



**Written Public Comments Submitted for
Harbor Commission Meeting of May 19, 2022**



Written Public Comment #1 - General Comment

From: [Kim S.O.](#)
To: [Angela R. Rodriguez](#)
Subject: Cruise Ships
Date: Sunday, May 15, 2022 6:18:40 AM

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EXTERNAL

Good morning, I hope you will consider banning cruise ships. The pollution they produce is atrocious. We are so fortunate to live in such a beautiful area of the world, we should do everything to protect it.

Thank you for your consideration.

Best,

Kim Simi, SB resident

Written Public Comment #2 - General Comment

From: [William Prothero](#)
To: [Angela R. Rodriguez](#)
Subject: Cruise ships visiting Santa Barbara
Date: Sunday, May 15, 2022 7:41:42 AM

[You don't often get email from prothero@ucsb.edu. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>.]

EXTERNAL

To whom this may concern:

The main impact of cruise ships is pollution in the air and garbage in our offshore region, that washes onto our public beaches. Visitors enjoy our town and contribute to its economy. They seem to be concentrated in the harbor and downtown area and their impact seems minor. However, the pollution impact is unacceptable and also avoidable if the cruise operators respect our requirements.

I suggest there should be consequences for this bad behavior. There could be fines, but also banning them from visits here (maybe temporarily) when they perform these outrageous pollution activities.

Thank you for listening.
William Prothero

Sent from my iPad

Written Public Comment #3 - General Comment

From: [Douglas Woods](#)
To: [Santa Barbara City Council](#)
Cc: [Angela R. Rodriguez](#)
Subject: CRUISE SHIPS
Date: Sunday, May 15, 2022 9:18:25 AM

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EXTERNAL

Dear City Council and Harbor Commission,

I understand that cruise ships bring in money to Santa Barbara, but what is the offset value of this if the beautiful environment that Santa Barbara is known for is damaged?

In our cursory reviews of studies conducted on the environmental impact of cruise ships, there seems to be an overwhelming conclusion that these ships when stopping in harbors cause a lot of pollution. Common sense also concurs. What plans are in place to mediate the negative impact to the environment if SB continues with allowing 18 plus ships a month to stop here?

As concerned citizens and homeowners we would like to be informed of your plans and the thought behind them.

Respectfully,

Douglas and Allegra Woods
De la Guerra Rd.

From: [Teresa C](#)
To: [Angela R. Rodriguez](#)
Subject: Comments: REGULAR MEETING AGENDA May 19 2022 at 6:30 p.m.
Date: Monday, May 16, 2022 4:21:07 PM

You don't often get email from teresabc2002@yahoo.com. [Learn why this is important](#)

EXTERNAL

Dear Harbor Commission,

The following are some of my concerns I would like addressed:

1. Economic and Environmental Impact, Climate Action Plan

While the City considers the economic impact see link below, I do not find assessment or consideration for Environmental Impacts or for the impact on the Climate Action Plan.

Economic Impact (Annual Totals) Figure 1: Economic Impact, Annual 2016
<https://santabarbaraca.com/wp-content/uploads/2017/01/Santa-Barbara-Cruise-Ship-Survey-2016-Report-of-Findings-FINAL.pdf>

"The economic impact of the cruise industry to Santa Barbara is defined here as the sum of total direct visitor spending plus all fees paid by the cruise lines to entities in the destination. Given spending reported in the survey and passenger volumes, we estimate that the cruise industry contributed \$3.9 million to the local economy during 2016, up 61% from 2013. Visitor spending also generates tax revenues and fees for the city of Santa Barbara which are estimated at **\$646,674** for the year".

2. Ethic's Policy and SBC Policy for Business Contracts, Climate Action Plan

In 2020, City Council adopted a goal of carbon neutrality by 2035. To reach this goal, the City is updating the 2012 CAP. The updated CAP will include a new community-wide greenhouse gas emissions inventory and new climate action strategies. Cruise Ships add considerable pollution to our air, ocean and marine life, and wetlands, impacting our public Health.

Is it a violation of SB Policy to do business with a company continually convicted by the US Justice Department for committing Environmental Crimes? see attached

Company Convicted of Violating Court Ordered Environmental Compliance Program

<https://www.justice.gov/opa/pr/princess-cruise-lines-pleads-guilty-second-revocation-probation>

Justice News

Department of Justice
Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, January 11, 2022

Princess Cruise Lines Pleads Guilty to Second Revocation of Probation

Company Convicted of Violating Court Ordered Environmental Compliance Program

Princess Cruise Lines Ltd. (Princess) has pleaded guilty to a second violation of probation imposed as a result of its 2017 criminal conviction for environmental crimes because it failed to establish and maintain an independent internal investigative office. Under the terms of a plea agreement, Princess was ordered to pay an additional \$1 million criminal fine and required to undertake remedial measures to ensure that it and its parent Carnival Cruise Lines & plc establish and maintain the independent internal investigative office known as the Incident Analysis Group (IAG).

Princess was convicted and sentenced in April 2017 and fined \$40 million after pleading guilty to felony charges stemming from its deliberate dumping of oil-contaminated waste from one of its vessels and intentional acts to cover it up. This was and remains the largest-ever criminal fine for intentional pollution from ships. While serving five years of probation, all Carnival-related cruise line vessels trading in U.S. ports were required to comply with a court approved and supervised environmental compliance plan (ECP), including audits by an outside and independent third-party auditor (TPA) and oversight by a Court Appointed Monitor (CAM).

In 2019, Princess was convicted of six violations of probation, fined an additional \$20 million, and required to undertake more remedial measures. In that case, two of the violations involved interfering with the court's supervision of probation by sending undisclosed teams to ships to prepare them for the independent inspections required during probation. Documents filed in court showed that one purpose of the vessel visit programs was to avoid adverse findings by the independent outside auditors working on behalf of the court.

Beginning with the first year of probation, there have been repeated findings that the Company's internal investigation program was and is inadequate. In November 2021, the Office of Probation issued a petition to revoke probation after adverse findings by the CAM and TPA.

In an October 2021 letter to U.S. District Court Judge Patricia A. Seitz, the CAM and TPA concluded that the continuing failure "reflects a deeper barrier: a culture that seeks to minimize or avoid information that is negative, uncomfortable, or threatening to the company, including to top leadership (i.e., the Board of Directors, C-Suite executives and Brand Presidents/CEOs)."

A joint factual basis for today's guilty plea was submitted to the court in which Princess and Carnival admitted to the failure to establish and maintain an independent investigative office. Princess admitted that internal investigators had not been allowed to determine the scope of their investigations, and that draft internal investigations had been impacted and delayed by management.

Changes required under a plea agreement with the Department of Justice resolving the probation violation include:

- Carnival must restructure so that its investigative office reports directly to a committee of Carnival's Board of Directors;
- Carnival's internal investigative office must be given the authority to initiate investigations on its own and to determine their scope;
- Carnival's management will be restricted in its ability to remove the head of the "Incident Analysis Group" that performs internal investigations;
- Carnival must conduct an assessment to ensure independent investigators have sufficient resources;
- Carnival must assess the effectiveness of required changes and correct deficiencies.
- Failure to meet deadlines in the plea agreement will initially subject the defendant to fines of \$100,000 per day, and \$500,000 per day after 10 days.

"This case shows the importance of addressing issues of corporate culture and structure, and the root causes of environmental non-compliance," said Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division. "This was a serious and ongoing violation of probation that reflected Carnival's failure to prioritize compliance with court orders. I thank the court, the Office of Probation, court appointed monitor and third-party auditor for the close attention that they have devoted to this important matter."

"Just like individual defendants, corporate defendants must also comply with court orders. They are not above the law", said U.S. Attorney Juan Antonio Gonzalez for the Southern District of Florida. "The corporate defendant here ignored the court,

choosing instead to thwart the compliance plan that was put in place to protect our environment. As this probation violation proceeding demonstrates, the government will not tolerate defendant's blatant violation of court orders."

The plea agreement and factual statement were signed by Micky Arison, Chairman of Carnival's Board of Directors and Arnold Donald, the Chief Executive Officer and a member of the Board of Directors. Both attended the hearing as they have quarterly status hearings pursuant to court order.

The case is being prosecuted by Richard A. Udell, Senior Litigation Counsel with the Environmental Crimes Section of the Department of Justice and Assistant U.S. Attorney Thomas Watts-FitzGerald, Environmental Crimes Coordinator, Economic & Environmental Crimes Section, for the Southern District of Florida.

Federal judge threatens to block Carnival cruise ships from US ports
<https://www.cnn.com/2019/04/12/business/carnival-ships-blocked-judge-threats-trnd/index.html>

Video showing how pipe modification allowed for 8 years of dumping of highly toxic chemicals into the ocean.

CBS Princess Cruises fined \$40 Million for dumping oily waste into sea
[Princess Cruises fined \\$40M for dumping oily waste into sea](#)

Carnival Corporation & plc
https://en.wikipedia.org/wiki/Carnival_Corporation_%26_plc

3. HFO's, Environmental Impact and Readiness in event of oil spills or ships running aground

Furthermore, these Cruise ships utilize HFO's, the cheapest, dirtiest and most difficult oil to clean up during spills. If a disaster were to occur, is the Harbor Commission capable of managing such a disaster? What would be the Environmental and Economic impacts? High winds have caused Cruise Ships to go aground as recent as this year.

We should not forget the disaster which occurred back in 2012 when the Costa Concordia sank, 32 people died and it ended up costing 2 billion dollars.

https://en.wikipedia.org/wiki/Costa_Concordia
<https://phys.org/news/2014-07-italy-cruise-ship-toxins-threaten.html>

March 2022 Cruise ship runs aground during Caribbean voyage
<https://www.cnn.com/travel/article/norwegian-escape-cruise-runs-aground/index.html>

Norwegian Escape, a 2015-built megaship which can accommodate over 4,000 passengers, hit the seabed as it pulled away from Puerto Plata in the Dominican Republic

Cruise ships utilize Heavy Fuel Oils (HFO)/bunker fuel, which, because of its high sulphur content, results in sulphur dioxide emissions worse than those of equivalent road traffic. The international MARPOL IV-14 agreement for Sulphur Emission Control Areas requires less than 0.10% sulphur in the fuel, “contrasting” with Heavy Fuel Oil. Cruise ships may use 60 percent of the fuel energy for propulsion, and 40 percent for hotel functions, but loads and distribution depend highly on conditions. Rest assured that with high fuel costs, more and more cheap oil(HFO’s) are being used polluting the area.

As per the U.S. Energy of Information Administration, HFOs are extremely viscous, break down slowly and extremely hard to clean up. HFO’s spills are 50 times more toxic to fish and marine life than medium light crude oil spills. HFO’s produce a higher emission of pollutants like Sulfur and Nitrogen Oxides, and Black Carbon(BC). Black Carbon is the 2nd Largest Contributor to Climate Warming following CO2. Inhaling BC particles increases heart and lung disease and premature death.

U.S. Energy of Information Administration, HFO’s

<https://eia-global.org/subinitiatives/heavy-fuel-oil-in-the-arctic/>
https://www.eia.gov/analysis/studies/transportation/marinefuel/pdf/marine_fuel.pdf

One large cruise ship (900–1,100 feet) has between **1 and 2 million gallons of fuel**. One million gallons of oil equals about **23,810 barrels of oil**, 2 million gallons equate to **46,620 barrels of oil**. An average large ship consumes 250 tons of fuel per day, according to the College of Engineering and Applied Science at the University of Colorado Boulder. That’s more than 80,000 gallons of fuel per day, so to put that in perspective, Ships of this size, by contrast, may use up to **150 tons of fuel per day on average**. The engines run 24/7, even while anchored in Santa Barbara or any port.

Ocean Acidification, impact on marine life , the Economy, Climate Change?

"More than 90 per cent of the volume of wastewater dumping from cruise ships involves scrubber discharge"

Rather than use cleaner fuels to meet international emission standards, many ships continue to use dirty heavy fuel oil (HFO) -- but employ exhaust gas cleaning systems, or scrubbers, that use seawater to remove sulphur dioxide, other contaminants, carcinogens and heavy metals before dumping them overboard.

As a result, the discharge messes with ocean acidification, and heavy metals can accumulate in the food web and harm marine life and cause reproductive disorders in endangered marine mammals, such as southern resident killer whales and belugas, according to the International Council on Clean Transportation.

"Scrubber wastewater is acidic and laden with heavy metals and carcinogens," Barford said.

"Those don't metabolize there. They're essentially forever chemicals in the marine environment."

<https://vancouverisland.ctvnews.ca/wave-of-cruise-ship-pollution-expected-regardless-of-new-federal-wastewater-rules-1.5865533>

Oceans are our biggest Carbon Sinks, as are Wetlands, and Forests they all feed each other. Destroying them has disastrous impacts.

With climate change, seemingly small shifts have big consequences

<https://phys.org/news/2021-08-climate-seemingly-small-shifts-big.html?msclkid=2d8e75e0c0e011ec8b6afe83c64b5aa0>

Climate change has been accumulating slowly but relentlessly for decades. The changes might sound small when you hear about them—[another tenth of a degree warmer](#), another centimeter of sea level rise—but seemingly small changes can have big effects on the world around us, especially regionally.

With Climate Change currently happening, weather has become more severe increasing the chances for ships to run aground. Here is one example but there are many more.

<https://www.bloomberg.com/news/articles/2022-03-16/luxury-cruise-ship-that-ran-aground-cuts-trip-short-on-damage>

Direct Observations Confirm that Humans are Throwing Earth's Energy Budget off Balance

<https://www.nasa.gov/feature/goddard/2021/direct-observations-confirm-that-humans-are-throwing-earth-s-energy-budget-off-balance>

4. Air Monitoring, Needed Action, Solutions and Alternatives

Air monitoring, does this occur while Cruise ships are present? People have been exposed to plumes of smoke from these ships. Pollution released from the ships, Sulfur, Nitrogen Oxides, and Black Carbon(BC) have a monetary negative impact on the Environment, Human Health and the Economy. The high CO2 pollution rate dramatically increases Climate Change impacting our drought, our fires, and food supply.

Bottom line, CO2, Sulfur and Nitrogen Oxides, and Black Carbon(BC) pollution are accumulative. If we are going to tackle Climate Change, happening now, we have to start on multiple fronts. *It is easier to manage a problem when it is small rather than when it is out of control.*

While it is fantastic that the Harbor cleans up the Harbor, it is more productive and economically feasible to prevent pollution before it happens.

The high winds we experience every day, drought, loss of potable water, fires are only going to get worse. I do not support the use of Cruise Ships, they have too great of a negative impact on our oceans, our air quality, Climate change and our region.

The Harbor Commissions could balance the budget without Cruise ships by deferring 3 cost items on their budget, defer their bathroom renovation costing \$300,000, defer their door design for \$50,000 and defer their other \$50,000 item. Curious as for the roof repair on the wharf, there was no mention of solar panels, is there a reason for this?

As for Business, Amtrak Pacific Surfliner is offering 50% discount on Companion Fares through June 29, 2022 <https://www.pacificsurfliner.com/>. Hotels and business could offer a discount to those people showing an Amtrak ticket and the City and Harbor could cross promote festivals and visits with Amtrak. This would generate more local business as well as reduce CO2 emissions and ocean pollution from cruise ships. The City could also promote EV biking Tours and promote EV Destination stays working with rental companies and providing discounts.

Thank you for taking my comments into consideration in your decision making.
Teresa Caves

Written Public Comment #5 - Item No. 8

From: [Thomas Tunberg](#)
To: [Adam S](#); [Angela R. Rodriguez](#)
Cc: [Daniel Durbeck](#); [Suzanne Durbeck](#); [Steve Mason](#); [Garry Pawlitski](#); [Suesan Pawlitski](#); [Despina Tunberg](#); [Jennifer Stanowick](#)
Subject: Re: Harbor Commission Insurance Discussion - Public comment
Date: Tuesday, May 17, 2022 11:02:34 AM

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EXTERNAL

Insurance should be a requirement, both for visitors and for boats docked in the marina and and tied up on city moorings. Which would mean that it should also be required for boats temporarily coming in from the anchorage. Almost every marina has this requirement, and none of them seem to have particular problems in enforcing it.

Maybe some kind of exception could be made for commercial fishing boats, but policies of other harbors in that regard should be studied.

Insurance is needed both for the protection of the owners themselves, those impacted by damage caused by the boat insured, and for damages caused to the harbor and the surrounding environment. We have a large number of derelict boats both docked in the marina and in the anchorage outside. Many of these are floating hazards, and every year, some of them sink in their slips or at anchor, or are washed up on the beach, causing considerable damage to the environment. And who pays the cost? This is an especially acute problem in our harbor, and it is exactly for this reason that we need an insurance requirement. If the owners of these hulks are unable to find insurance, then yes, they need to either take them elsewhere or have them broken up. This will solve multiple problems.

Best regards,

Thomas Tunberg

From: [Suesan Pawlitski](#)
To: [Angela R. Rodriguez](#)
Subject: Insurance Discussion
Date: Tuesday, May 17, 2022 11:48:10 AM

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EXTERNAL

Dear Angela,

My husband and I are longtime SB Harbor liveaboards and we cruise the south coast often. All CA (and most Mexican) harbors we've visited require insurance. It's surprising that we don't have that requirement. Thomas Tunberg put it best into words that express how we feel. Please see below:

Sincerely,
Suesan and Garry Pawlitski
1-P-6 s/v SUGAR

Insurance should be a requirement, both for visitors and for boats docked in the marina and and tied up on city moorings. Which would mean that it should also be required for boats temporarily coming in from the anchorage. Almost every marina has this requirement, and none of them seem to have particular problems in enforcing it.

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Best regards,

Thomas Tunberg

--

Suesan Pawlitski

805-682-2736

From: [Daniel Durbeck](#)
To: [Angela R. Rodriguez](#)
Subject: Vessel Insurance
Date: Tuesday, May 17, 2022 12:54:55 PM

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EXTERNAL

Ma'am,

I continued to be astounded that insurance is not a requirement to be able to keep your boat in a Santa Barbara Marina slip. I would suggest that not having a boat insured and allowing it to take up space is part of the root causes for new boat owners being able to gain a slip. The number of derelict vessels that are not seaworthy and uninsured continues to grow. Vessels sinking in slips has been an issue and occurs too frequently. Who knows what pests are residing on vessels that have not been visited for years. That is a health issue for surrounding boats and their owners. It has been my experience that to visit any other harbor in California insurance is required. I've even inquired when visiting other parts of the country. Insurance is a must.

Visiting vessels are always surprised that they are not asked for proof of insurance to stay in the harbor even if just for the night.

If this issue is tied to the fishing industry then come up with exclusions for registered commercial fishermen. Proof of seaworthiness should also be a requirement for all vessels in the harbor. Inspections for USCG required equipment should also be done every few years or as regulations are updated.

All of these requirements would result in a cleaner, safer harbor environment. I believe we fly a flag at the Harbormasters office stating we're a Clean Harbor. Let's require insurance to assure it truly is.

Respectfully,
Dan

Daniel E. Durbeck
Live aboard
ddurbeck@mac.com
(m) 805-689-6911
(o) 800-367-8839

From: [Steve Mason](#)
To: [Angela R. Rodriguez](#)
Cc: [Mason Teri](#)
Subject: Vessel Insurance:Policy Change
Date: Wednesday, May 18, 2022 3:09:55 PM

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EXTERNAL

Good Afternoon,

On the topic of vessel insurance for all boats currently occupying a slip or visiting the Santa Barbara Harbor. We are in support of requiring all vessels in our Harbor to have vessel, liability and spill liability insurance and to be required to have those on file with the Harbor office.

As a lifelong boaters with experience with many of the harbors along the West Coast we have always needed to provide a COI (certificate of Insurance) in every harbor we have visited or taken long term moorage. It is standard procedure for every harbor we have visited with the exception of Santa Barbara where we have been a slip holders for the last four years.

We believe that this policy could protect the Santa Barbara Harbor from damage caused by permanent and visiting vessels. Protect those in the harbor from other boaters and allow the harbor to better monitor those boats that are unseaworthy or dangerous to our harbor and marine environment.

Marine Insurance is based on boat valuation. This represents a fair cost of to each boater based on the value and size of their vessel and does not discriminating against those with smaller less expensive vessels. It allows the insurance companies to determine some level of seaworthiness relieving the harbor from making that determination solely.

If the commercial fishing fleet feels this places a requirement on them that is unreasonable we are supportive of reducing the requirement to not create a burden on them. We feel the fishing fleet is a vital part of our Harbor and we need to support them in any way we can.

We would think most boaters already have current insurance on their vessels so this is not something that is new.

It's a simple requirement that protects everyone involved and we are supportive of any policy change that would require all boats in the harbor or visiting here to comply with.

There is a reason every other harbor on the West coast is requiring it.

Thank you for your time and consideration.

Sincerely

Steve and Teresa Mason
Slip 1-R-21

HARRISON C. HEYL

315 Meigs Road, Suite A402
Santa Barbara, CA 93109
cell phone: (805) 451-0308
harrisonheyl@gmail.com

May 18, 2022

City of Santa Barbara Harbor Commission
Santa Barbara City Hall
735 Anacapa Street
Santa Barbara, CA 93101

RE: Insurance Requirements For Vessels In Santa Barbara Harbor

Dear Harbor Commissioners,

I'm writing to urge you **not** to vote in favor of Insurance Requirements For Vessels In Santa Barbara Harbor on May 19, 2022.

I've owned a 43' Viking Motor Yacht, Peace Pilgrim, in the harbor since December 22, 2020. I've been living aboard since March 25, 2022, and this is my home.

I've had great difficulty obtaining insurance for my vessel in spite of my efforts to secure it. I've applied for an insurance policy from at least six (6) insurance brokers and insurance companies since I've owned the boat. I've been denied for several reasons.

Most insurance companies won't issue insurance for vessels over forty (40) years old. My vessel is 44 years old. It's in excellent shape. The prior owner invested approximately \$120,000 restoring the vessel, and I've spent approximately \$70,000. I can provide a marine survey and mechanical survey attesting to the good condition of the boat to both the insurance companies and the Harbor Commission. But none of that matters to the insurance companies—the majority of which simply won't consider issuing a policy for boats over 40 years in age.

The most recent company I applied to said that the rare insurance company they work with that will issue a policy for a boat 40 years of age or older is messed up due to Covid. No one wants to work, so an application that would normally be processed within 48 hours has instead languished for months with no response from the insurance carrier.

If the Commission institutes a policy that requires insurance that I'm unable to obtain, I wonder if this might constitute a "taking" under eminent domain law.

For these reasons, I hope the Harbor Commission doesn't make a hasty decision to approve this requirement on May 19. This is a complicated issue that warrants long and careful consideration before the Commission makes a decision.

Sincerely,
Harrison Heyl
Slip 2-B-26

Written Comments for Harbor Commission Meeting 05/19/22

Request for meeting and help from Harbor Commission and BAP subcommittee.

From: Michael Cohen, Santa Barbara Adventure Company, BAP holder, SB Harbor for Kayaking Excursions.

RE: Unfair accusations of violations and arbitrary rule creation for SB Adventure Co kayak tours in the harbor, by the Harbor Department.

Dear Honorable Harbor Commissioners,

Santa Barbara Adventure Company has been a BAP Holder at SB Harbor Department, for kayak excursions since 2001.

I am asking to get some help and clarification with a new series of complaints by the harbor department pertaining to my BAP, starting last week, May 12, 2022.

Harbor department has started calling out previously unknown, unenforced and undocumented violation that my company is being accused wrongly of, in attempts to discipline, change my operation or revoke my permit. I feel targeted by unjustified and anonymous complaints with the goal of getting me out of the harbor or altering my access to make my business fail. The issue is access to the ocean through the launch ramp by an authorized permit holder.

Without warning or any written standards in the established BAP for kayak excursions, Harbor department has notified me of violation of laws and permit requirements.

Specifically, we have been notified about "multiple complaints" that we have never received or seen, and unknown violations in the past. In a letter dated May 12, 2022 from the SB Harbor department they outline a list of recent violations that pertain to restrictions that have never before been implemented.

On phone calls with the harbor department, I've been told we are "multiple violations" and have been an issue for a year. This contradicts everything I have been told by the previous leadership; we have always been good partners.

The harbor department is accusing us of blocking the right-of-way as an actionable item. They have created new rules that are undocumented on any permit and impossible to implement and safely run our tours. Recently parking when we unload at the launch ramp, blocking right of (we are not) and leaving boats on the boat ramp too long has suddenly become a violation.

The new, undocumented rule, is that we must launch our guests "within 20 minutes". I have been hosting kayak tours at the launch ramp for over 20 years and have never heard this rule or seen it in writing on my permit or on any other format. This is an arbitrary rule foisted upon us as we start our busy season. This new undocumented rule is also impossible to implement, is unfair and adds to the risk management issues for a safe tour. We are often helping young children, elderly individual and/or individuals with disabilities. This new rule is a threat to my small family-owned business.

We have always set up our boats on the far-left launch ramp, suited up in paddling gear and given a brief safety talk. This process is not possible to achieve in 20 minutes. This has never been a problem until last week, nor ever addressed by the harbor in writing. The harbor department is claiming that we

are storing kayaks and are blocking access or right of way. This is not true. We have written into signed permit applications for over 20 years the area of activity will be the "left side of the launch ramp and west beach near the landing". Now we are being flagged for this.

We are aware of other users; we keep our foot print as small as possible and clear out as soon as we are able. We use the far-left ramp which not frequently used. No other user is blocked as the other ramps and dock are all open.

We are not storing kayaks at the harbor, as we have been accused. We bring in our gear from our warehouse on Haley St. This accusation is false. The time on the ramp is minimal to run our tours. There are various factors the slow us down the launch on the ramp. Guests not being able to find us, running late or "no shows". We host school groups which can take more time to equip and instruct. These are other accusations that are not true and have become issues now, as pretense to take away my permit. I am happy to discuss all accusations and make adjustments to my operation, but the harbor has yet to meet with me.

I have reached out to harbor to try to set a meeting and clarify expectations as we will, and have always complied, with our permit requirements and parking codes. The Business Manager has been unyielding, threatening and condescending. He has offered only that "we must be off the ramp within 20 minutes", which is physically possible and has never been stated before. The time is arbitrary and untenable for the BAP holder. It came out nowhere.

We are being unfairly targeted by a hostile manager who is bent on bringing up trumped up charges against us, often with rules that were created out of thin air or never documented in any form. I have tried to communicate and comply and have already made changes, but feel we are the subject of a forced permit removal to get us out of the harbor. I would like a hearing to address this and to keep my permit.

My small family business has been providing guided trips in the harbor since 2001, we have hundreds of 5-star reviews. Loss of this BAP would be really harmful to my business and cause great financial hardship. After covid struggles, we are trying to rebuild losses from shut down. My employees are not sure how to operate now, and are expressing fear of getting cited and losing their jobs or the permit. This is a major stressor on an already difficult job, taking care of kids or tourists.

This action by the harbor department is new after 20 years of no problems, unfair and arbitrary, focused solely on me due to complaints by unknown parties. Please help me sort out a clear and workable expectations for the accusations and I will come up with a workable plan. I will always comply and value my relationship with the city.

Thank you.

Michael Cohen, President

Santa Barbara Adventure Co.

From: [Teresa C](#)
To: [Angela R. Rodriguez](#); [Das Williams](#); [Ted Morton](#)
Subject: Comments: REGULAR MEETING AGENDA May 19 2022 at 6:30 p.m.
Date: Wednesday, May 18, 2022 6:25:15 PM

You don't often get email from teresabc2002@yahoo.com. [Learn why this is important](#)

EXTERNAL

Dear All

I know everyone is working hard to help return the Economy to normal and balance budgets, and help the environment. It is going to take a great collaborative effort by departments and citizens to tackle Climate Change. Every effort is appreciated, no matter how big or small. The accumulative effort will generate on going positive steady results.

As it pertains to Cruise Ships, while they may balance the budget for the Harbor Commission, they do produce long term environmental costs see attached. In 2008,EPA provide a report titled Cruise Ship Discharge Assessment.
https://19january2017snapshot.epa.gov/sites/production/files/201511/documents/cruise_ship_discharge_assessment_report.pdf

As Harmful Algal Blooms (HABs) become more frequent we face economic loss, environmental devastation, health problems, severe weather, droughts, food insecurity, fires and much more Cruise ships waste water cause both biological and economic damage to the marine environment and coastal areas. The waste water causes an overload of nutrients, such as phosphorus and nitrogen into the ecosystem.This leads to problems, including unusually strong and frequent algal blooms.

Harmful algal blooms (HABs) events threaten human health, living marine resources, and ecosystem health. Domoic acid (DA), a neurotoxin produced by some diatom species of the genus Pseudo-nitzschia, is responsible for frequent large-scale marine mammal and seabird mortalities along California's coasts due to its accumulation in marine food webs (e.g., sardines and anchovies) and subsequent exposure in top predators. California sea lions, *Zalophus californianus*, are among the most frequent marine mammal victims of DA poisoning. Marine mammal strandings presenting with neurological symptoms (e.g., lethargy, disorientation and seizures) are often associated with DA, and if not treated, will cause death. Massive toxic bloom events led to the mass mortality event for marine mammals in the Southern California Bight during 2002, 2006, 2007, and 2017, 2020 (San Diego large fish die off). <https://sccoos.org/harmful-algal-bloom/>

With Climate Change, out of control CO2 emissions and Pollution, the environment

including our oceans/marine life are hit hard! Algal blooms are becoming more frequent with birds and marine life dying. There is a current problem with brown pelicans dying and others are being supported by the SBWCN. A seal spotted in distress...as the reports flow, the urgency becomes more and more present.

A potential natural **tool/solution** for the Ocean and biodiversity would help the Economy. Best solutions mimic Nature. The most sustainable and feasible solutions come from Nature. Has SB experimented with indigenous bivalve residents to manage algal blooms?

NOAA in 2016 published a ground breaking project .

<https://oceanservice.noaa.gov/facts/eutrophication.html>

In recent years, NOAA's [National Centers for Coastal Ocean Science](#) (NCCOS), in collaboration with NOAA's [Northeast Fisheries Science Center](#), has enlisted estuaries' indigenous residents, namely, bivalve mollusks, to help slow and, in some cases, reverse the process of eutrophication, since they efficiently remove nutrients from the water as they feed on [phytoplankton](#) and detritus.

A [groundbreaking modeling project in Long Island Sound](#) showed that the oyster [aquaculture](#) industry in Connecticut provides \$8.5 – \$23 million annually in nutrient reduction benefits. The project also showed that reasonable expansion of oyster aquaculture could provide as much nutrient reduction as the comparable investment of \$470 million in traditional nutrient-reduction measures, such as wastewater treatment improvements and agricultural best management practices.

The NOAA scientists used aquaculture modeling tools to demonstrate that shellfish aquaculture compares favorably to existing nutrient management strategies in terms of efficiency of nutrient removal and implementation cost. Documenting the water quality benefits provided by shellfish aquaculture has increased both communities' and regulators' acceptance of shellfish farming, not only in Connecticut but across the nation. In Chesapeake Bay, for example, nutrient removal policies include the harvesting of oyster tissue as an approved method, and in Mashpee Bay, Massachusetts, cultivation and harvest of oysters and clams are part of the official nutrient management plan.

An Ecosystem Services Assessment Using Bioextraction Technologies for Removal of Nitrogen and Other Substances in Long Island Sound and the Great Bay/Piscataqua Region

<https://products.coastalscience.noaa.gov/publications/handler.aspx?resource=00hdKo2k2hSWOxLGFRcu/feoeR4U4RM469gysLLrINQ=>

Eutrophication is among the most serious threats worldwide to the function and services supported by coastal ecosystems (Bricker et al., 2007; Zaldivar et al., 2008; Diaz and Rosenberg, 2008; Bricker and Devlin, 2011 and papers therein). Many water bodies worldwide have experienced nutrient-related water-quality degradations with consequent impacts, such as hypoxic bottom waters and loss of valuable habitats, with cascading impacts on fisheries (e.g., Orth and Moore, 1984; Brietburg et al., 2009, 2009a; Lipton and Hicks 1999, 2003; Mistiaen et al., 2003; Beck et al. 2009, 2011).

Shellfish filtration can enhance water clarity allowing sufficient light penetration to support maintenance and expansion of seagrass habitat (Newell and Koch, 2004), an important estuarine nursery area, where juvenile invertebrates and fish are protected from predators. Ecosystem modeling suggests that restoring shellfish populations to even a modest fraction of their historic abundance could improve water quality and aid in the recovery of seagrasses, which can further reduce sediment resuspension and improve light conditions (Newell and Koch 2004; Kellogg et al., 2014). In addition, researchers suggest that robust populations of shellfish can suppress harmful blooms of phytoplankton, such as the 'brown tides' that have occurred along the mid-Atlantic coast (Cerrato et al., 2004), and help modulate blooms of other types of harmful plankton, including 'red tides' (Peabody and Griffin, 2008; NWFSC and WASG, 2002).

As suspension feeders, shellfish also enhance water quality by concentrated deposition of feces and pseudofeces (particles collected on the gills that the shellfish do not use as food; Newell, 2004; Newell and Koch, 2004; Newell et al., 2007). This benthic-pelagic coupling removes particulate organic matter (POM) from the water column making it available to benthic detritivores, such as polychaetes and amphipods, which are a key element of the food chain for many estuarine fish. Increased biodeposition of organic matter in sediments can lead to increased bacterial denitrification that can help to remove N from estuarine systems (unless such deposition leads to hypoxic conditions which suppress nitrification; Childs et al., 2002). The associated bacteria in sediments of an oyster bed can remove 20 percent or more of the N in oyster wastes, using the same process that is used in modern waste-water treatment plants (Shumway et al., 2003). Further, filter-feeding shellfish not only remove N from the water column to the benthos; they also incorporate a high proportion of it into their tissues. Oyster tissue has a mean nitrogen content ranging from 5.64-9.72 percent, and shell content is 0.19-0.3

percent (Kellogg et al., 2014 and citations therein; Grizzle et al., 2016; Sebastino et al., 2015). When the shellfish are harvested, the N is removed from the system, thereby recycling nutrients from sea to land (Shumway et al., 2003; Lindahl et al., 2005). About half of this N is in the relatively large shell (Kellogg et al., 2013; STAC 2013a). In contrast, when species with lighter shells, such as blue mussels, are harvested, less N is removed (Newell and Koch, 2004).

By mediating water column phytoplankton dynamics and denitrification, shellfish are likely to reduce nutrients that stimulate excessive plant growth in coastal waters, which often leads to low dissolved oxygen levels (hypoxia) as a result of the decaying phytoplankton consuming most of the available oxygen, a serious environmental problem in many aquatic ecosystems worldwide (Atlantic States Marine Fisheries Commission, 2007; Diaz and Rosenberg, 2008). For example, 65 percent of U.S. estuaries and coastal bays are moderately to severely degraded by nutrient pollution from agricultural practices, urban runoff, septic systems, sewage discharges and eroding streambanks (Bricker et al., 2008).

Shellfish filtration rates are a function of several environmental factors, including temperature, salinity, and suspended particulate concentration (Cerco and Noel, 2005; Bayne, 1993, 1997; Barille et al., 1997)². In addition, different shellfish species exhibit significant variation in filtration rates, with the rates generally increasing with species size (Powell et al. 1992; Cranford and Grant, 1990; Smaal and Zurburg, 1997; Prins et al, 1991).

For large species, such as the Eastern or American oyster, *Crassostrea virginica*, filtration rates have been estimated at 163 liters per gram of oyster tissue per day (NOAA Fisheries Office of Habitat Conservation, undated-a). Newell (1988) calculated that the abundance of this species in Chesapeake Bay before 1870 was high enough that oysters could filter the entire volume of the bay in about three days. Nearly a century of exploitation and habitat destruction have reduced populations to 1% of previous numbers, and 325 days are now required to perform the same function. It must additionally be noted that since oyster populations are no longer present in some areas of the Chesapeake Bay, only a portion of the water mass could in any case be filtered.

Again, I request we stop Cruise ship visits to Santa Barbara and instead, produce solutions that both benefit the Economy and the Environment.

Thank you,
Teresa Caves

On May 16, 2022, at 4:20 PM, Teresa C <teresabc2002@yahoo.com> wrote:

Dear Harbor Commission,

The following are some of my concerns I would like addressed:

1. Economic and Environmental Impact, Climate Action Plan

While the City considers the economic impact see link below, I do not find assessment or consideration for Environmental Impacts or for the impact on the Climate Action Plan.

Economic Impact (Annual Totals) Figure 1: Economic Impact, Annual 2016

<https://santabarbaraca.com/wp-content/uploads/2017/01/Santa-Barbara-Cruise-Ship-Survey-2016-Report-of-Findings-FINAL.pdf>

"The economic impact of the cruise industry to Santa Barbara is defined here as the sum of total direct visitor spending plus all fees paid by the cruise lines to entities in the destination. Given spending reported in the survey and passenger volumes, we estimate that the cruise industry contributed \$3.9 million to the local economy during 2016, up 61% from 2013. Visitor spending also generates tax revenues and fees for the city of Santa Barbara which are estimated at **\$646,674** for the year".

2. Ethic's Policy and SBC Policy for Business Contracts, Climate Action Plan

In 2020, City Council adopted a goal of carbon neutrality by 2035. To reach this goal, the City is updating the 2012 CAP. The updated CAP will include a new community-wide greenhouse gas emissions inventory and new climate action strategies. Cruise Ships add considerable pollution to our air, ocean and marine life, and wetlands, impacting our public Health.

Is it a violation of SB Policy to do business with a company continually convicted by the US Justice Department for committing Environmental Crimes? see attached

Company Convicted of Violating Court Ordered Environmental Compliance Program

<https://www.justice.gov/opa/pr/princess-cruise-lines-pleads-guilty->

Justice News

Department of Justice
Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, January 11, 2022

Princess Cruise Lines Pleads Guilty to Second Revocation of Probation

Company Convicted of Violating Court Ordered Environmental Compliance Program

Princess Cruise Lines Ltd. (Princess) has pleaded guilty to a second violation of probation imposed as a result of its 2017 criminal conviction for environmental crimes because it failed to establish and maintain an independent internal investigative office. Under the terms of a plea agreement, Princess was ordered to pay an additional \$1 million criminal fine and required to undertake remedial measures to ensure that it and its parent Carnival Cruise Lines & plc establish and maintain the independent internal investigative office known as the Incident Analysis Group (IAG).

Princess was convicted and sentenced in April 2017 and fined \$40 million after pleading guilty to felony charges stemming from its deliberate dumping of oil-contaminated waste from one of its vessels and intentional acts to cover it up. This was and remains the largest-ever criminal fine for intentional pollution from ships. While serving five years of probation, all Carnival-related cruise line vessels trading in U.S. ports were required to comply with a court approved and supervised environmental compliance plan (ECP), including audits by an outside and independent third-party auditor (TPA) and oversight by a Court Appointed Monitor (CAM).

In 2019, Princess was convicted of six violations of probation, fined an additional \$20 million, and required to undertake more remedial measures. In that case, two of the violations involved interfering with the court's supervision of probation by sending undisclosed teams to ships to prepare them for the independent inspections required during probation. Documents filed in court showed that one purpose of the vessel visit

programs was to avoid adverse findings by the independent outside auditors working on behalf of the court.

Beginning with the first year of probation, there have been repeated findings that the Company's internal investigation program was and is inadequate. In November 2021, the Office of Probation issued a petition to revoke probation after adverse findings by the CAM and TPA.

In an October 2021 letter to U.S. District Court Judge Patricia A. Seitz, the CAM and TPA concluded that the continuing failure "reflects a deeper barrier: a culture that seeks to minimize or avoid information that is negative, uncomfortable, or threatening to the company, including to top leadership (i.e., the Board of Directors, C-Suite executives and Brand Presidents/CEOs)."

A joint factual basis for today's guilty plea was submitted to the court in which Princess and Carnival admitted to the failure to establish and maintain an independent investigative office. Princess admitted that internal investigators had not been allowed to determine the scope of their investigations, and that draft internal investigations had been impacted and delayed by management.

Changes required under a plea agreement with the Department of Justice resolving the probation violation include:

- Carnival must restructure so that its investigative office reports directly to a committee of Carnival's Board of Directors;
- Carnival's internal investigative office must be given the authority to initiate investigations on its own and to determine their scope;
- Carnival's management will be restricted in its ability to remove the head of the "Incident Analysis Group" that performs internal investigations;
- Carnival must conduct an assessment to ensure independent investigators have sufficient resources;
- Carnival must assess the effectiveness of required changes and correct deficiencies.
- Failure to meet deadlines in the plea agreement will initially subject the defendant to fines of \$100,000 per day, and \$500,000 per day after 10 days.

"This case shows the importance of addressing issues of corporate culture and structure, and the root causes of environmental non-compliance," said Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division. "This was a

serious and ongoing violation of probation that reflected Carnival's failure to prioritize compliance with court orders. I thank the court, the Office of Probation, court appointed monitor and third-party auditor for the close attention that they have devoted to this important matter."

"Just like individual defendants, corporate defendants must also comply with court orders. They are not above the law", said U.S. Attorney Juan Antonio Gonzalez for the Southern District of Florida. "The corporate defendant here ignored the court, choosing instead to thwart the compliance plan that was put in place to protect our environment. As this probation violation proceeding demonstrates, the government will not tolerate defendant's blatant violation of court orders."

The plea agreement and factual statement were signed by Micky Arison, Chairman of Carnival's Board of Directors and Arnold Donald, the Chief Executive Officer and a member of the Board of Directors. Both attended the hearing as they have quarterly status hearings pursuant to court order.

The case is being prosecuted by Richard A. Udell, Senior Litigation Counsel with the Environmental Crimes Section of the Department of Justice and Assistant U.S. Attorney Thomas Watts-FitzGerald, Environmental Crimes Coordinator, Economic & Environmental Crimes Section, for the Southern District of Florida.

Federal judge threatens to block Carnival cruise ships from US ports
<https://www.cnn.com/2019/04/12/business/carnival-ships-blocked-judge-threats-trnd/index.html>

Video showing how pipe modification allowed for 8 years of dumping of highly toxic chemicals into the ocean.

CBS Princess Cruises fined \$40 Million for dumping oily waste into sea

[Princess Cruises fined \\$40M for dumping oily waste into sea](#)

Carnival Corporation & plc

https://en.wikipedia.org/wiki/Carnival_Corporation_%26_plc

3. HFO's, Environmental Impact and Readiness in event of oil spills or ships running aground

Furthermore, these Cruise ships utilize HFO's, the cheapest, dirtiest and most difficult oil to clean up during spills. If a disaster were to occur, is the Harbor Commission capable of managing such a disaster? What would be the Environmental and Economic impacts? High winds have caused Cruise Ships to go aground as recent as this year.

We should not forget the disaster which occurred back in 2012 when the Costa Concordia sank, 32 people died and it ended up costing 2 billion dollars.

https://en.wikipedia.org/wiki/Costa_Concordia

<https://phys.org/news/2014-07-italy-cruise-ship-toxins-threaten.html>

March 2022 Cruise ship runs aground during Caribbean voyage

<https://www.cnn.com/travel/article/norwegian-escape-cruise-runs-aground/index.html>

Norwegian Escape, a 2015-built megaship which can accommodate over 4,000 passengers, hit the seabed as it pulled away from Puerto Plata in the Dominican Republic

Cruise ships utilize Heavy Fuel Oils (HFO)/bunker fuel, which, because of its high sulphur content, results in sulphur dioxide emissions worse than those of equivalent road traffic. The international MARPOL IV-14 agreement for Sulphur Emission Control Areas requires less than 0.10% sulphur in the fuel, "contrasting" with Heavy Fuel Oil. Cruise ships may use 60 percent of the fuel energy for propulsion, and 40 percent for hotel functions, but loads and distribution depend highly on conditions. Rest assured that with high fuel costs, more and more cheap oil(HFO's) are being used polluting the area.

As per the U.S. Energy of Information Administration, HFOs are extremely viscous, break down slowly and extremely hard to clean up. HFO's spills are 50 times more toxic to fish and marine life than medium light crude oil spills. HFO's produce a higher emission of pollutants like Sulfur and Nitrogen Oxides, and Black Carbon(BC). Black Carbon is the 2nd Largest Contributor to Climate Warming following CO2. Inhaling BC particles increases heart and lung disease and premature death.

U.S. Energy of Information Administration, HFO's

<https://eia-global.org/subinitiatives/heavy-fuel-oil-in-the-arctic/>

<https://www.eia.gov/analysis/studies/transportation/marinefuel/pdf/ma>

[rine_fuel.pdf](#)

One large cruise ship (900–1,100 feet) has between **1 and 2 million gallons of fuel**. One million gallons of oil equals about **23,810 barrels of oil**, 2 million gallons equate to **46,620 barrels of oil**. An average large ship consumes 250 tons of fuel per day, according to the College of Engineering and Applied Science at the University of Colorado Boulder. That's more than 80,000 gallons of fuel per day, so to put that in perspective, Ships of this size, by contrast, may use up to **150 tons of fuel per day on average**. The engines run 24/7, even while anchored in Santa Barbara or any port.

Ocean Acidification, impact on marine life , the Economy, Climate Change?

"More than 90 per cent of the volume of wastewater dumping from cruise ships involves scrubber discharge"

Rather than use cleaner fuels to meet international emission standards, many ships continue to use dirty heavy fuel oil (HFO) -- but employ exhaust gas cleaning systems, or scrubbers, that use seawater to remove sulphur dioxide, other contaminants, carcinogens and heavy metals before dumping them overboard.

As a result, the discharge messes with ocean acidification, and heavy metals can accumulate in the food web and harm marine life and cause reproductive disorders in endangered marine mammals, such as southern resident killer whales and belugas, according to the International Council on Clean Transportation.

“Scrubber wastewater is acidic and laden with heavy metals and carcinogens,” Barford said.

“Those don't metabolize there. They're essentially forever chemicals in the marine environment.”

<https://vancouverisland.ctvnews.ca/wave-of-cruise-ship-pollution-expected-regardless-of-new-federal-wastewater-rules-1.5865533>

Oceans are our biggest Carbon Sinks, as are Wetlands, and Forests they all feed each other. Destroying them has disastrous impacts.

With climate change, seemingly small shifts have big consequences

<https://phys.org/news/2021-08-climate-seemingly-small-shifts-big.html?msclkid=2d8e75e0c0e011ec8b6afe83c64b5aa0>

Climate change has been accumulating slowly but relentlessly for decades. The changes might sound small when you hear about them —[another tenth of a degree warmer](#), another centimeter of sea level rise —but seemingly small changes can have big effects on the world around us, especially regionally.

With Climate Change currently happening, weather has become more severe increasing the chances for ships to run aground. Here is one example but there are many more.

<https://www.bloomberg.com/news/articles/2022-03-16/luxury-cruise-ship-that-ran-aground-cuts-trip-short-on-damage>

Direct Observations Confirm that Humans are Throwing Earth's Energy Budget off Balance

<https://www.nasa.gov/feature/goddard/2021/direct-observations-confirm-that-humans-are-throwing-earth-s-energy-budget-off-balance>

4. Air Monitoring, Needed Action, Solutions and Alternatives

Air monitoring, does this occur while Cruise ships are present? People have been exposed to plumes of smoke from these ships. Pollution released from the ships, Sulfur, Nitrogen Oxides, and Black Carbon(BC) have a monetary negative impact on the Environment, Human Health and the Economy. The high CO₂ pollution rate dramatically increases Climate Change impacting our drought, our fires, and food supply.

Bottom line, CO₂, Sulfur and Nitrogen Oxides, and Black Carbon(BC) pollution are accumulative. If we are going to tackle Climate Change, happening now, we have to start on multiple fronts. *It is easier to manage a problem when it is small rather than when it is out of control.*

While it is fantastic that the Harbor cleans up the Harbor, it is more productive and economically feasible to prevent pollution before it

happens.

The high winds we experience every day, drought, loss of potable water, fires are only going to get worse. I do not support the use of Cruise Ships, they have too great of a negative impact on our oceans, our air quality, Climate change and our region.

The Harbor Commissions could balance the budget without Cruise ships by deferring 3 cost items on their budget, defer their bathroom renovation costing \$300,000, defer their door design for \$50,000 and defer their other \$50,000 item. Curious as for the roof repair on the wharf, there was no mention of solar panels, is there a reason for this?

As for Business, Amtrak Pacific Surfliner is offering 50% discount on Companion Fares through June 29, 2022 <https://www.pacificsurfliner.com/>. Hotels and business could offer a discount to those people showing an Amtrak ticket and the City and Harbor could cross promote festivals and visits with Amtrak. This would generate more local business as well as reduce CO2 emissions and ocean pollution from cruise ships. The City could also promote EV biking Tours and promote EV Destination stays working with rental companies and providing discounts.

Thank you for taking my comments into consideration in your decision making.

Teresa Caves

Written Public Comment #12 - General Comment

From: [Kimberly Vawter](#)
To: [Angela R. Rodriguez](#)
Cc: [Michael Cohen](#)
Subject: Written Comments for Harbor Commission Public Comment
Date: Thursday, May 19, 2022 8:54:57 AM

You don't often get email from kim@sbadventureco.com. [Learn why this is important](#)

EXTERNAL

Hi Angela,

Here are my written comments for this evening for the Harbor Commission meeting. Please update.

Written Comments for Harbor Commission Meeting 05/19/22

Request for Meeting & Support from Harbor Commission and BAP subcommittee.

From: Kim Malloy, Santa Barbara Adventure Company, BAP holder, SB Harbor for Kayaking Excursions

RE: Unfair accusations of violations and arbitrary rule creation for SB Adventure Co kayak tours in the harbor, by the Harbor Department.

Dear Honorable Harbor Commissioners,

My name is Kim Malloy & I am the General Manager for the Santa Barbara Adventure Company. I'm speaking tonight re: the alleged recent violations of harbor rules that were unbeknownst to us & the threat from Brian Bosse to withdraw our BAP, which SBACo has had since 2001.

Within the past 2 months, we hired & trained 9 new harbor kayak guides, all of whose jobs are in jeopardy with Brian's threats as well as 2 new hires on our reservations team in our office. The past week has been stressful on our team & Brian's communication has been sparse and lacking on attempts to meet & work with us.

We have clients who have been with us for 10+ years who kayak yearly in the Santa Barbara Harbor due to it's proximity to the hotels & accessibility for all guests. This includes the Wounded Warriors Project, First Descents (a non-profit based in Colorado that supports cancer patients in outdoor adventures), and low-income & first-generation college-bound students from schools in and around the Central Coast. Additionally, we partner with a number of local businesses to offer guided tours in the harbor including Boojum in Ojai, Naturalists at Large in Ventura & Westcoast Connection in San Diego -- all companies that support youth in the outdoors. We also host a number of local companies for team building in the harbor; just within this week ProCore joined us for on the water team building.

In 2020 our company made the USA Today 10 Best Kayak Tour list -- we were the only company on the West Coast to be on this list & were proud to put Santa Barbara on the map as a premier kayaking destination. Our founder & President Michael Cohen is on the Marine Sanctuary Advisory

Council, a board member for America Outdoors & also for Visit Santa Barbara. He has dedicated his life to the success of the Santa Barbara Adventure Company and promoting tourism here, providing jobs for 50+ employees and showcasing the finest experiences the American Riviera has to offer to locals & visitors alike. One of those 50 employees is even Mr. John Bridley who used to be the Santa Barbara Waterfront Director.

We invited Brian to work with us this week in the field & to join us to see our programming so that we could brainstorm together ideas for success. Brian declined the invitation & was not open to meeting with us. Rather, he focused on the continued collection of said citations of rules that we have never been told. Brian came up with an arbitrary 15-minute rule for our company to unload kayaks & gear, greet clients, and provide a safety briefing before launching our guests for their guided excursion in the harbor. This is completely unrealistic for our operation & is a rule that he says we must meet or we will be in jeopardy of losing our BAP. For both our staff, our clients, and the greater community that we serve, we are hopeful we can work together to continue to be able to offer exceptional tours in the harbor/marina area.

--

Kim Malloy

General Manager

Santa Barbara Adventure Company

32 E. Haley St. Santa Barbara, CA 93101

Mail: PO Box 208, Santa Barbara, CA 93102

(805) 884-9283

SBAdventureCo.com

From: [Carson Shevitz](#)
To: [Angela R. Rodriguez](#)
Subject: Public Comment Regarding Insurance Requirements For Vessels In Santa Barbara Harbor
Date: Thursday, May 19, 2022 7:30:10 PM

You don't often get email from carson@channelwatchmarine.com. [Learn why this is important](#)

EXTERNAL

Hello Commissioners,

My name is Paul Amaral and I own and operate Channel Watch Marine, the local Vessel Assist and TowBoatUS provider.

We support marinas and harbors to require insurance on all vessels. We have even lobbied our legislators to make it a statewide requirement. Many of the uninsured vessels become a financial burden to the local, state, and federal agencies in our area. With proper insurance, when these vessels sink or go aground, we can usually deal with the owners and insurance companies to resolve the problem without any cost to the local agencies

For example, less than two weeks ago, a 30' sailboat blew aground from the anchorage just down from the Wharf on East Beach. The removal off the beach was all paid for by a liability insurance policy with no out of pocket expenses for the owner. The vessel was removed the same day by my company with no issues.

The majority of vessels in the harbor already have insurance. The ones which do not are usually older and present a greater liability, thus the insurance companies are unwilling to insure them. That same greater liability is also present for the city. It is usually these vessels that sink in their slip or end up aground on the local beaches. The owners of these vessels typically do not have the financial ability to handle the high costs of wreck removal and ultimately those costs are borne by the governing agency with jurisdiction for the area where the vessel grounds or sinks.

Requiring insurance will help to reduce the number of these older and often derelict vessel already in the harbor and anchored offshore and will discourage more from showing up in the harbor and anchorage. By using state grant funds, the harbor department can assist owners that are willing to surrender their vessels or dispose of vessels which are abandoned.

I understand there are some older seaworthy vessels, many engaged in commercial fishing, which will not be able to get insurance. I feel the city could develop an exemption program that takes these things into account and allow these vessels to remain in the harbor. For example, the owner must show that the vessel is seaworthy, regularly maintained, and at least

occasionally used for either commercial or recreational purposes.

When something happens with an insured vessel, it's usually easily manageable by companies like mine without any involvement or expense to the local agencies. When they are not insured, it usually takes a greater amount of time to resolve, they present a public and environmental hazard, consume many hours of public agency employee's time, and ultimately the local agency must pay for removal and disposal.

As the only marine towing and salvage company in this area, we-frequently deal with these types of issues along the coast and out at the islands with many different agencies. Should you have any questions about marine insurance and how it relates to our work, please don't hesitate to reach out to us.

Thank you for your time.

Paul Amaral

Carson Shevitz, Manager
Channel Watch Marine | TowBoatUS
805-644-2762 | 805-765-1097

May 19, 2022

City of Santa Barbara Harbor Commission
Santa Barbara City Hall
735 Anacapa Street
Santa Barbara, CA 93101

RE: Insurance Requirements For Vessels in SB Harbor

Dear Harbor Commissioners,

I am writing to urge you to NOT vote in favor of Insurance Requirements for Vessels in SB Harbor at tonight's Commission meeting.

I purchased my 40' Carver and slip B-2-34, as a live aboard, last January 2021 through a private party. During my negotiations on the boat purchase, I was in contact with the previous owners insurance provider. I was assured by them that obtaining insurance was no problem. After papers were signed, I was informed I could not be insured because I am a first time boat owner. I applied with three other insurance providers and all said I could not be insured for three years.

Since my purchase I have taken the California Boaters course and obtained my boater card. I have also hired two certified boat captains to train me on my boat's operation. I have also upgraded my radar, auto pilot, engines and other boat mechanics. I have also joined the SB Yacht Club as I wish to be a serious boat owner operator.

For a little background on me, I am sixty eight years old and have lived in Santa Barbara since 1971. I am a private pilot since 1974. I have raised three children here and now I live happily on my boat.

Thank you.


Ray Benenate
Slip 2-B-34
raybenenati@aol.com
805-448-7988