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New engine requirements for sportfishing boats has some owners worried

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The California Air Resources Board plans to require owners of some commercial fishing vessels, such as those used for sportfishing and whale watching, to replace their older diesel engines with newer ones to lower emissions contributing to coastal pollution, but small companies say they could be driven out of business.

Officials with the state agency say many of the fleets in use are among the oldest and dirtiest boats around and modernizing them will improve air quality for Californians living near the coast.

“California is regularly reported by the American Lung Association as having some of the worst air quality in the nation, and harbor crafts are one of the top three equipment categories at the seaports that contribute to cancer risk from diesel emissions in nearby communities,” David Quiros, manager of CARB’s Freight Technology Section, said. “Of the 18 categories of harbor craft, sportfishing vessels are one of the top three highest polluting categories.”

The proposed regulations would require sportfishing boats, whale watching boats, ferries, tug boats and boats used for dredging to replace their engines or modify existing engines to meeting the strictest of emissions standards, labeled Tier 4.

In September, the state board is expected to have a final proposal ready with the details of a phased-in approach based on the existing engine age and type. If later approved, the requirements for having engines meeting Tier 4 standards on the boats will go into effect by early 2023.

The board, charged with protecting public health by cleaning up the air in California, first adopted regulations for commercial harbor crafts in 2007, amended them again in 2010, and is doing it again now, said Karen Caeser, spokesperson for CARB.

The new rules could affect as many as 350 vessels that operate in marinas from San Diego to the Oregon border.

Ken Franke, president of the Sportfishing Association of California, said while the association and the industry are all about keeping the environment clean, the requirements proposed now are not feasible for many boats.

“This new proposed rule requires machinery that doesn’t fit on the vessels or has not been invented yet for these vessels, or has equipment that’s never been tested at sea to make sure it’s safe on these vessels,” he said.

He added that many in the sportfishing industry have already upgraded engines over the years to meet tightening emission requirements.

He said the new standards would require many owners to reconstruct hulls and massive and bulky particulate filters would limit passenger space by up to 42% and make vessels less stable. He also said the associated costs would double the price of passenger tickets, limiting who could afford to be out on the water experiencing sea life in its natural environment.

The sportfishing association is looking to local governments and chambers of commerce to add their weight to challenges of the latest proposal before CARB makes its final decision. Franke said he is visiting coastal cities throughout Southern California.

“We think having all the city councils and chambers joining us, we can have the governor change his position,” he said. The association also has started an online petition, already drawing more than 10,000 signatures.

This week, Franke spoke at the Dana Point City Council meeting with Donna Kalez, who operates the Dana Wharf Sportfishing and Whale Watching, the harbor’s oldest business.

“Our request is simply to the governor: we need some reasonableness,” Franke said. “We need to have CARB work with the industry on what will actually work.”

Kalez told council members of the hardships she foresees for her business and others under the proposed new regulations and how she has already been working on repowering her boats to engines that meet Tier 3 standards. Depending on the boat’s age, she said that change is costing anywhere between \$200,000 to \$1 million per vessel.

She has been using grant funding from the local air quality management district to help upgrade her fleet. The grants have been covering 80% of the cost.

“We’ve been in the harbor for 50 years and nothing has threatened our business like this proposed new rule,” she said.

Hoiyin Yip, also speaking at the recent council meeting for the Sierra Club, asked the council to give equal time to a presentation by CARB staff “on the cost-benefits of these regulations to passengers, crew, and the general public.”

Quiros said there are at least 22 models of Tier 4 engines approved by the Environmental Protection Agency, but agreed most of the boats in question are likely too old to be able to use these engines.

“There is some confusion over availability and would they fit a 45-year-old vessel,” he said. “If nothing fits on the boat, they’d have to retire it and sell it outside of the state.”

He said there would be extensions available on compliance.

“If engines are unavailable for the vessel’s design, two-year compliance extensions can be renewed indefinitely or until an engine becomes certified,” Quiros said. “In cases where vessel replacement is the only option for compliance, up to six years of compliance extensions can be granted if financial difficulty is demonstrated.”

Franke also criticized the separation of the commercial fishing industry between the larger group that sells fish to the public and the smaller group that takes people out fishing, and for planning stricter requirements for those passenger commercial fishing vessels. Both groups operate under the control of the California Department of Fish and Wildlife.

“They’ve carved out this little group of boats to be held to a higher standard,” Franke said, adding that CARB officials told him the group has an easier way of recouping its costs because it can recapture it from customers as opposed to fishermen having to pass their costs along to the fish wholesale market.

Kalez pointed out her family-owned business has taken more than 2 million people out on the water since 1971. Among those were donated fishing trips for nonprofits and underserved communities.

Dana Wharf Sportfishing and Whale Watching employs 75 people and each year takes out more than 50,000 people.

“Prior to the COVID-19 pandemic, on a state level, recreational fishing contributed \$5.6 billion annually in economic activity, supporting nearly 40,000 California jobs,” Vickie McMurchie, executive director of the Dana Point Chamber of Commerce, said at the recent council meeting. “I don’t have to tell you that as the [Dolphin & Whale Watching Capital of the World](#), and more recently receiving the first Whale Heritage Site designation in the Americas, sportfishing and whale watching businesses are a

major contributor to Dana Point's economy, drawing tourists from all over the world, supporting local jobs and generating tax revenue for public services."

The Dana Point council agreed to send a letter to Sacramento opposing the new regulations and asking for changes.

"This is a clear example of government overreach," Councilman Joe Muller said. "This was put together quickly without any thought of ramification on business owners. These are organizations that are more concerned about the environment than anyone. This is their livelihood.

"Why don't we take a pause and look at the impact? Let's see if there is a technology that works for these businesses," he said.

The association has already gotten letters of support from Sen. Patricia Bates, R-Laguna Niguel, Newport Beach Councilman Kevin Muldoon and Oceanside Mayor Esther Sanchez.

Muldoon, who signed a letter on behalf of the city and its harbor sportfishing and whale watching businesses, could see the damage that could come from the new regulations, he said. "On the heels of COVID, it couldn't come at a worse time."

CARB's present draft proposal is expected to go out for public comments on Sept. 15. In November, the board is expected to vote on the proposed new regulation. Information: ww2.arb.ca.gov.

<https://www.ocregister.com/2021/08/13/new-engine-requirements-for-sportfishing-boats-has-some-owners-worried/>