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**TESTIMONY OF**  
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**SAVE THE BAY**  
**BEFORE THE**  
**HOUSE TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE**  
**ON COAST GUARD AND MARITIME TRANSPORTATION**

**NOVEMBER 19, 2007**

**SAVE THE BAY**

Mr. Chairman and Members of the Subcommittee:

I am David Lewis, Executive Director of Save The Bay (Save San Francisco Bay Association). I appreciate the opportunity to testify today on behalf of San Francisco Bay, our region's greatest natural treasure.

Save The Bay is the oldest and largest organization that works exclusively to protect and restore San Francisco Bay. We were founded in 1961 to prevent the Bay from being filled in, and we represent more than 10,000 members and thousands more volunteers around the region. Our work has made the Bay cleaner and healthier, and reconnected residents to it. We involve thousands of volunteers annually to restore the Bay's shoreline, and have educated more than 35,000 students on the Bay's waters over the last decade.

The Bay Area's quality of life and economy depend on a healthy and vibrant Bay. San Francisco Bay defines our region and its identity, provides recreation and beauty, and is the engine of our economy, attracting tourists and businesses from around the world. As the largest and most important estuary on the west coast, the Bay provides vital wildlife habitat for 105 threatened and 23 endangered species. Millions of birds migrating along the Pacific Flyway rely on the Bay for food and refuge, and it is a nursery for Pacific Ocean fisheries. In the midst of seven million people, the Bay contains the largest urban wildlife refuge in the nation and the largest wetland restoration efforts on the West Coast.

The Cosco Busan oil spill is a tragedy for the Bay and the fish and wildlife that live in it. We are alarmed that this oil spill happened, outraged at the inadequate preparations and emergency response, and appalled at the destruction the oil has caused. This huge dose of pollution is devastating to the Bay's environment and disruptive to the economy, and it may have long-lasting effects on the Bay's severely-stressed ecosystem that we work so hard to restore. A faster and more comprehensive response could have contained and skimmed more of the oil before it spread so far, but we also know that the spill could have been much larger if the ship's course was slightly different.

Since the spill, our staff and volunteers have helped federal wildlife agencies document the oil's impacts so they can quantify the extent of damage to the Bay. The extremely toxic oil is threatening significant damage at some of the Bay's most sensitive habitats, including areas where Save The Bay has been working to restore and improve habitat like Santa Venetia Marsh in San Rafael, precious eelgrass and oyster beds at Keller Beach in Richmond and along the Sausalito shoreline, among other sites.

We are demanding a full investigation into the accident's causes, and supporting state and federal oversight hearings like this one today that can reveal what went wrong and enact changes to prevent future spills, improve cleanup coordination, spill preparedness and response, and environmental damage assessment. We will insist on restitution from the responsible parties to restore and compensate the Bay for wildlife and habitat destroyed by this spill.

Some of the impacts of the spill are obvious: dead and injured birds, smothered marshes, fouled beaches, idle fishing fleets, and reduced public access to the shoreline. Others are less visible: poisoned fish, shellfish, marine mammals, and other underwater plant and animal life. Oil is already entering the food chain, and whatever is not removed from the Bay could continue releasing toxics into the environment for decades.

### **Improve Crucial Damage Assessment, Remediation and Restoration**

As cleanup efforts continue, one urgent priority is accurately cataloguing and quantifying the damage. Aerial, terrestrial and aquatic surveys are essential to direct response and cleanup, but also to document where oil impacts are occurring. Oil removed from the shoreline and beaches is also crucial evidence, vital to the National Oceanic and Atmospheric Administration (NOAA) and other state and federal agencies' ability to determine how much damage the oil has caused and where. These agencies need sufficient manpower and equipment, and sufficient authority within the incident command structure, to do their important work of damage assessment, remediation, and restoration.

We are very concerned that these efforts were hampered last week by inadequate preparation and no damage assessment structure based in California. Instead, NOAA's closest damage assessment capacity is in Washington State. NOAA may still not have the resources and authority they need in place now to collect evidence and ensure that cleanup is done properly, so sensitive habitat is not destroyed using inappropriate methods. Moving forward, you must determine whether NOAA's budget has inadequate staff and training for these crucial tasks, and address those inadequacies.

### **Apply Lessons Learned to Ongoing Cleanup and Remediation**

As the next phases of response to this spill begin, it will be crucial to incorporate and apply lessons learned from other spills in California and throughout the Pacific Region. Planning should begin now for needed damage assessment, monitoring, restoration and activities in months two through six and beyond. An integrated effort involving the U.S. Environmental Protection Agency Region IX, U.S. Fish and Wildlife Service, NOAA, State Department of Fish and Game and other state and federal resource agencies should be initiated now, so it can inform the current activities being coordinated under the Coast Guard's incident command, and so those efforts can receive adequate federal financial resources to be successful.

### **Improve Spill Preparedness and Coordination**

Because this subcommittee's jurisdiction is the Coast Guard, your priority should be investigating that service's preparations and performance before during and after the accident, determining where there were shortcomings in planning, training, equipment, command procedures, coordination, communication, implementation and execution. You should also investigate whether inadequate resources were devoted to the service's responsibilities for oil spill prevention and response, or were inappropriately or unwisely allocated for other purposes within the Coast Guard.

But we urge this subcommittee and the Bay Area's Congressional delegation to work with other committees of jurisdiction and key state and federal agencies to pursue a broader inquiry and policy review with these goals:

- Improve navigational safety through vessel traffic control procedures and ship hull improvements
- Improve containment of oil spills through faster deployment of booms and skimmers, prepositioning of equipment, enhanced emergency communications, regularly updated interagency planning, and more frequent practice drills
- Reduce risks to fish and wildlife, sensitive habitats and water quality from ships carrying highly toxic fuels and hazardous cargo.
- Ensure that those responsible for poisoning San Francisco Bay pay the full cost of responding to this spill and restoring the natural resources of this Bay over the time it will take to accomplish that task.

We hope your efforts will yield significant improvements that reduce the risk of future accidents and reduce the impacts of spills when they do occur.

### **Build on Strong Local Support for the Bay**

In the midst of this destruction, we also are heartened by the overwhelming outpouring of support and concern from the entire Bay Area community: offers of trained hazardous materials teams from cities, boats from local fishermen to skim oil, impromptu neighborhood efforts to deploy booms that could protect sensitive lagoons and creeks, volunteers wanting to clean beaches, philanthropists with emergency funds for bird rescue. Far too many of these offers were refused or ignored by agencies that had no plan to mobilize or coordinate them, provoking frustration and arguably compounding the damage to the Bay.

That demonstration of support for the Bay is phenomenal, almost universal here in the Bay Area. This spill has underscored that counties, cities, and individual residents want the Bay protected and restored, and are willing to help with their own assets, personnel, equipment, even their bare hands. This community is an enormous and underutilized resource for the federal and state governments to craft a better plan for oil spill prevention and response that emphasizes first responders, and plans to incorporate the region, its cities and its residents.

### **Take Additional Steps Now to Protect and Restore the Bay**

The nation's revulsion at the despoiling of San Francisco Bay by this oil spill, and this region's deep concern for the Bay, should encourage federal and state legislators and agencies to take additional steps to protect and restore this natural and economic resource, in addition to the immediate spill recovery and restoration efforts:

- Accelerate the restoration of tens of thousands of acres of shoreline habitat on property already acquired for that purpose, and acquire additional restorable sites to re-establish the 100,000 acres of Bay tidal marsh scientists have determined are needed for a healthy ecosystem.
- Fully fund the San Francisco Bay National Wildlife Refuge Complex to protect and restore its unique assets, which have grown in size and complexity without sufficient management resources
- Tighten restrictions on trash and other pollutants that daily enter the Bay and coastal waters in storm water runoff to poison fish and wildlife and smother habitat

- Step up enforcement of federal and state clean water laws against polluters, including sewage treatment plants, industrial facilities and other violators.

The Bay needs these actions to restore it to health even more urgently after the devastating oil spill it has just suffered.

Thank you for your support, concern and ongoing efforts to protect and restore San Francisco Bay.