



"A Voice for Salmon"
365 Days a Year

November 9, 2021

Liane Randolph, Chair
California Air Resources Board
P.O. Box 2815
Sacramento, CA. 95812

RE: Need to ensure practicable requirements within CARB's commercial harbor craft regulations

Dear Chairwoman Randolph,

The Golden State Salmon Association (GSSA) writes to express our concerns over the Air Board's pending airborne toxic control measures for commercial harbor craft ('CHC'). GSSA has thousands of members throughout California who are commercial and sport fishermen and women, fishing and coastal businesses, a native tribe, and others.

As currently proposed, these pending regulations would have significant and irreparable negative impacts on the commercial charter fishing and whale watching vessel owners, ports, and coastal communities, many of whom are members of GSSA. These regulations would adversely impact public access to the natural beauty and bounty of California's magnificent coastal waters because operators wouldn't be able to comply. They can't comply because the technology required to do so literally doesn't work.

We believe there is time for remedial actions to ensure that your vital work to protect public health, air quality, and our climate doesn't impose impracticable or even impossible burdens on residents.

The Legislature and Governor Newsom have recognized the importance of maintaining coastal community health and public access to the ocean resources the State painstakingly conserves and manages. The state worked during the protracted COVID-19 emergency to restore tourism-based jobs and support small business recovery. These are some of the same jobs and businesses that would be shut down if this rule is now forced on them.

Commercial Passenger Fishing Vessels (CPFV), also known as charter fishing vessels, are a critical part of coastal economies and community recovery. These businesses are the primary means by which the public, including disadvantaged communities, who do not themselves own a boat, have access to the living marine resources of our state through fishing and whale watching. CPFV operators also partner in research and marine education. Federal, state, and university researchers (including students) utilize, often at no cost, CPFVs to conduct research on the health of marine waters and fisheries. In addition, vessel owners work with schools and nonprofits

(including Title 1 schools, disadvantaged youth, and veterans) to provide education and access to many that would not be able to access our marine environment any other way.

State law ensures that regulatory burdens are feasible and equitable both on implementation and for continuing to expand access opportunities for disadvantaged communities. Unfortunately, rather than enhance access to the ocean and economic recovery, the proposed rule would impede coastal communities by putting many family-owned and operated CPFV out of business and reducing affordable access to marine recreation. These requirements are not practicable, they are not cost-effective, and they are not technologically feasible. So, again, the solution the agency is seeking to implement on these vessels truly doesn't work.

These requirements would require the installation of Tier 4 marine diesel engines and diesel particulate filters within CPFV that have been acknowledged by agency staff to be either impossible to acquire because they are not available on the open market, infeasible to install because operators cannot conform to US Coast Guard vessel safety requirements, or unsafe to operate because they run at operating temperatures that preclude their installation in wood and fiberglass hulls.

The proposed rule separates, for the first time, CPFV and commercial fishing vessels (CFV), which we believe is inappropriate. Both CPFV and CFV require operators to purchase commercial fishing licenses. Operators have used similar sizes and types of boats that operate in similar offshore areas, both spending most of their operating time far away from population centers. Unfortunately, the current structure of the proposed rule would separate these two classifications of harbor craft and, in so doing, require CPFV to conform to impracticable requirements that are neither cost-effective nor technologically feasible.

The Legislature has directed your agency to take prudent action to reduce airborne toxins with the further direction that implementation programs be 'practicable' (HSC §39650(k)) as well as 'cost-effective, and technologically feasible' (HSC §43013(a)). We appreciate CARB's efforts to implement policies to reduce emissions that impact climate change and reduce criteria pollutants. However, the proposed rule does not conform to the Legislature's statutory guidance for regulatory practicability.

Implementing the proposed rule would bankrupt hundreds of businesses and cause thousands of Californians to lose access to the ocean. Therefore, we respectfully request that CARB amend the proposed rule to place CPFV back with CFV to provide an achievable, feasible, and equitable compliance pathway to reduce emissions. This is something all sides can support.

Thank you for your attention to this critical matter.

Sincerely,



John McManus, president
Golden State Salmon Association