



May 7, 1999

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 CALIFORNIA
 COASTAL COMMISSION
BY FAX -- (415) 904-5400
 California Coastal Commission
 45 Fremont Street, Suite 2000
 San Francisco, CA 94105-2219

Re: Consistency Determination No. CD-32-99

Dear Commission Members:

We are writing to express our concern over the recent proposal of the U.S. Geological Survey (USGS) to conduct a high-resolution seismic survey off the southern California coast. As written, the USGS protocol deviates substantially from the recommendations made by the intergovernmental HESS team last February, particularly in its insistence on operating in low-visibility conditions. Were the Commission to issue a concurrence under these circumstances, it would fail to safeguard sensitive marine habitat against a "significant disruption of habitat values," as the California Coastal Act requires, and, furthermore, would risk setting bad precedent for any future application of the HESS guidelines.

As the staff report observes, the 180-decibel radius adopted by the USGS is the "safety zone distance" recommended by the HESS team "for all seismic surveys within the southern California study area." It was this noise level that made the expert panel convened by the team "apprehensive" about a survey's "overt behavioral, physiological, and hearing effects on marine mammals in general."¹ (The team recognized that a larger "zone of potential harassment" lay beyond the safety zone, but did not require more than onboard monitoring for shorter, less extensive surveys.)² For the safety zone to have any meaning, however, the monitoring effort must be effective.

SGS intends to operate its airgun on a round-the-clock basis, which means that over one-third of the survey will take place in the dark. Yet as biologist John Calambokidas noted in response to the agency's own query, "sighting rates of marine

¹ High Energy Seismic Survey Team, High Energy Seismic Survey Review Process and Interim Operational Guidelines for Marine Surveys Offshore Southern California (Feb. 1999), sec. I-A ("Safety Zones").

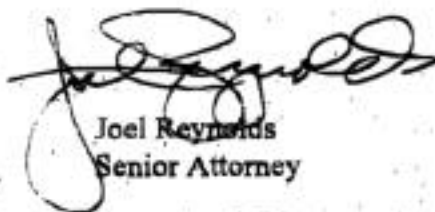
² *Ibid.*, sec. I-B ("Zones of Potential Harassment").

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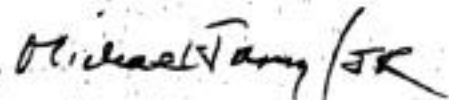
mammals are dramatically reduced at night," with visibility confined to the "immediate vicinity of the ship," well within the safety zone that the agency has proposed.³ To justify its schedule, USGS argues that "marine mammals might move back into the survey area" when the airgun is turned off and that more animals may be harassed if operations are prolonged. But under this logic, continuous operations could always be justified—which was clearly not the HESS team's intent in recommending a "case-by-case evaluation." That the survey will be "spread out geographically from Los Angeles to San Diego, so no single area will see long-term activity," certainly cuts against the agency's concern about animals returning to the survey area. USGS must undertake a more detailed analysis, building on the "factors" listed in the HESS guidelines, before its project is allowed to proceed on a 24-hour basis. The agency must also clarify whether it intends to cease operations during periods of low visibility, as the guidelines require. Its unwillingness to "extend the survey time to include large delays for... poor visibility" suggests it might operate in both night and fog, making monitoring all but useless.⁴

There is increasing concern among citizens and scientists about the cumulative impact of all the low-frequency noise we are putting in the ocean. Last December, the Commission reluctantly approved a Navy sonar test off the coast of Camp Pendleton; in the coming months, the Navy is likely to seek your concurrence to operate a new generation of enormously intensive active sonar (called LFA) in California waters. All this adds to the ongoing problem of ship traffic, which in some areas has boosted the ocean's natural level of background noise by several orders of magnitude. We ask that the Commission not lower the bar for seismic surveys by loosely reading the HESS guidelines in this, their first application.

Very truly yours,



Joel Reynolds
Senior Attorney



Michael Jasny
Policy Fellow

³ Staff Recommendation on Consistency Determination (No. CD-32-99), p. 13.

⁴ *Ibid.*, pp. 15-17.