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U.S. Department of Transportation  
Room PL-401  
400 Seventh Street, SW  
Washington, DC 20590-0001

U.S. DEPARTMENT OF TRANSPORTATION  
REGISTRATION

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**Re: Notice of Intent to prepare and circulate a Programmatic Environmental Impact Statement for the proposed regulatory action to establish a ballast water discharge standard (68 FR 55559 -- September 26, 2003)**

November 18, 2003

To Whom It May Concern:

The following comments are submitted by Bluewater Network regarding the Notice of Intent to prepare and circulate a Programmatic Environmental Impact Statement for the proposed regulatory action to establish a ballast water discharge standard (68 FR 55559 -- September 26, 2003).

Bluewater Network is a national environmental organization, based in San Francisco, California. Our mission is to champion innovative solutions and inspire individuals to protect the earth's finite and vulnerable ecosystems. Bluewater Network promotes critical policy changes in government and industry to reduce dependence on fossil fuels and eradicate other root causes of air and water pollution, global warming, and habitat destruction. Bluewater operates a Cruise Ship Campaign, which seeks to reduce the pollution and waste generated on cruise trips and the impacts of cruise ship discharges, including ballast water, on the environment. In addition, we have led a coalition of environmental groups to advocate for strict new regulations for monitoring cruise ship waste, especially in sensitive marine habitat where cruise ships travel. We have been involved in efforts to ensure that the cruise industry, whose operations are growing rapidly along the West Coast and worldwide, comes into compliance with all federal and state ballast water management laws and regulations.

We would like to emphasize at the outset that we strongly support Alternative 1, which would "result in the discharge of no detectable viable organisms larger than 0.1 microns. This alternative would also require the removal of all membrane-bound organisms (including bacteria), and most viruses, and would essentially require the sterilization of ballast water." We believe this is the only alternative that should be explored, as it was Congress' intent in enacting the National Invasive Species Act of 1996 that the Coast Guard develop regulations to *prevent* the introduction and spread of nonindigenous species in US waters via ballast water discharge (emphasis added).<sup>1</sup> Alternatives 2 and 3

<sup>1</sup> 68 FR 55560, September 26, 2003.



would not adequately ensure that this prevention would be met. In light of the significant adverse ecological and economic impacts caused by invasive species in the United States, we support the strongest protection possible to prevent their continued introduction.

However, it appears that it is the Coast Guard's intent to explore all three alternatives. In this case, Bluewater Network has concerns with Alternative 3 that we urge the Coast Guard to address in its Programmatic Environmental Impact Assessment (PEIS).

It is our understanding that Alternative 3 would simply mean that the Coast Guard's voluntary ballast water management program will be made mandatory, as is already underway in the proposed rulemaking for the Mandatory Ballast Water Management Program for US Waters (68 FR 44691). In the Notice of Proposed Rulemaking, it is stated that:

A vessel would not be required to deviate from its voyage, or delay the voyage, in order to conduct a ballast water exchange. A vessel that cannot practicably meet the requirements of paragraphs (a)-(d) [outlining four allowable ballast water management practices] due to a voyage that does not take it into waters 200 nautical miles or greater from any shore for a sufficient length of time... would not be prohibited from discharging its ballast water in areas other than the Great Lakes and the Hudson River. However, the vessel must discharge only the amount of ballast water operationally necessary.

Our interpretation is that this provides an implicit exemption for vessels engaged in coastwise traffic that does not exceed 200 nautical miles at any point in the voyage, and that this would mean that cruise ships and other vessels exclusively engaged in coastwise traffic would be allowed to discharge ballast water in US waters. We strongly caution against such an exemption. Cruise ships have the capacity to carry and discharge enormous quantities of ballast water<sup>2</sup>, and cruise ships travel to many foreign ports where the potential for uptake of invasive species is extremely high. The number of cruise ships and cruise ship voyages has increased exponentially in recent years, and this growth is projected to continue in the future.

We would strongly urge you to evaluate, in your assessment of the No Action alternative (Alternative 3), the economic and environmental impacts of the aforementioned exemption of vessels engaged only in coastwise traffic from the mandatory ballast water management program. We also encourage you to evaluate and recommend alternatives to this implied exemption in the PEIS, and urge you look to how California intends to address this problem in the recently reauthorized California Ballast Water Management for Control of Nonindigenous Species Act (Assembly Bill 433). If it is not the intention of the Mandatory Ballast Water Management Program for US Waters to allow this exemption, this should be explicitly stated.

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<sup>2</sup> Cruise ships of 60,000-80,000 GRT (1,000-1,500 passengers) can have about 15 distinct ballast tanks with a total ballast capacity of 2,000-2,500 metric tons. Electronic mail correspondence with Spencer Schilling, Herbert Engineering, November 7, 2003.



Thank you for your consideration of the above comments. Please do not hesitate to contact us if you have any questions or require clarification of any of our comments.

Sincerely,

Kira Schmidt  
Cruise Ship Campaign Manager  
Bluewater Network