-----Original Message-----
From: Childs, Jeff
Sent: Sunday, March 19, 2006 9:43 PM
To: Stang, Paul; Wilson, Judy; Cranswick, Deborah; Crayton, Wayne
Cc: Lewandowski, Jill; Rotterman, Lisa; Burwell, Michael; Wilder, James; Schroeder, Mark; Childs, Jeff
Subject: FW: Aquatic Invasive Species and the Arctic Seismic PEA; Chukchi Sea LS 193 EIS; Beaufort Sea LS 202 EA
Importance: High

FYI. Greg Ruiz is a senior scientist at the Marine Invasions Research Lab, Smithsonian Environmental Research Center. Greg conducts research on marine invasive species, and is the leading authority on marine invasive species in Alaska. His email below substantiates my concerns as expressed below and in the draft assessment that I've submitted for the Arctic Seismic PEA. It also has implications to the Chukchi Sea LS 193 EIS, the Beaufort Sea LS 202 EA, and the Gulf of Mexico Region program activities.

Please share with other interested parties if you see fit.

Cheers,
Jeff

-----Original Message-----
From: Ruiz, Gregory [mailto:ruizg@si.edu]
Sent: Friday, March 17, 2006 1:11 PM
To: Childs, Jeff; kaaihue@pwsrcac.org; bob_piorkowski@fishgame.state.ak.us; Denny Lassuy/R7/FWS/DOI@DOI; saupe@circac.org
Subject: RE:

Hi Jeff,

I believe that many gaps remain in the current strategy to prevent marine species transfers.

In general, you are correct that the current federal regulations focus primarily on ballast water management for ships arriving to US ports from overseas (outside of the US EEZ and Canada). Coastwise, or domestic-source, traffic arriving to Alaska are not required to treat ballast --- and hence the door is wide open for non-native species transfers from such " invasion hotspots" as San Francisco

Bay and Long Beach, source ports for many tankers. The extent to which these species will colonize Alaska upon delivery is an open question and active area of research, but it is clear that some species can tolerate local environmental conditions.

It is important to note that several western states also require ballast management for coastwise traffic, although this is not the case for Alaska.

The strategy for managing species transfers associated with the outer surfaces of vessels or equipment, and especially drilling platforms, is largely undeveloped.

As you point out, there is a section devoted to regular cleaning, but this is largely undefined. Most vessels do have regular maintanence schedules, which are well observed (and important for insurance as well as operational efficiency), and I also believe this information is available and perhaps reported to USCG. Nonetheless, the frequency of cleaning or magnitude of fouling is not explicit. Unlike ballast water, there are few contemporary studies of hull fouling on commercial vessels to define the effect of time, hull husbandry, and vessel type on biofouling --- so there is a clear lack of information that would be useful in setting quantitative guidelines or regulations in this area. This was a recent topic of discussion in California, which formed a hull fouling technical advisory group to identify existing gaps (this being one of the conclusions).

Of great concern to me is the tranport of drilling platforms / rigs. When a rig is moved from a prior deployment, it is likely heavily fouled --- much more so than commercial vessels, which are in motion (having limited residence time for colonization) and move quickly (sheering off organisms).
In contrast, a platform that sits in one location for weeks-years can accumulate dense assemblages. When these are moved, I imagine the tow speed is relatively slow, allowing more organisms to stay attached (than for higher speeds observed on commercial vessels). This suggests to me that rigs are a significant risk for species transfers.

To my knowledge, there has been very little work on this potential mode of transport, although it has been identified as a vector of concern for at least 10 years

(e.g., it is mentioned in the book "Stemming the Tide"). I have been interested in this issue in the Gulf of Mexico and Alaska, but have not identified any work on this mode of transport and have thought about pursuing grant support for such an analysis.

I believe that MMS may have the authority to examine this issue and perhaps even set guidelines, if not regulations, to limit unwanted transfers. I am ignorant about whether there has been such a review or discussion --- but it would be worthwhile exploring. Certainly this is the intent of the Executive Order, providing guidance to federal agencies to minimize species transfers.

It is my personal opinion that several gaps exist in the national/state policies to limit marine species transfers by ships/rigs. You have identified some of the key ones. Of these, the rigs have receieved virtually no attention, despite have clear potential for high magnitude (high species richness and high abundance) transfers.

I would say also that current regulations reduce transfers and are a step in the right direction, but there are some transfer mechanisms that have not yet been addressed.

Regards,

Greg

-----Original Message-----
From: Robert Piorkowski
[mailto:robert_piorkowski@fishgame.state.ak.us]
Sent: Tuesday, March 21, 2006 8:42 AM
To: Childs, Jeff; Denny_Lassuy@fws.gov; ruizg@si.edu; susan_saupe
Subject: RE:

Good Morning Jeff,

Thank you for your email containing your analysis of proposed 33CFR151 regulations. Unfortunately I do not have the time to develop a detailed response.

I believe you have accurately assessed present concerns that could and should be addressed to protect Alaska's

coastal resources and that these concerns follow the directions given to federal agencies by EO 13112.

As stated by Dr. Ruiz, there are gaps in state and federal laws on the issue. While other west coast states have developed ballast water discharge regulations to curb invasive species import, Alaska has not. The closest statutes we have are; AS 16.05.251 (9) (the Alaska Board of Fisheries has the power to regulate transport or release of fish species in Alaska); and AS 16.05.920 (prohibits conduct not specifically permitted). There has been no analysis to determine if these statutes or even should be applicable.

I support Dr. Ruiz's overall description of the state of the issue.

Cheers,

Bob

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From: Childs, Jeff [mailto:Jeff.Childs@mms.gov]
Sent: Thu 3/16/2006 4:26 PM
To: kaaihue@pwsrcac.org; bob_piorkowski@fishgame.state.ak.us; Ruiz, Gregory; Denny Lassuy/R7/FWS/DOI@DOI; saupe@circac.org
Subject:

Hi All

I am researching the potential introduction of aquatic invasive species via potential offshore oil and gas activities in Alaska. I'm seeking your professional opinion and advise regarding 33CFR151 and the potential introduction of aquatic invasive species (AIS) in the

marine/coastal environment of Alaska so that I may proceed with several environmental impact assessments (EA and EIS) for proposed agency actions in the Bering, Chukchi and Beaufort seas. The MMS management has before it a decision to decide whether the 33CFR151 regulations are adequate to address the concerns I identify below. Their decision is likely in the next few days, and appear to be inclined to deem the 33CFR151 regulations as adequate. I do not find that the 33 CFR151 regulations effectively mitigate the introduction of AIS via vessel traffic for the reasons identified below. Therefore, I am seeking your professional judgment as to whether:
(1) my concerns regarding the loopholes valid; if not why, is so, why?
(2) do the regulations effectively prevent or reduce the introduction of AIS via the vectors identified for vessel traffic (hull fouling, coastwise vessel traffic to Alaska, seafloor equipment)?

If there are other professionals working with AIS that you believe are knowledgeable concerning the concerns I've identified below, please forward this to them and ask them to contribute as suitable.

As background to this, vessel traffic (e.g., oil and gas service or support vessel traffic) may introduce aquatic invasive species to Alaska via the following vectors: ballast water, hull fouling, or via equipment placed over the side into the sea (e.g., anchors, chains, bottom cables, etc.). Vessels coming to Alaska from outside (e.g., Russia, China, Seattle, etc.) and contaminated with AIS may transport and introduce AIS to Alaska's coastal/marine ecosystems.

There is guidance from Executive Order 13112 and there are USCG Regulations
(33CFR151) that address preventions of AIS. While the 33CFR151 Regulations may be effective for reducing the introduction of invasive species in the contiguous U.S. via the ballast water vector, I've identified some serious 'loopholes' in the regulations that facilitate the introduction of Aquatic Invasive Species (AIS) to Alaska for the following reasons:

1. Section 151.2035 (a)(5) requires the rinsing of anchors and anchor chains when retrieving the anchor to remove organisms and sediment at their place of origin. Loophole:

there is no requirement to rinse or clean other equipment, such as Ocean Bottom Cables placed on the seafloor. This is also applicable to drilling rigs brought in from outside of Alaska.

2. Section 151.2035 (a)(6) requires removal of fouling organisms from hull, piping, and tanks on a regular basis and dispose of any removed substances in accordance with local, State, and Federal regulations. Loophole: 'regular' is undefined and may be interpreted to mean every few months, every year, every 5 years, and so on. Also, there is no reporting requirement for when hulls, etc. were cleaned. Therefore we have no way of knowing what the vessel 'regular basis' of hull cleaning involves.

3. Section 151.2035 (b) and Section 151.2036 together appear to form a problematic loophole; specifically coastwise (non-tanker) vessels operating and taking on ballast water within 200 nm of the U.S. Coast (e.g., departing Los Angeles; a very AIS contaminated port) may transit to Alaska with ballast water picked up from LA without a ballast water exchange being required so long as it stays within 200 nm of any shore, and that it does not exchange ballast water in the Canadian EEZ. The vessel may then perform a ballast water exchange in coastal or marine waters of Alaska, i.e., releasing the ballast water transported from LA to Alaska, and thereby subsequently introducing one or more AIS.

From what I see, the regulations are not well devised to prevent introductions to Alaska, except in the case of foreign oil tanker traffic associated with the Valdez TAPS terminal (Section 151.2040). Are my concerns regarding the loopholes valid? Do the regulations effectively prevent or reduce the introduction of AIS via the hull fouling vector or the seafloor equipment vector? And what of the ballast water loophole identified in #3 above?

I've attached a copy of the 33CFR151 Regulations for your convenience. I am in need of your response as soon as possible.

Cheers,
Jeff Childs
Wildlife & Fisheries Biologist

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