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MARINE AFFAIRS AND NAVIGATION CONFERENCE

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August 23, 2018

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Dr. Linda Candelaria, Ph.D.
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501

Subject: Basin Plan Amendment for Newport Bay

Dear Dr. Candelaria:

The California Marine Affairs and Navigation Conference (CMANC) is a consortium of California harbors, ports, and marine interest groups. CMANC's mission is to optimize California maritime benefits by providing advocacy for the maintenance and improvement of California harbors, ports, and navigation projects. CMANC works with California legislature and congressional delegation to ensure that California maritime interests are supported by the federal and state government to the greatest extent possible. Our biennial meetings continue to bring forward discussions on water quality issues that impact our members. Water quality standards, like total maximum daily loads (TMDLs), have been central to many of our meetings. Protecting our marine resources is of the utmost importance to our members, just as important as supporting a sustainable commerce that significantly funds countless social and environmentally important measures for the State of California.

My letter seeks to provide support for the inclusion of more science and consideration of all marine resources when considering the latest enforcement regulations for dissolved copper in the enclosed bays of Southern California.

The entire CMANC membership in Southern California will be straddled with additional costs and enforcement responsibilities in an environment that is already strapped for resources when copper limits are implemented. Our members have a limited ability to modify lease agreements, provide oversight, or police individual boaters with the use of legally available products used to protect their personal property. To further this point, the responsibility to govern legally available products should be done at the state level and focused on paint manufactures. Our membership has no authority to limit the use of legally available copper based paints. These municipalities are already burdened with limited budgets to provide public safety, social programs and developing resiliency tools. Any additional responsibilities need to be supported by the voters and congress, on a state-wide level, in order to provide the resources necessary to address this issue.

Besides the financial burden, our biggest concern stems from the application of overly protective measures when the impacts of copper have not been demonstrated to show an impairment. The CMANC members would like to support each other through advocating the following:

- Let science define the real impact of dissolved copper in marine systems. The use of science will allow for the demonstration and prioritization of resources to address the priority issues for each public- or private-sector party. The use of overly conservative water quality criteria is a luxury that our cities, counties, and public agencies cannot afford. These harbors, marinas, and bays are being burdened with new regulations when the actual impairment has not been demonstrated. The exceedance of an ultra-low regulatory value does not necessarily mean that a water quality problem exists, only the potential that an impact could occur under specific circumstances. A clear and definitive demonstration of appropriate numeric standards needs to be demonstrated to the stakeholders. The CMANC membership advocates the use of strong science to demonstrate the linkage between copper-based antifouling boat paint and marine quality impairments. The affected parties will require it to support or negate the benefits of the proposed implementation actions.
- Examine all the responsibilities of our public agencies and ensure that resources are available to address human health, social and safety issues as well as measures to protect marine life.
- At this time there are no reliable alternatives to copper-based anti-fouling paints. State Board and Regional Boards should ensure affordable and effective alternatives are available before forcing a change. Most of the commercial industry will not be affected, but the recreational boating community could be severely impacted. It is critical that recreational vessels have anti-fouling surfaces on their hulls for effective operation and prevention of invasive species. Without it, the recreational boating community will be forced out of the water. The social and financial impacts cannot be calculated at this time, but a great California tradition will be altered forever.

At this time we do not believe it is appropriate for the Regional Board to adopt the Amendments that have been proposed until additional outreach to the boating community has been completed as discussed during the October 2016 workshop and the comments received at that time are thoroughly addressed.

Sincerely,

