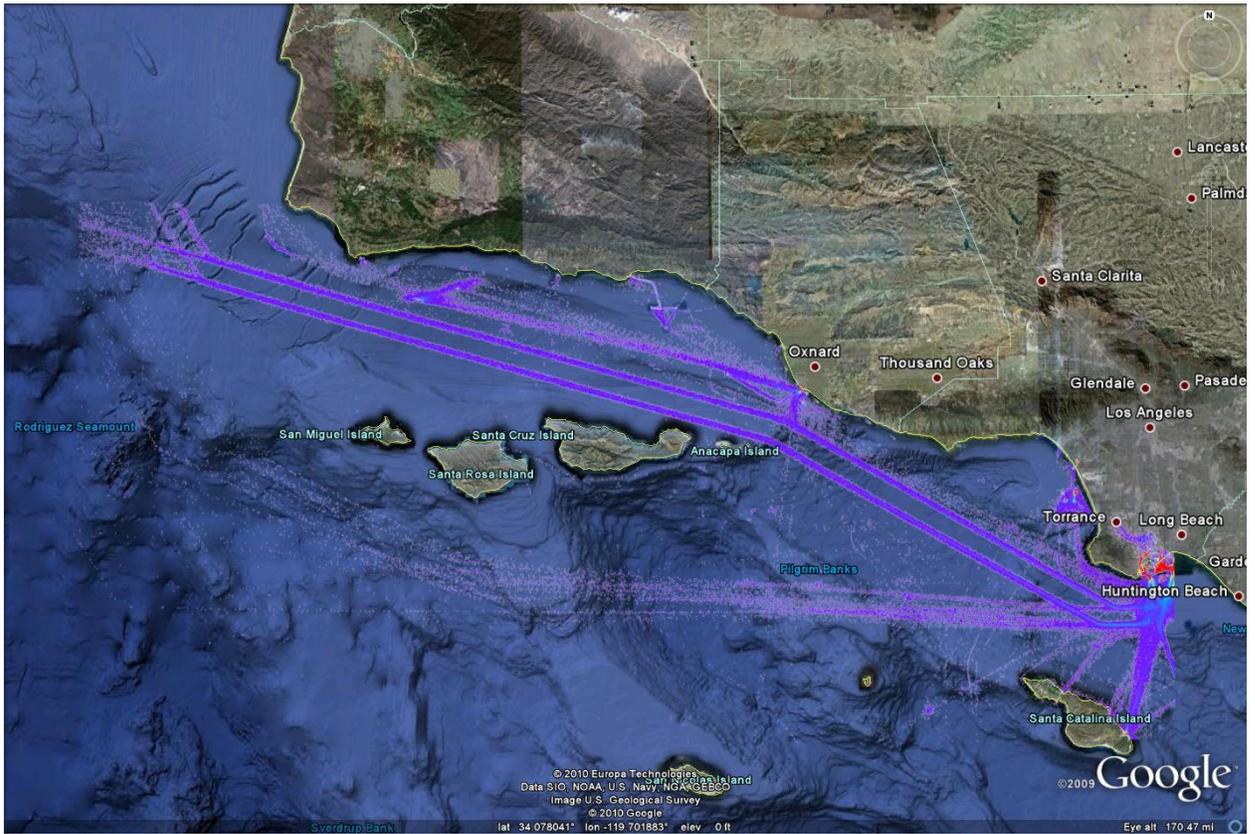


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I. INTRODUCTION

Vessel traffic has been bypassing the Santa Barbara Channel Traffic Separation Scheme (TSS) and opting for routes south of San Miguel, Santa Rosa, Santa Cruz and Anacapa Islands (Channel Islands) when approaching and departing from the San Pedro Channel. Vessels which have traditionally used the established TSS in the Santa Barbara Channel to access ports in Los Angeles - Long Beach, have shifted to transit in the area south of the Channel Islands. This is due, in part, to the California Air Resources Board (CARB) regulation that applies to U.S. and foreign flagged ocean going vessels. The regulation requires the use of low sulfur cleaner fuels within 24 nautical miles (nm) of the California coastline.

In response to the changes in vessel traffic patterns the Coast Guard has conducted a Port Access Route Study (PARS) to evaluate the continued applicability of and the need for modifications to current vessel routing in the approaches to Los Angeles-Long Beach and the Santa Barbara Channel. The comments and views of interested stakeholders have been considered throughout the study process. The primary purpose of the study was to reconcile the need for

safe access routes with other reasonable waterway uses, to the extent practical. The goal of the study was to help reduce the risk of marine casualties and increase the efficiency of vessel traffic in the study area. The recommendations of the study may lead to future rulemaking action or appropriate international agreements.

The study assessed whether the creation of, or modification to, a vessel routing system is necessary to increase the predictability of vessel movements, which may decrease the potential for collisions, oil spills, and other events that could threaten the marine environment.

II. BACKGROUND

A. Statutory Authority:

Section 4(c) of the Ports and Waterways Safety Act (PWSA), (P.L. 95-474, 33 U.S.C. 1223), authorizes the Secretary of Transportation to designate necessary fairways and traffic separation schemes (TSS's) to provide safe access routes for vessels proceeding to and from U.S. ports or other places subject to the jurisdiction of the United States. The authority to designate necessary fairways and traffic separation schemes is granted to the Commandant of the Coast Guard under 33 U.S.C. 1223(c), and recognizes the paramount right of navigation over all other uses in the designated areas. The PWSA requires the Coast Guard to

undertake a study of the potential traffic density and the need for safe access routes for vessels in any area for which a fairway or TSS is proposed or otherwise considered.

The PWSA also authorizes the Coast Guard to adjust the location or limits of designated fairways and/or TSS's in order to accommodate the needs of users which cannot be reasonably accommodated otherwise.

B. Definition of Terms:

The following definitions should help the reader to understand terms used throughout this document:

Area to be avoided or ATBA means a routing measure comprising an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all vessels, or certain classes of vessels.

Fairway means a lane or corridor in which no artificial island or structure, whether temporary or permanent, will be permitted so that vessels using U.S. ports will have unobstructed approaches.

Marine Environment, as defined by the Ports and Waterways Safety Act, means the navigable waters of the United States and the land resources therein and thereunder; the waters and fishery resources of any area over which the United States asserts exclusive fishery

management authority; the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof and the waters superjacent thereto; and the recreational, economic, and scenic values of such waters and resources.

Precautionary area means a routing measure comprising an area within defined limits where vessels must navigate with particular caution and within which the direction of traffic flow may be recommended.

Recommended track means a route which has been specially examined to ensure so far as possible that it is free of dangers and along which vessels are advised to navigate.

Regulated Navigation Area or RNA means a water area within a defined boundary for which regulations for vessels navigating within the area have been established under 33 CFR part 165.

Separation Zone or separation line means a zone or line separating the traffic lanes in which vessels are proceeding in opposite or nearly opposite directions; or from the adjacent sea area; or separating traffic lanes designated for particular classes of vessels proceeding in the same direction.

Traffic lane means an area within defined limits in which one-way traffic is established. Natural obstacles, including those forming separation zones, may constitute a boundary.

Traffic Separation Scheme or TSS means a routing measure aimed at the separation of opposing streams of traffic by appropriate means and by the establishment of traffic lanes.

Vessel routing system means any system of one or more routes or routing measures aimed at reducing the risk of casualties; it includes traffic separation schemes, two-way routes, recommended tracks, areas to be avoided, no anchoring areas, inshore traffic zones, roundabouts, precautionary areas, and deep-water routes.

C. Study Area:

The study area was the geographic area with a northern boundary at 34° 30' N; a western boundary at 121° 00' W; a southern boundary at 33° 15' N; and an eastern boundary along the shoreline. This area encompasses the Santa Barbara Channel, the approaches to Los Angeles-Long Beach and the approach to the San Pedro Channel from the Pacific Ocean; particularly the area south of San Miguel, Santa Rosa, Santa Cruz and Anacapa Islands; north of San

Nicholas, Santa Barbara, and Santa Catalina Islands where an increase in vessel traffic has been identified.

D. History:

From 1993 through 1996, the Coast Guard conducted a PARS to analyze vessel routing measures in the approaches to California ports. We published the study results in the Federal Register on October 25, 1996 (61 FR 55248). The study recommended shifting the southern approach lanes of the existing TSS off San Francisco westward (seaward) and extending the existing approach in the Santa Barbara Channel 18nm to the northwest from Point Conception to Point Arguello. The study also concluded no changes to the TSS in the immediate approaches to Los Angeles-Long Beach were necessary at that time. Following the PARS results a Notice of Proposed Rulemaking (NPRM) was posted in the Federal Register on June 17, 1999, announcing the Coast Guard's intention to adjust the TSS's as noted above (64 FR 32451). The final rule was published on July 31, 2000, implementing the recommended changes to the TSS's (65 FR 46603).

In 1995, the Ports of Los Angeles and Long Beach initiated major port improvement projects. These projects are completed and included the following:

- Lengthening of the Los Angeles Approach Channel to extend approximately 3.5nm beyond the Los Angeles breakwater.
- Deepening of the Los Angeles Approach Channel to a project depth of 81 feet.
- A slight shift of the Long Beach Approach to a 355 degree True inbound course.
- Deepening of the Long Beach Approach Channel to a project depth of 69 feet.

The Coast Guard published a notice of study in the Federal Register (64 FR 12139, March 11, 1999) which announced we would conduct a PARS for the approaches to Los Angeles-Long Beach. The Coast Guard published a notice of study results in the Federal Register on May 19, 2000 (65 FR 31856). The PARS evaluated the potential effects of port improvement projects on navigational safety and vessel traffic management efficiency. It concluded that modifications to the TSS in the approaches to Los Angeles-Long Beach and the Precautionary Area were necessary to facilitate safety of vessel traffic in the approaches to the Ports of Los Angeles and Long Beach. The rule amended

the existing TSS in the approaches to Los Angeles-Long Beach by:

- Expanding the Precautionary Area approximately 2.2nm to the south;
- Shifting the western traffic lane approximately 2.2nm south; and
- Shifting the southern traffic lane approximately 3 miles to the west.

III. THE STUDY

A. Development:

In March 2010, the Eleventh Coast Guard District initiated a PARS for the approaches to the ports of Los Angeles and Long Beach. A Federal Register Notice (USCG-2009-0765) announced the study and solicited comments. The notice contained a list of potential study topics and a list of questions to help focus responses.

Fourteen letters and six studies were received in response to the published notice of study. The Eleventh Coast Guard District also held public meetings in Oxnard and San Pedro California to allow for comments in person. These meetings were announced in the Federal Register and conducted at the Port Hueneme Harbor District office on

October 13th, 2010 and at the Port of Los Angeles Administration Building on October 14th, 2010. From comments received we identified a list of concerns expressed during the course of the study, which are listed below:

(a) Establishing traffic lanes south of the Channel Islands will standardize commercial shipping or recreational traffic through the Navy's Point Mugu Sea Range.

(b) Current vessel traffic threatens whale species due to ship strikes.

(c) Pollutants emitted by commercial vessels increase the risk of cancer for California residents.

(d) There is a possibility that with the new International Maritime Organization (IMO) Emission Control Area (ECA) standards taking effect in 2012 vessel transit patterns may again be affected.

Comments also encouraged finding optimal solution(s) that reduce the risk of marine accidents while minimizing risks to wildlife and sensitive areas.

We considered information presented in various studies and data collected both in-house and by other organizations on vessel traffic patterns, density, and risks. U.S. Coast Guard sources included the latest Waterways Analysis and Management System (WAMS) report, covering the Santa Cruz Channel and the Santa Barbara Channel, and vessel transit statistics from VTS Los Angeles. WAMS are conducted by the U.S. Coast Guard to determine the need for updates to Aids to Navigation and their continued applicability in the navigable waters of the U.S.

B. Concerns

In this part of the study we will present the following:

- Concerns.
- Summary of comments received

Concern (a):

Establishing traffic lanes south of the Channel Islands will standardize commercial shipping or recreational traffic through the Navy's Point Mugu Sea Range.

Summary of comments received:

Comments on this issue were received from the Naval Air Warfare Center Weapons Division Point Mugu, Department of the Air Force 30th Space Wing, County of Ventura Board of Supervisors, Ventura County Board of Supervisors Third District, and the Regional Defense Partnership for the 21st century (RDP-21).

The Point Mugu Sea Range is the nation's largest air/sea test bed for missiles, free-fall weapons and electronic warfare systems. The sea range spans 36,000 square miles and is the largest and most heavily used range in the United States. It is instrumental in the development of weapons that are capable of defending our nation and winning wars. One example of the military success the sea range brings the United States is the Tomahawk cruise missile, which was tested within the safe confines of the sea range. The creation of a standardized vessel routing system that transits through this sea range will impede the process to conduct time sensitive defense evaluations and mission critical training. The Chief of Naval Operations (CNO) is mandated under Title 10 U.S. Code Section 5062 with the responsibility to ensure the readiness of the nation's naval forces. Full battle group fleet exercises involving aircraft, surface ships, and submarines are conducted in the sea range without being

affected by the flow of commercial vessels. Interested parties believe any attempt to create a new TSS within the sea range would disrupt the navy's ability to effectively train forces, test and evaluate munitions, and provide for the security of the nation.

The United States Air Force 30th Space Wing has also expressed concern with establishing a new TSS. The Air Force believes creating a shipping lane west of the Channel Islands would have "great impacts" on the civil and military spacelift mission. Working with the Department of Defense, National Reconnaissance Office, NASA and Department of Commerce the Air Force places a variety of satellites into polar orbit. Boosters and fairings from the rockets may impact areas where shipping lanes would be placed. Delays in launching or rescheduling due to vessel traffic could result in significant additional costs to the tax payers.

Ventura County could be affected by the interference of vessels in the sea range as its economy thrives on the Navy's existence in the area. If the Navy were to explore new options for missile testing, jobs could be lost.

Recommendations from submitted comments mentioned establishing an ATBA or precautionary area within the sea range to keep commercial traffic other than oil tankers

out. Oil tankers have historically transited 50nm off the coast by industry agreement. This separates them from faster moving container vessel traffic using the IMO approved Recommended Tracks through the Monterey Bay National Marine Sanctuary and the TSS through the Santa Barbara Channel. The low number of oil tanker transits through the sea range is manageable for the Navy and Air Force to conduct operations with minimal disruption.

Another comment recommended waiting to see how the proposed amendments to the CARB regulation would affect vessel traffic if the low sulfur requirements are extended out to 24nm from the Channel Islands. The PARS may be premature as any recommendation for a TSS could change once vessels are required to comply with a new CARB standard. As stated in the introduction the CARB regulation applies 24nm from the mainland of California not from the Channel Islands. If the CARB regulation is amended to apply within 24nm of the Channel Islands, it could influence vessels to return to using the current TSS in the Santa Barbara Channel, as the incentive to avoid the low sulfur fuel regulation will diminish.

Concern (b):

Current vessel traffic threatens whale species due to ship strikes.

Summary of comments received:

We received comments on this issue from the Channel Islands Marine Sanctuary Advisory Council, Channel Islands National Marine Sanctuary, National Marine Fisheries Service, Center for Biological Diversity, Cascadia Research Collective, and the Environmental Defense Center.

The Santa Barbara Channel contains some of the most biologically diverse waters on the planet and is home to a number of marine mammal species listed in the Endangered Species Act. Within these waters is the Channel Islands National Marine Sanctuary which is host to the densest seasonal population of blue whales in the world. The Santa Barbara TSS passes directly through the sanctuary and puts endangered marine mammals at risk. The channel's abundant marine life plays an important role in the feeding patterns of migratory whales and is the reason why the impact of vessel traffic and speed need to be considered during the PARS. Ship strikes on whales off the California coast, specifically in the Santa Barbara TSS, are a concern, and noise pollution can be a contributing factor. Cavitation created by collapsing air bubbles off transiting vessels propellers can mask biologically important sounds whales use to communicate, forage and navigate, thus increasing risks from predators and collisions with large vessels.

Recommendations from comments included a speed restriction through areas of known whale locations. It has been suggested through studies that slower moving vessels, 10-12 knots, will not only increase survivability of whales in the event of a strike but also give them time to detect and avoid. Vessel speeds in the 10-12 knot range create less cavitation and less interference with marine mammal communication. This speed reduction proposal would be established in areas where whales congregate, namely in the Santa Barbara TSS.

Research by the National Marine Fisheries Service and the Channel Islands National Marine Sanctuary indicates a single TSS south of the Channel Islands would appear to minimize the overall risk of ship strikes on whales. Although it would increase the risk for fin whales, it would reduce the risk for blue and humpback whales. A route just south of the northern Channel Islands produces the smallest increase in risk for fin whales, while still decreasing the risk for blue and humpback whales. Suggested changes to the current Santa Barbara Channel TSS are to move it away from known whale feeding grounds and areas of high concentration. Where this cannot happen, such as around oil platforms, consider narrowing the shipping lanes to minimize impact on the whale habitat.

This would decrease the amount of traffic coming into contact with endangered marine life and the national marine sanctuary. Research indicates reducing the width of the Santa Barbara TSS, to move it away from the 200 meter isobath, could reduce the impact on marine life. Extending the TSS further west and away from known areas of high whale density like Santa Lucia Bank could help to avoid whale strikes. The Cascadia Research Collective commented that creating ATBA's on the west and south side of San Miguel Island would protect known whale concentrations.

Concern (c):

Pollutants emitted by commercial vessels increase the risk of cancer for California residents.

Summary of comments received:

We received comments from the Center for Biological Diversity, the Santa Barbara Air Pollution Control District, and the California Air resource Board.

Over 40% of the nitrogen oxides (NOx) emissions in the Santa Barbara County Air pollution Control District are contributed by large ships traveling through the Santa Barbara Channel. The CARB has conducted modeling that quantifies excess cancer risk from diesel particulate matter from ocean-going vessels transiting along the coast of California. According to CARB's modeling, the

population of coastal areas in Santa Barbara County have a probability of 50 in a million excess cancer risk offshore and 10-20 in a million excess cancer risk onshore. The California Environmental Quality Act sets risk thresholds at 10 in a million for excess cancer risk. The proximity of the TSS, speed of ocean going vessels, and type of fuel used by commercial shipping are all major factors of influence on the pollutants emitted. Also, wind patterns off of Santa Barbara County are known to bring heavy onshore flow. The onshore flow carries with it the air pollutants from the Santa Barbara Channel thus increasing the health risks for county residents.

Recommended options for consideration are to shift the traffic lanes south of the islands, slow vessel speeds to 10-12 knots and require commercial vessels to use a cleaner fuel. Emission reduction estimates by the Santa Barbara Air pollution Control District show dramatic decreases in pollutants with implementation of speed requirements. It is estimated that mandating vessels to transit the TSS at a speed of 12 knots could potentially cut hazardous airborne pollutant emissions by an average of 65%.

To further help reduce air pollutant emissions, California's ocean going vessel clean fuel regulation requirements, established by CARB in July of 2009, mandate

the use of cleaner fuels in main engines, auxiliary engines, and auxiliary boilers within 24nm of the California Coastline. The CARB regulation requires the use of marine gas oil, which averages .3% sulfur, or the use of marine diesel oil with a .5% sulfur limit. CARB has proposed an amendment to the regulation which will extend the clean fuel requirement in southern California out 24nm from the Channel Islands including San Nicolas and San Clemente Island.

The IMO's Emission Control Area (ECA), proposed in 2008, was agreed upon in March of 2010. The ECA proposal was initiated by the member states of the IMO in order to reduce emissions of nitrogen oxides (NOx), sulfur oxides (SOx), and fine particulate matter (PM2.5). The waters off the North American coastline, out to 200nm, will have strict emissions standards beginning in 2012 with full enforcement in 2015. The ECA requires the use of low sulfur fuel with sulfur emission levels of .1% or 1,000 parts per million (ppm). This is expected to reduce PM and SOx emission levels by more than 85% and significantly improve respiratory health. The Environmental Protection Agency has estimated that annual benefits by 2020 will show an average reduction of 10,000 premature deaths, nearly

4,000 emergency room visits, and 4.9 million cases of acute respiratory symptoms.

Concern (d):

There is a possibility the new IMO Emission Control Area standards beginning implementation in 2012, may affect vessel transit patterns.

Summary of comments received:

Comments on this issue were received from the Naval Air Warfare center Weapons Division, and the Department of the Air Force 30th Space Wing.

The incentive for vessels to bypass the Santa Barbara Channel TSS may diminish with the IMO implementation of the North America ECA. The ECA will extend out to 200nm, well beyond the 24nm CARB requirement for the use of low sulfur fuel. When all commercial vessels are required to use a low sulfur fuel when in U.S. waters they may return to previous traffic patterns, i.e. using the Santa Barbara TSS; however, it is too early to tell what the effects will be.

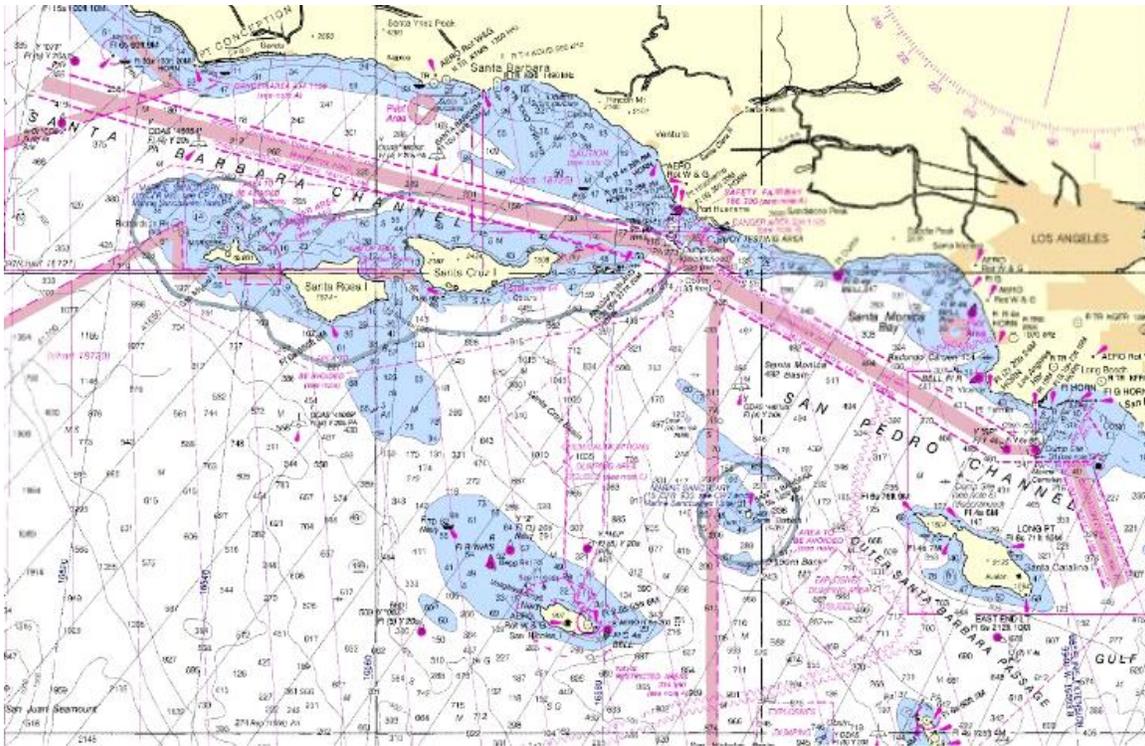
The Navy recommendation on this issue is to wait and see how ECA implementation affects vessel routing. Vessel traffic patterns could return to the Santa Barbara Channel TSS as commercial vessels will no longer have incentive to

bypass it. A new TSS should not be recommended through the sea range before it is clear what the ECA's impact will be.

IV. Options Considered

After reviewing the comments submitted to the docket and vessel traffic patterns the following options were considered.

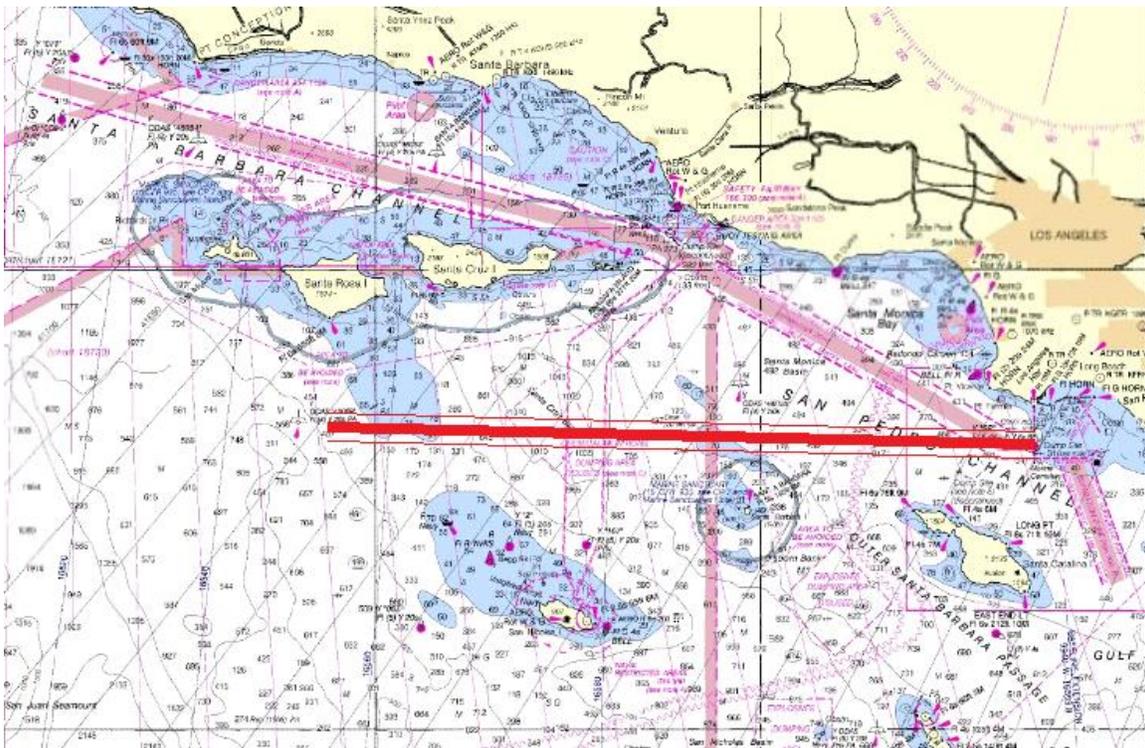
Option 1: Status Quo (No Change)



The current vessel routing measure has historically provided for the safe navigation of vessels en route to and from the ports of Los Angeles and Long Beach. Prior to July 2009, most container cargo vessels transiting between Los Angeles-Long Beach and Oakland used the Santa Barbara Channel TSS. Tankers carrying crude oil, black oil, or

other persistent liquid cargo in bulk were the predominant vessels transiting the waters south of the Channel Islands, as they typically transit 50nm offshore by industry agreement. The current pattern of vessels transiting south of the Channel Islands may return to historical patterns of using the Santa Barbara Channel TSS after the ECA begins implementation in 2012. By 2015 the IMO standards will match the CARB fuel requirements. If vessel traffic returns to historical patterns, the Santa Barbara Channel TSS continues to serve as a safe and effective route for shipping.

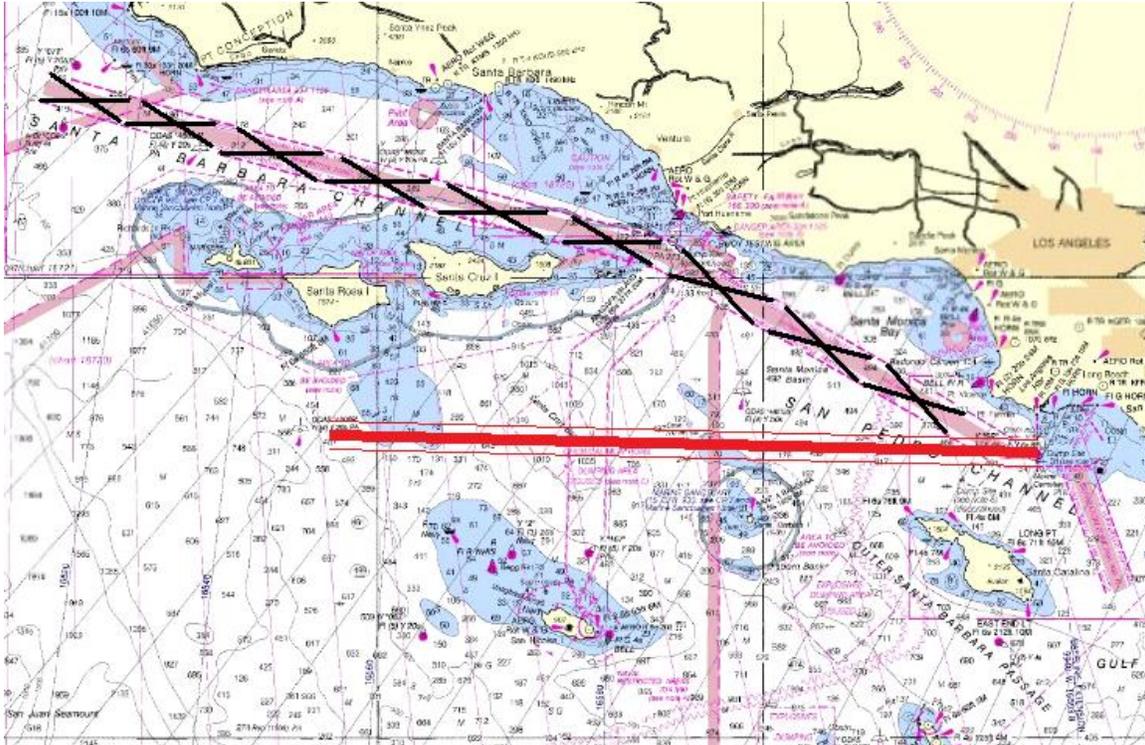
Option 2: Create western traffic lanes south of the Channel Islands



By creating western traffic lanes we improve visibility and predictability for vessels transiting south of the Channel Islands. The increase of vessel traffic in the waters south of the Channel Islands has caused concern for mariners and government agencies. Taking into consideration the concerns for safety at sea, and the potential for devastating environmental impacts should two vessels collide, the Harbor Safety Committee in Los Angeles and Long Beach voted to establish a voluntary western approach that extended from the precautionary area in the San Pedro Channel to the limits of the Vessel Traffic Service reporting area. (see option 5). The voluntary traffic lane is not IMO approved; however, it has been effective for predicting and managing vessel traffic in the limited area it covers. If vessels continue to transit south of the Channel Islands after the Emission Control Area begins implementation in 2012, an IMO approved TSS will establish a predictable route for these vessels.

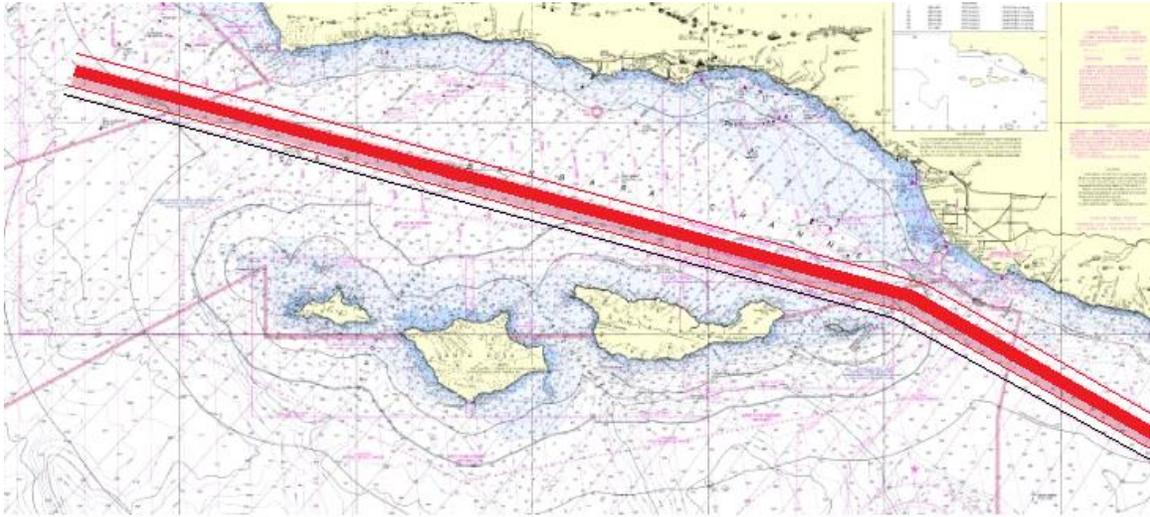
There are economic, safety and security concerns with establishing traffic lanes through the Navy Sea Range as noted in the comments section of the study; however vessels have been transiting through this area since July 2009 without significant impacts being reported.

Option 3: Eliminate the existing Santa Barbara traffic lanes and create a new TSS south of the Channel Islands.



Many commercial vessels use Port Hueneme including car carriers, tankers and container ships. Port access routes such as the Santa Barbara Channel traffic lanes provide a means for safe navigation in and out of Port Hueneme. Eliminating a predictable traffic route for these vessels in a sensitive marine environment could result in marine casualties and irregular traffic patterns with potential for increased impacts on marine mammals.

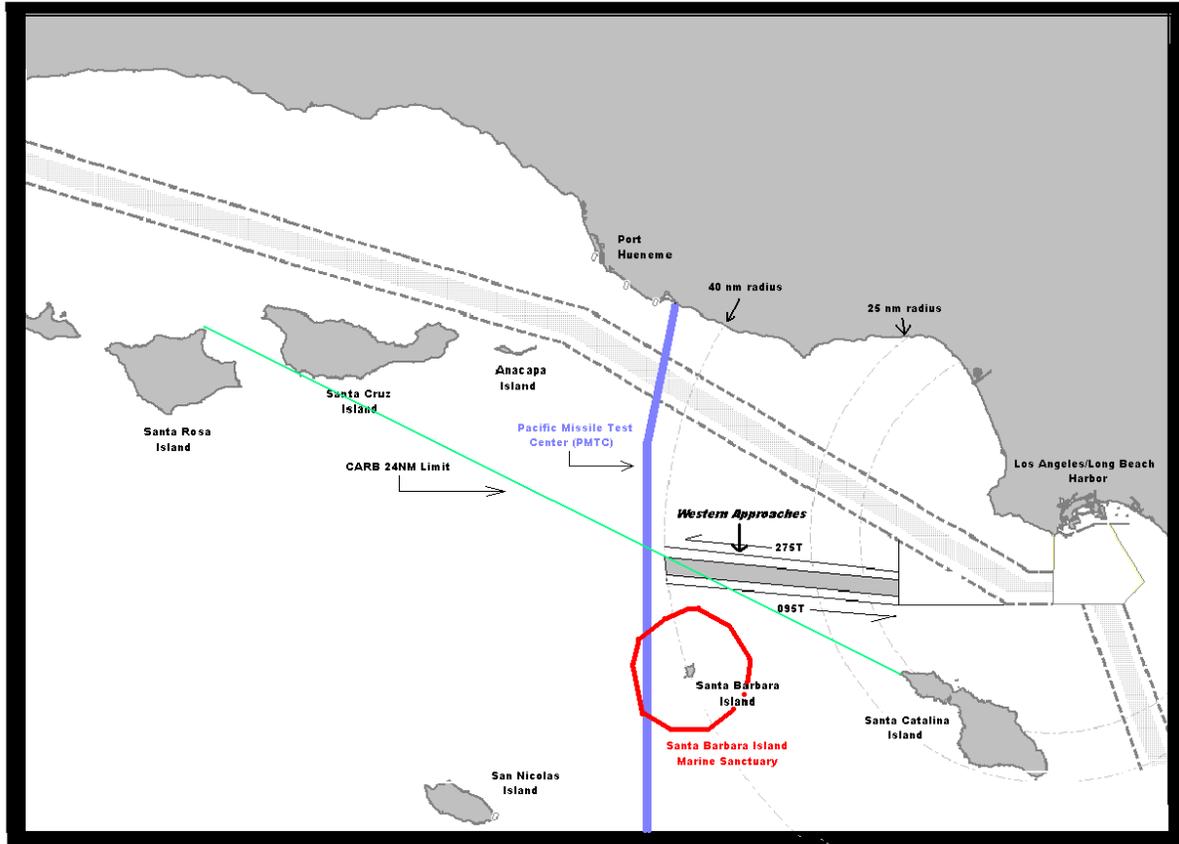
Option 4: Reduce the width of the separation zone from 2nm to 1nm in the Santa Barbara Channel TSS, keeping the northern outbound lane in its current position and moving the southern inbound lane 1 nm toward the northern lane.



This option would move the inbound lane further away from the Channel Islands and the marine life that feeds in the area. Research indicates higher concentrations of whales within the 200 meter isobar. Shifting the southern lane away from these areas by moving it further to the north may help to reduce the number of ship strikes on whales. Technological advances in navigation systems since the TSS was originally established allow for the separation zone between the lanes to be reduced to 1 nautical mile with minimal impact on the risk of vessel collisions.

Option 5: Establish a TSS for the voluntary traffic lanes endorsed by the Harbor Safety Committee

PROPOSED ROUTES FOR THE WESTERN APPROACHES TO THE PORTS OF LOS ANGELES/LONG BEACH

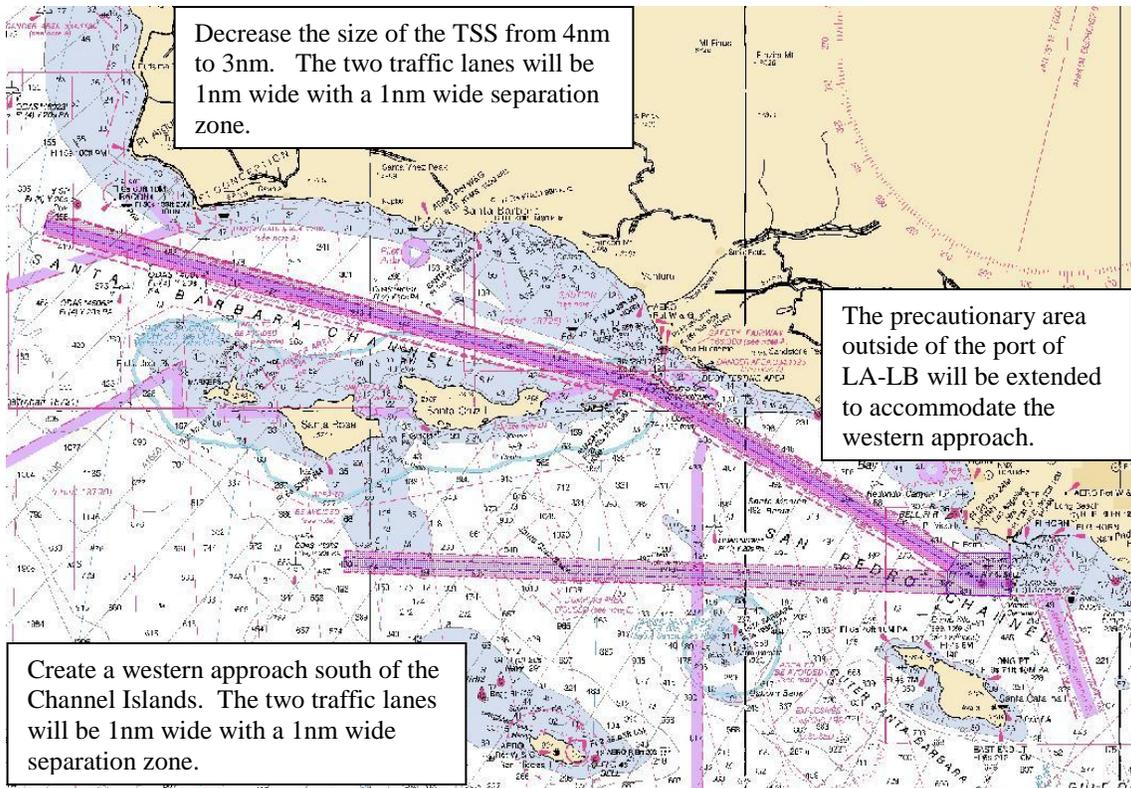


In response to the number of vessels opting to transit south of the Channel Islands the Harbor Safety Committee in Los Angeles and Long Beach voted to create a 26nm voluntary traffic lane that extended to a 40 nautical mile radius from the VTS to near the eastern boundary of the Navy Sea Range. The voluntary lane has helped to organize vessel traffic approaching or departing the ports of Los Angeles and Long Beach in an area that is vital for vessel traffic

predictability. As vessels leave the 25nm VTS monitoring zone, and the voluntary traffic lane, they are on their own to continue safe navigation. Creating a TSS to match the voluntary traffic lanes will provide international approval for this routing scheme. As long as vessels continue to use this route, it will provide vessel traffic predictability in the area. Since vessels using this route are likely to transit through the Navy Sea Range it may be beneficial to extend these voluntary lanes to provide a well defined route for vessels transiting south of the Channel Islands and further enhance predictability of vessel traffic through this area.

V. FINAL RECOMMENDATION:

The Coast Guard has thoroughly reviewed the comments and recommendations received for the PARS Approaches to Los Angeles Long Beach and Santa Barbara Channel. Under the PWSA the intent for conducting a PARS is to provide safe access routes for vessel traffic proceeding to and from ports or places that fall under jurisdiction of the United States. After a thorough review of existing and potential traffic patterns and comments received the Coast Guard recommends the following changes to the TSS which are a combination of options 2 and 4.



Decrease the width of the Santa Barbara TSS from 4nm to 3nm. The northern outbound lane would remain in place, with the southern inbound lane shifting 1nm toward the northern lane and the 2nm separation zone being reduced to 1nm. By reducing the width of the TSS vessel traffic will be directed away from the Channel Islands National Marine Sanctuary. The Coast Guard also recommends creating traffic lanes south of the Channel Islands to accommodate any periodic increases in vessel traffic in the region. These would be one nautical mile wide lanes with a 1 nautical mile separation zone.

The Coast Guard believes the proposed modifications will provide well defined traffic corridors to facilitate the safety of navigation while helping to preserve the marine environment. A proposed TSS south of the Channel Islands may at times see increased use above historical norms and thus operations in the Point Mugu Sea Range may be impacted, but a well defined traffic route will increase predictability for vessel traffic passing through the range. Keeping a TSS through the Santa Barbara Channel gives vessels the option of avoiding Navy operations in the Sea Range south of the Channel Islands.

The voluntary traffic lanes approved by the Los Angeles - Long Beach Harbor Safety Committee have worked well to keep vessels on a predictable course for a limited transit distance. The lanes extend approximately 26nm from the end of the VTS monitoring zone to the eastern boundary of the Navy sea range. The lack of defined traffic lanes for vessels transiting south of the Channel Islands presents a potential safety concern for the Coast Guard. The waters south of the Channel Islands can become congested with vessel traffic heading to and departing from the ports of Los Angeles and Long Beach. By extending the voluntary lanes and establishing a TSS south of the Channel Islands we can establish organized, predictable commercial shipping

routes. This increased predictability should make it easier for the Navy to conduct training and missile tests by providing well defined traffic lanes for vessels in an area already laden with shipping traffic. Currently, the waters south of the Channel Islands can have numerous inbound and outbound vessels spanning a width of 10nm through the sea range. By establishing a TSS, the impacted waters of the navy sea range will be reduced to a 3nm wide by 50nm long rectangle.

Many vessels transiting south of the Channel Islands are doing so for economic reasons. The higher cost and wear on the vessels engines when using low sulfur fuel make it practical to use the less expensive higher sulfur fuel when given a choice. By taking the quickest route out past 24nm and transiting south of the Channel Islands vessels are saving money; however, they also add roughly 13nm to their trip between San Francisco and Los Angeles. As the ECA begins to take effect in 2012 and all vessels are required to use low sulfur fuel it may no longer be an economic advantage to transit south of the Channel Islands; however, if current vessel traffic patterns don't change after the ECA is implemented a TSS south of the islands will keep vessels on a predictable course and facilitate their safe transit. Also, a future speed restriction in the existing

TSS could create economic advantages for vessels to once again shift out of the TSS. In any eventuality, we have learned that a TSS in the southern area promotes safe navigation no matter the reason for increased traffic.

While many comments proposed a speed restriction the Coast Guard doesn't have that authority here. The authority and responsibility to promulgate speed restrictions to protect a marine species rests with the National Oceanic and Atmospheric Administration (NOAA). The PWSA, the only relevant authority under which the USCG can control vessel movement (or issue speed restrictions) is intended to protect the vessel, shore facilities and the marine environment from vessel damage and casualties, e.g., collisions, allisions or groundings that may damage the vessel and result in an oil or hazardous material release.

Coast Guard authority to enforce the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) is limited to regulations that implement or further our enforcement of a substantive regulation or requirement in the statute. That enforcement authority does not extend to promulgating a speed restriction to protect marine species. Our authority under those statutes is limited to assisting with enforcement of regulations that NMFS/NOAA may establish to protect marine mammals and endangered species.

VI. CONCLUSION

The Port Access Route Study provides an evaluation of the continued applicability and the need for modifications to the current vessel routing system. At the conclusion of our PARS we identified recommendations that could enhance the safety aspect of current vessel routing. Creating a TSS south of the Channel Islands, to accommodate our safety concerns for vessels using the alternate approaches to Los Angeles and Long Beach, would keep vessel traffic on a predictable course. Modifying the Santa Barbara Channel TSS could reduce the interaction of whales and ships. The proposed modifications will need to follow the federal rulemaking process to be implemented. This process would include consultations with the National Marine Fisheries Service in accordance with the Endangered Species Act. A notice of proposed rulemaking would invite public comment on the proposal. Any proposed modifications would also require approval by the IMO.