



DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 N. HARBOR DRIVE
SAN DIEGO, CA 92132-0058

IN REPLY REFER TO:

5090
Ser N40/329
May 28, 2009

Mary Nichols, Chair
California Air Resources Board (ARB)
1001 I Street
PO Box 2815
Sacramento, CA 95812-2815

Dear Chair Nichols:

On behalf of the United States Navy I am writing you to follow-up on my staff's work on your Ocean Going Vessel Fuel Regulation. I appreciate the supplemental environmental analysis the ARB did based on our concerns and while we may disagree on some of the work, I do appreciate your effort and public statements to ensure the mission of the Point Mugu Sea Range is protected.

I call attention to the response to our comments in the Final Statement of Reasons which states:

Although ARB does not believe that there will be any disruption to the Point Mugu Sea Range as a result of this regulation, ARB is committed to working with the Maritime Industry, U.S. Navy, Ocean Protection Council and others to monitor traffic patterns and to take other actions, if necessary, to help ensure that the implementation of this regulation does not interfere with U.S. Navy operations at the Point Mugu Sea Range.

The Navy is very supportive of this approach and looks forward to the ARB's aggressive monitoring of future ship traffic. We also expect that should the shipping industry begin to transit the Sea Range, the ARB will take appropriate immediate action to resolve the issue. It is with this understanding that I trust you have submitted this regulation to the Office of Administrative Law for approval.

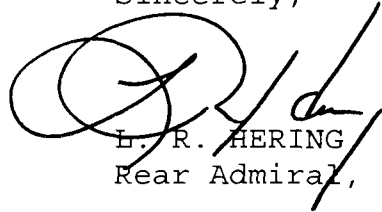
We also note that USEPA's proposal for an Emission Control Area (ECA) approach, if implemented, will in the longer-term make this concern moot as it will cover both the Sea Range and Santa Barbara Channel thereby removing the incentive to move out of the Channel. We would ask that you fully support the ECA as a long-term solution.

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Finally, we remain very concerned about current proposals for vessel speed reduction and its application to the Santa Barbara Channel only. We believe that the cost in time from reduced speed could create a larger incentive for ships to abandon the Santa Barbara Channel in favor of the Sea Range. We therefore request that speed reduction proposals apply to the greatest extent possible to any vessel transits through the Sea Range. We further believe that voluntary and cooperative measures worked between the Ports of Los Angeles and Long Beach and the shipping industry could go a long way towards achieving all of our goals and should be vigorously considered.

We, of course, stand ready to continue to work with you and your staff on these issues of mutual concern. My point of contact is Randal Friedman who can be reached at (619) 572-5037.

Sincerely,

A handwritten signature in black ink, appearing to be 'L. R. Hering', written over a printed name and title.

L. R. HERING
Rear Admiral, U.S. Navy

Copy to: Office of Administrative Law
Ocean Protection Council
Pacific Merchants Shipping Association