



November 11, 2021

The Honorable Gavin Newsom  
State Capitol  
Office of the Governor  
Sacramento, CA 95814

RE: Proposed CARB Commercial Sportfishing Boat Engine Regulations

Dear Governor Newsom,

The community of Dana Point is world renowned for its fine beaches and access to offshore fishing and whale watching. Our community's natural amenities and access to the sea draws tens of thousands of visitors and tourists to our city each year, and is a major driver of economic activity, jobs and tax revenue for critical public services. As the Dolphin & Whale Watching Capital of the World® and the first Whale Heritage Site in the Americas, Dana Point has the best year-round whale watching, including the greatest concentration of blue whales and dolphins on earth.

Given our community's dependency on visitor spending, we are seriously concerned about engine emission regulations proposed by the California Air Resources Board (CARB). There appears to be broad based consensus among chambers of commerce along the California coast that the regulations as drafted are extraordinarily cost prohibitive due to the lack of existing technology. And perhaps more alarming, there are a host of safety concerns associated with exhaust modifications and equipment that have not been determined safe for marine passenger vessels.

Consequently, the regulations require boat owners to make significant and costly modifications to their engines and hulls, starting as soon as January 2023, and not when the lifespan of their boats or engines expire. When this can't be achieved safely, they will be forced to either purchase new vessels or worse, go out of business. We believe that CARB is imposing an unreasonable timetable by requiring that compliance begin some 17-months from now and during a pandemic that continues to restrict economic activity. Moreover, the proposed regulations completely disregard the lack of existing technology and economic feasibility. We've heard direct feedback from various owners who are concerned that once these boats are regulated, they'll will no longer be able to apply for grants which help to ensure that their boats are up to date on the latest pro-environment modifications.



This real, and arguably, eminent threat to our sportfishing and whale watching industries, has not been totally lost on CARB staff which write, "...staff cannot rule out the possibility of some business elimination if costs cannot be passed onto the customer or if passing through costs would result in significant decrease in demand." (Standardized Regulatory Impact Assessment, July 7, 2021). According to those intimately familiar with boat operations and sportfishing clientele, CARB's economic analysis grossly overestimates profit margins, even those that can occur during the best of economic times. Moreover, CARB is misguided if they believe the regulatory costs can be passed onto customers, especially if the price of passenger tickets double, to recover the cost of purchasing a new vessel. The result of these regulations is sad and foreseeable; many, if not most, small boat operators will go out of business as passenger trips and sales decline.

As a community, we share your desire to reduce engine emissions and to protect the environment, as does the boating industry. We applaud your desire to restore half of the 1.2 million tourism and hospitality jobs lost during the COVID-19 pandemic. However, we simply don't believe this can be achieved if protecting those who own sportfishing and whale watching vessels is not part of your economic plan. There must be a sensible solution that protects our environment without harming our local economy and displacing businesses and workers dependent on outdoor tourism for jobs.

Thank you for considering the point of view of a community whose economy is dependent on providing visitors and tourists an abundant source of outdoor activities when they visit our Harbor and beautiful coastal community.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria McMurchie".

Victoria McMurchie  
Executive Director

CC: Ms. Liane Randolph, Chair  
c/o Harborcraft  
California Air Resources Board  
1001 I Street, Sacramento, CA 95814