



Proposed Designation of Chumash Heritage National Marine Sanctuary



VISION

A THRIVING SANCTUARY
SYSTEM THAT PROTECTS OUR
NATION'S UNDERWATER
TREASURES
AND INSPIRES MOMENTUM FOR
A HEALTHY OCEAN

MISSION

WE PROTECT TREASURED
PLACES IN THE
OCEAN
AND GREAT
LAKES



Sanctuaries Carry Out Diverse Programs



Examples include:

- Resource Protection
- Maritime Heritage
- Science – Research and Monitoring
- Education and Outreach
- Volunteers
- Water Quality
- Community Partnerships
- Promoting Recreation and Tourism



History of Proposed National Marine Sanctuary in Central California



Early 1980s

State and County of SLO propose new national marine sanctuary off Morro Bay and northern SB County.

July 2015

Large community coalition led by the Northern Chumash Tribal Council re-submitted a nomination for CHNMS.

October 2015

Nomination accepted in inventory for potential future sanctuary designation.

April – Sept. 2020

ONMS conducts five-year review of the nomination, receiving more than 14,000 public comments, 96% in favor of keeping in inventory.

September 2020

ONMS retains the nomination in the inventory.

November 2021

ONMS initiates designation for the new sanctuary.

Sanctuary Designation Process



Step 1:

- Nov 2021: Initiated designation process.
- Dec 2021 – Jan 2022: Public scoping meetings.

Step 2:

- Feb 2022 – Aug 2023: Reviewed public comments, held workshops, meetings. Prepared draft designation documents.

Step 3 (Current Step):

- **August 24-25, 2023: NOAA released draft designation documents, opened public comment period.**
- **October 25, 2023: Public comment period ends.**

Step 4:

- Throughout 2023 into 2024: NOAA will prepare responses to comments, make necessary changes to designation documents, conduct consultations, and meet with interested parties.

Step 5:

- Target – Mid-2024: Final decision to designate and publish final designation documents.

Draft Designation Documents



1. Notice of Proposed Rulemaking (Proposed Rule)

1. Draft Management Plan

1. Draft Environmental Impact Statement (EIS)

Proposed Rule



- Announces proposal to designate and notification of availability of draft EIS and draft management plan (and requests comment)
- Describes and provides a rationale for the proposed action, including:
 - The Need for the Action and the Designation Process
 - Draft Management Plan and Framework for Tribal Engagement
 - Draft EIS
 - Proposed Terms of Designation
 - Agency-Preferred Alternative
 - Proposed Regulations

Purpose of the Proposed Action



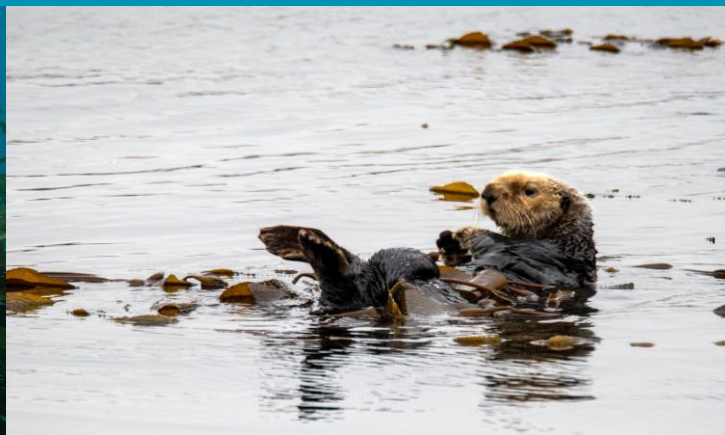
***Action:** Designate a new national marine sanctuary in the coastal and offshore waters of central California*

- **Manage and increase protection of** nationally-significant biological, cultural, and historical resources through a regulatory and non-regulatory framework
- **Guide** comprehensive ecosystem-based, community-based management to address myriad threats to these resources
- **Recognize and aid** public awareness of Indigenous tribal heritage and culture in the area. **Incorporate** traditional knowledge and **facilitate** tribal collaborative management.

Need for the Proposed Action



- Area is important ecological transition zone with high biological productivity; important habitat to many endangered species
 - Supports dense aggregations of marine life, including nationally significant biodiversity of sea birds, marine mammals, invertebrates, and fishes
 - Upwelling that nourishes important ecosystems down current



Need for the Proposed Action



- Area contains hundreds of shipwrecks of historical importance
- Region has been home to coastal, ocean-going Indigenous tribes for more than ten thousand years
 - Submerged village sites may exist along paleoshorelines



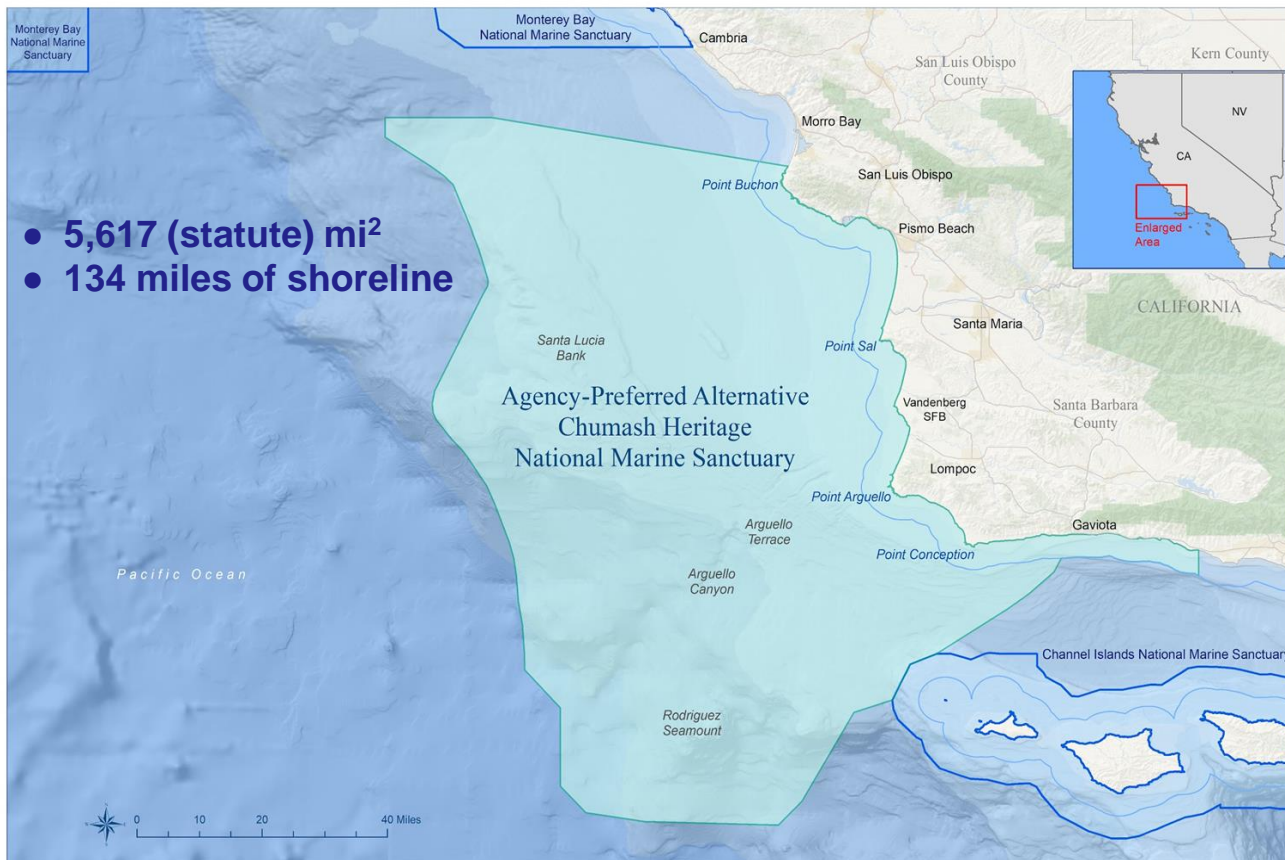
Need for the Proposed Action



- Additional protections are needed due to myriad ongoing and emerging threats to the area from human uses and climate change
 - Offshore energy development
 - Oil and gas
 - Offshore wind
 - Pollution (offshore and onshore sources)
 - Increased vessel traffic and transportation
 - Increased coastal development
 - Climate change



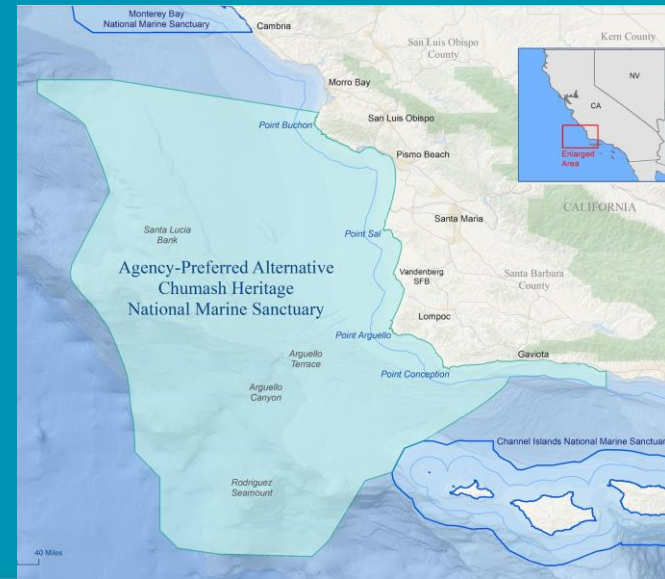
Boundary NOAA Proposes to Designate



Reasons for Agency-Preferred Alternative



- Focus management on core areas and resources requiring conservation
 - Santa Lucia Bank (including Rodriguez Seamount & Arguello Canyon) to coast
 - Nearshore reefs, kelp forests, sandy and rocky shorelines, shipwrecks, potential paleoshorelines, resources important to tribes and Indigenous communities
 - Indigenous cultural resources along the Gaviota Coast
- Construction impacts from laying up to 30 subsea electrical transmission cables between wind leases and Morro Bay may be too substantial to allow in a national marine sanctuary
- Avoids substantial issues raised by Salinan Tribal bands regarding naming their shared historical areas “Chumash” (from approx. Morro Bay north)



Proposed Regulations



- All activities are allowed, unless there are sanctuary regulations prohibiting them
- **Proposed prohibitions** (regulations) are similar to other California sanctuaries including **exceptions** to prohibited activities; e.g., USCG discharges, or anchoring a vessel
- Standard **permit processes** would be included to allow NOAA to consider permitting activities via sanctuary general permit; special use permit; authorization; and certification
 - Would allow for permitting of subsea electrical transmission cables to shore in a manner consistent with how NOAA has permitted trans-oceanic fiber-optic cables
- **Exemption** for DoD's existing activities and a process to approve new activities
- Do not include any fishing regulations

Proposed Prohibited Activities



- Oil, gas or mineral development other than from existing platforms & reservoirs
- Discharges - within or into; beyond that enters and injures; from a cruise ship
- Disturbance of the submerged lands
- Take, disturbance, removal, or possession of a maritime heritage resource
- Take or possession of a marine mammal, sea turtle, or bird
- Deserting a vessel or leaving harmful matter aboard a deserted vessel
- Attracting a white shark
- Special protections for Rodriguez Seamount below 1,500 ft (other than fishing)
- Introducing an introduced species (other than striped bass catch and release)
- Interfering with an enforcement action

Draft Management Plan



Contains 11 Action Plans:

- Indigenous Cultural Heritage
- Climate Change
- Maritime Heritage
- Offshore Energy
- Water Quality
- Blue Economy
- Wildlife Disturbance
- Education and Outreach
- Resource Protection
- Research and Monitoring
- Operations and Administration

Action Plans each have separate strategies and activities; outline non-regulatory programs for the new sanctuary.

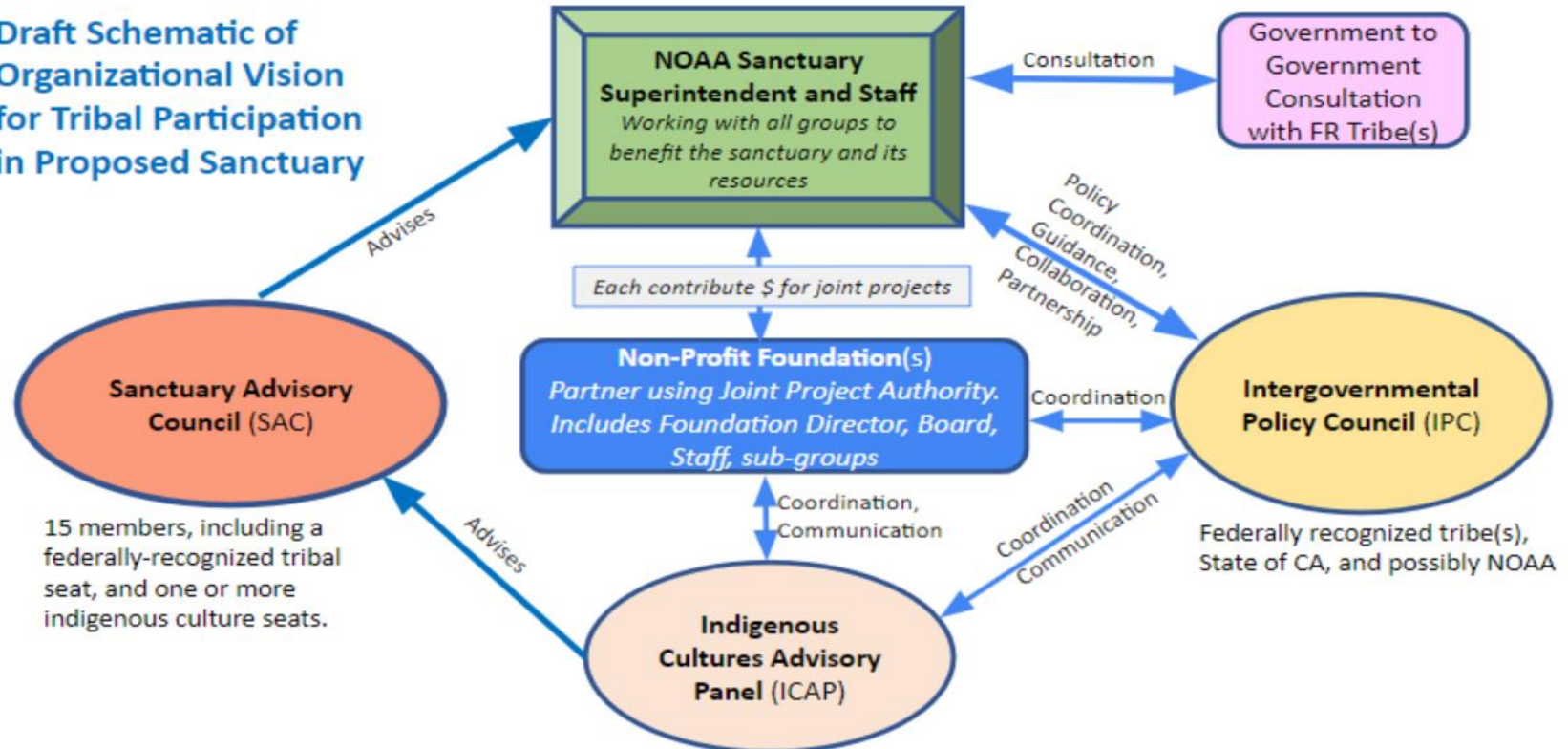
Tribal Collaborative Management



- Unprecedented opportunity, from the time of designation, to involve Tribes and Indigenous community members in collaborating on sanctuary management.
- NOAA held one or several meetings with Chumash (6 bands) and Salinan (2 bands) Tribes over a six month period to listen to their ideas. Reviewed tribal papers and other models within Sanctuaries and elsewhere.
- Co-Developed Framework for Tribal Collaborative Management, shared in tribal meetings and in a public workshop in Aug. '22.
- Management Plan describes this framework in detail, including the multiple benefits from this high level of collaboration in managing the new sanctuary.

Framework for Tribal Collaborative Management

Draft Schematic of Organizational Vision for Tribal Participation in Proposed Sanctuary



A Working Group of the SAC. Open to individuals with indigenous cultural knowledge of the sanctuary area.

Tribal Collaborative Management



NOAA Sanctuary Superintendent and Staff

Working with all groups to benefit the sanctuary and its resources

NOAA responsibility and legal authority to designate and manage sanctuaries (hiring federal staff, budget execution, regulations - enforcement, facilities, establishing advisory council).

Government to Government Consultation

Required Government-to-government consultation with federally recognized tribes per Executive Order 13175.

Intergovernmental Policy Council (IPC)

Group for federally recognized tribes and the State of California, allowing for direct input to NOAA as it administers the new sanctuary. Similar structure in place at OCNMS.

Sanctuary Advisory Council (SAC)

Critical group for ensuring meaningful community and tribal involvement in advising the sanctuary and linking to constituents.

Indigenous Cultures Advisory Panel (ICAP)

A working group of multiple tribal interests to provide essential advice. Open to individuals possessing relevant Indigenous cultural knowledge linked to the sanctuary area.

Non-Profit Foundation(s)

Partner using Joint Project Authority. Includes Foundation Director, Board, Staff, sub-groups

Partnership arrangements with one or more non-profit entities. Create Joint Project Agreements that support tribal community involvement in sanctuary programs.

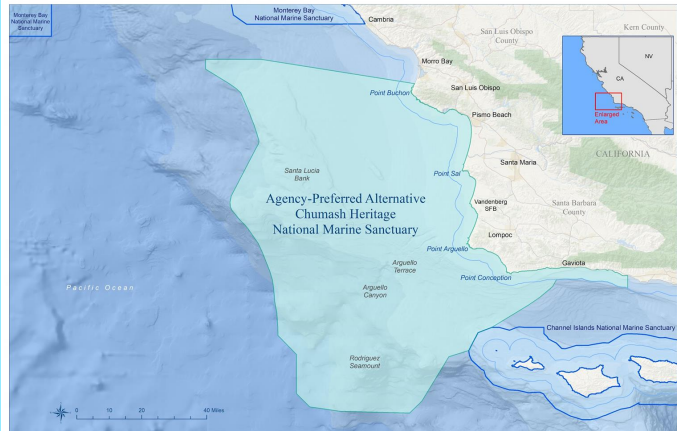
Draft Environmental Impact Statement (EIS)



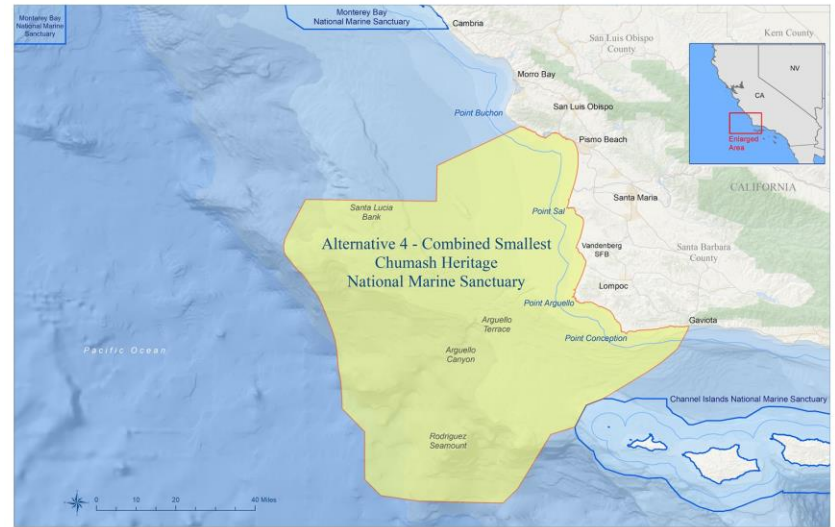
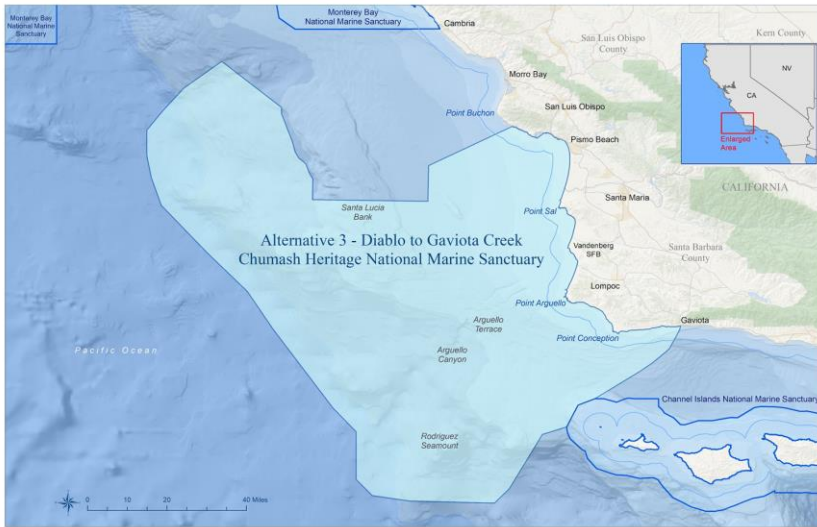
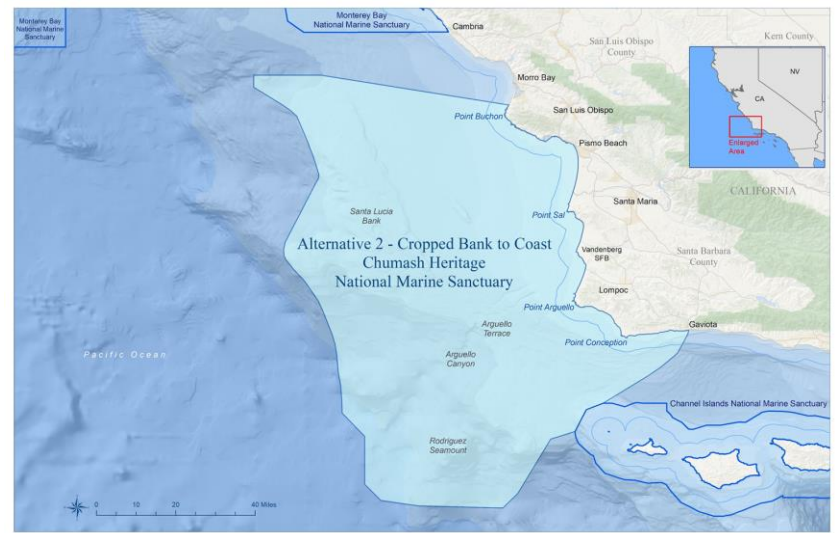
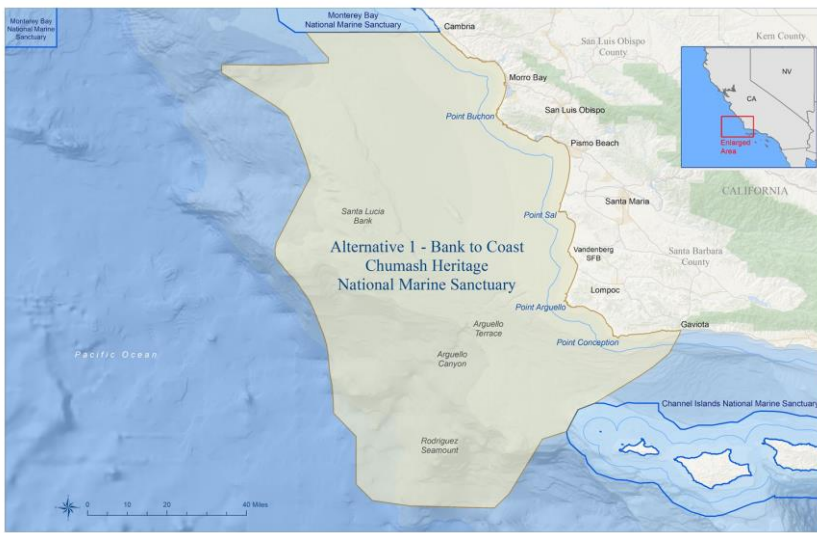
- Evaluated how implementing the proposed sanctuary boundaries, regulations, and management plan could affect the environment and human uses.
- Analyzed a range of alternatives (boundaries)
- Identified an Agency (NOAA) Preferred Alternative
- Basic Findings: ***No significant adverse impacts***

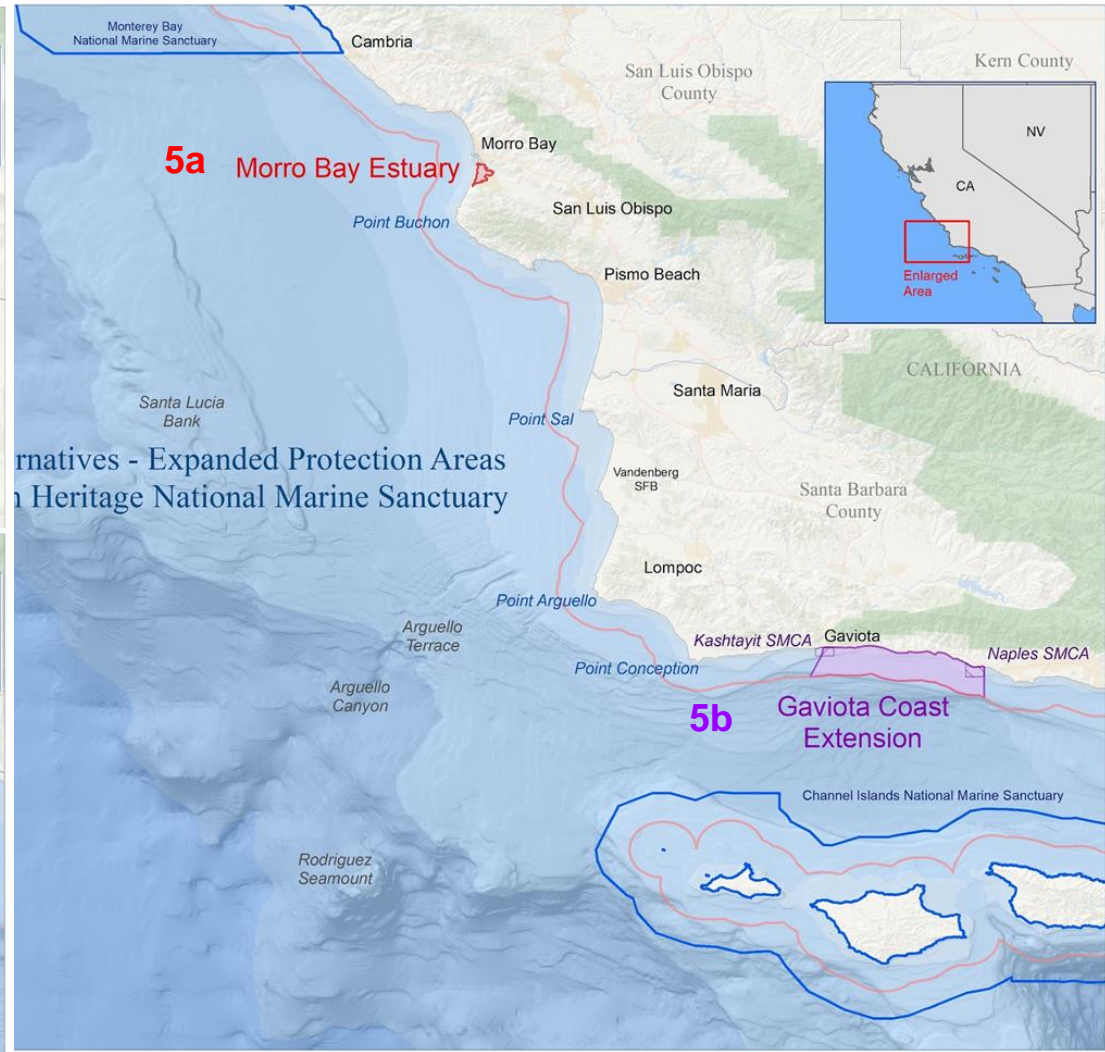
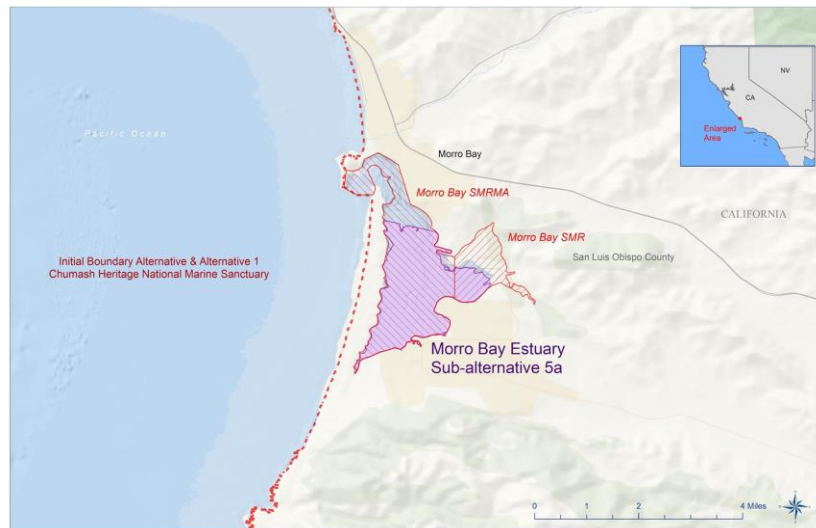
Significant, long-term, beneficial impacts

Structure of the EIS Analysis



1. Began with an original boundary alternative
2. Developed a proposed set of regulations
3. Developed a proposed management plan for that boundary configuration
4. NEPA requires analysis of a reasonable range of alternatives
5. NOAA decided to have spatial alternatives rather than regulatory alternatives
6. NOAA analyzed the Initial Boundary Alternative, regulations, and management plan, then compared spatial alternatives to that Initial Boundary Alternative
7. Selected an Agency-Preferred Alternative





Key Findings of Draft EIS



- ***No significant adverse impacts*** are expected under any boundary alternative
- ***Significant, long-term, beneficial impacts*** for many of the alternatives
- The Initial Boundary Alternative would have the greatest number and magnitude of ***significant beneficial impacts***, as well as the greatest number and magnitude of ***adverse, but not significant impacts***
- The Agency-Preferred Alternative would have ***significant beneficial impacts*** on Physical Resources and Cultural Heritage & Maritime Heritage Resources
- Compared to the Initial Boundary Alternative, the Agency-Preferred Alternative would not have the same level of significant beneficial impacts on Biological Resources, Commercial Fishing and Military Activities
- The Agency-Preferred Alternative would lessen ***adverse but not significant*** impacts on Offshore Energy and Marine Transportation



Map of Agency-Preferred Alternative and existing National Marine Sanctuaries off California

Submitting Public Comments



1. How to Submit Electronic Comments

- Submit all electronic public comments through the Federal eRulemaking Portal, www.regulations.gov.
- The docket number is NOAA-NOS-2021-0080.
- Click the "Comment" icon, complete the required fields, and enter or attach your comments.
- Can provide comments on the Proposed Rule, and/or the DEIS, and/or the draft Management Plan

Visit sanctuaries.noaa.gov/chumash-heritage for more information.

Submitting Public Comment



2. Public Comment Meetings

Can provide oral comments at three public meetings:

- September 25, 2023 - 5:00 PM PDT (In Person)
(County Board Hearing Room, San Luis Obispo)
- September 27, 2023 - 5:00 PM PDT (In Person)
(Dick DeWees Center, Lompoc)
- October 12, 2023 - 1:00 PM PDT (Virtual)

To register go to <https://sanctuaries.noaa.gov/chumash-heritage/>

Submitting Public Comments



3. How to Submit Written Comments

- Mail to:
Paul Michel
NOAA Sanctuaries West Coast Regional Office
99 Pacific Street, Building 100F
Monterey, CA 93940
- ONMS staff will upload mailed comments to [regulations.gov](https://www.regulations.gov).

Visit sanctuaries.noaa.gov/chumash-heritage for more information.

Regarding a Final Designation



If decision is to complete designation, NOAA will:

- Review and develop responses to comments
- Revise and finalize regulations, non-regulatory plans (management plan), name for the sanctuary, boundaries for sanctuary, etc.
- Produce final rule (w/regulations), final management plan, final EIS
- Finalize agency consultations
- Approximately a 6 - 9 month period
- Congress has opportunity to review
- Governor also provided opportunity to review and concur with state waters portions

Present target to finalize action: Mid 2024

Scan for More Information



Find the draft
management plan here:



Learn more about the
proposed regulations here:



Find the draft
environmental impact
statement here:



Comments accepted until October 25, 2023

Submit your comments directly online at: <https://www.regulations.gov/document/NOAA-NOS-2021-0080-1228>

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