

**CALIFORNIA COASTAL COMMISSION**

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY  
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**Th9b**

**CD-0005-24 (NOAA)**

**August 8, 2024**

**CORRESPONDENCE**



# Northern Chumash Tribal Council

[northernchumash.org](http://northernchumash.org) [chumashsanctuary.org](http://chumashsanctuary.org)



August 2, 2024

Dr. Caryl Hart, Chair  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105  
Sent by email to: [GORFC@coastal.ca.gov](mailto:GORFC@coastal.ca.gov)

RE: August 8th CCC Mtg, Agenda Item 9b – Consistency Determination No. CD-0005-24 – Chumash Heritage National Marine Sanctuary – Support Staff Recommendation

Dear Chair Hart and Esteemed Commissioners,

We, the Northern Chumash Tribal Council (NCTC), are the nominators and campaign leads for the Chumash Heritage National Marine Sanctuary (CHNMS). We support the California Coastal Commission staff report and ask that you accept the staff recommendation to concur with the National Oceanic and Atmospheric Administration's (NOAA) Consistency Determination (No. CD-0005-24) for the proposed CHNMS designation. We want the swift designation of the Chumash Heritage National Marine Sanctuary by the end of this year.

We write representing the Chumash Heritage Sanctuary's over 110,000 supporters all of whom participated in the NOAA's final CHNMS public comment period in fall 2023. The turnout was unprecedented, including over 100,000 individuals signing letters of support, thousands of Central Coast residents and Californians, participants from all 50 states and 15 countries, around 200 scientists, over 200 youth voices, federal, state and local electeds, and hundreds of organizations, Tribes, businesses, and coalitions ([NCTC press release here](#)). The 2023 public comment period demonstrated exceptional community engagement, institutional support, and broad-based advocacy; a testament to the positive impact the Chumash Heritage Sanctuary will have on Central Coast communities. Our thanks to all who participated in NOAA's final comment period and who have kept the momentum going since fall 2023.

This designation will be groundbreaking as the first Tribally nominated National Marine Sanctuary in the United States. It is an essential opportunity to uplift Tribal Collaborative Management, protect cultural resources, safeguard our precious ecosystems and communities, and help foster sustainable relationships between people and the ocean. Across the board, the Chumash Heritage Sanctuary designation aligns with California's Coastal Management Program.

This designation also balances the needs for ecosystem protection and renewable energy generation. In May 2024, we released a [Joint Position](#) statement with the Morro Bay Offshore



# Northern Chumash Tribal Council

[northernchumash.org](http://northernchumash.org) [chumashsanctuary.org](http://chumashsanctuary.org)



Wind Energy Area's leaseholders, Equinor, Golden State Wind and Invenergy, with shared support for swiftly designating the Chumash Heritage Sanctuary and for a phased approach to designation that will include CHNMS expansion in the near future.

We emphasize the need for timely development of the CHNMS expansion plan. The eventual extension of the Chumash Heritage Sanctuary to meet the southern border of the Monterey Bay National Marine Sanctuary is critical to complete the Chumash Heritage Sanctuary as nominated, safeguard all 156 miles of coastline and create contiguous marine protection. We ask that the Sanctuary Expansion Action Plan (SEAP) be finalized and ready for implementation twelve months after the Morro Bay Offshore Wind Area leaseholders' Construction Operations Plan (COP) is completed.

The Northern Chumash Tribal Council has devoted ten years of work to the CHNMS campaign, beginning with my father, the late Chief Fred Collins, and a coalition of local leaders. Prior to the CHNMS campaign, our community spent decades fighting to secure National Marine Sanctuary status for this stretch of Central Coast ocean. The August 2024 California Coastal Commission meeting is a monumental milestone, and we are elated to be in these last stages of designation. We are on the verge of turning our communities' generational efforts into a reality.

We appreciate the Coastal Commission's work on this important matter and your consideration of our comments. We look forward to the final designation of the Chumash Heritage National Marine Sanctuary, marking the beginning of all we can accomplish in our shared work to protect Hutash (Mother Earth) and Grandmother Ocean.

Sincerely,

**Violet Sage Walker**

Chairwoman, Northern Chumash Tribal Council

Nominator, Proposed Chumash Heritage National Marine Sanctuary



August 2, 2024

Dr. Caryl Hart, Chair  
 California Coastal Commission  
 455 Market Street, Suite 300  
 San Francisco, CA 94105  
*Sent by email to: EORFC@coastal.ca.gov*

**Re: Consistency determination No. CD-0005-24 – Chumash Heritage National Marine Sanctuary (August 8, Item 9b) - SUPPORT**

Dear Chair Hart and Honorable Commissioners:

We respectfully request that the California Coastal Commission (“CCC”) concur with the staff recommendation for the consistency determination submitted by the National Oceanic and Atmospheric Administration (“NOAA”) for the proposed designation of the Chumash Heritage National Marine Sanctuary (“CHNMS” or “Sanctuary”).

We strongly support the CHNMS, the first tribally led nomination of a National Marine Sanctuary. The designation of this Sanctuary fulfills the promise of the National Marine Sanctuaries Act by protecting a beautiful, unique area of the marine environment with underwater treasures like historical shipwrecks and submerged cultural resources important to the Chumash peoples. This special place serves as an essential habitat for many wildlife species, including multiple species of whales, pelagic birds, sea otters, turtles, and abalone. Sanctuary designation would encourage harmony between human society and the environment, eliminating or regulating harmful activities, while highlighting awareness of the Sanctuary and its many outstanding values to visitors and residents alike. Designation of the Sanctuary is consistent with the goals and policies of California’s Coastal Management Program.

We previously requested that NOAA designate the Sanctuary with the boundaries proposed by the Northern Chumash Tribal Council (“NCTC”), along with the Gaviota Extension. Under this proposal, the CHNMS would join with the Monterey Bay National Marine Sanctuary, connecting adjoining ecosystems and marine resources. However, NCTC and wind energy companies Equinor, Golden State Wind, and Invenergy subsequently reached an agreement to allow the immediate designation of a smaller, modified version of the Sanctuary with expansion to follow later (“Joint Position”). This Joint Position, if implemented, would accommodate the placement of wind energy transmission cables between the Morro Bay Wind Energy Area (“MBWEA”) and the coastline without the need to secure Office of National Marine Sanctuaries permits or authorization.

We are in support of both the CCC staff recommendation as well as the phased-in approach as outlined in the Joint Position; however, it is critical to (1) secure interim protections for the area that would be initially excluded to prevent degradation from certain industrial activities, and (2) ensure that expansion takes place within a reasonable timeframe after initial designation. In particular, we seek interim protection from offshore fossil fuel and mineral extraction while any excluded area awaits inclusion in the National Marine Sanctuary System pursuant to the Joint Agreement. We also seek a specific, discrete timeline and other benchmarks for future expansion of the Sanctuary in the final designation document. The timeline should allow a reasonable amount of time for installation of cables, but not leave expansion to some distant or unknown point in the future.

In conclusion, we urge you to accept staff’s recommendation to concur with NOAA’s proposed consistency determination for designation of the CHNMS. We also seek support of interim protections for the areas excluded from the initial Sanctuary designation and inclusion of an enforceable Sanctuary Expansion Action Plan in the final CHNMS Management Plan.

Thank you for your consideration of these comments and recommendations. We look forward to final designation of the CHNMS and permanent protection of our Nation's marine ecosystems and cultural heritage.

Sincerely,

Linda Krop  
Chief Counsel  
Environmental Defense Center

Lisa Belenky  
Senior Counsel  
Center for Biological Diversity

Susan Harvey  
President  
North County Watch

Andrea Dransfield,  
Stranding Assistant/Necropsy Tech  
Channel Islands Cetacean Research Unit

Marell Brooks  
President  
Citizens Planning Association

Susan Jordan  
Executive Director  
California Coastal Protection Network

Ana Citrin  
Legal and Policy Director  
Gaviota Coast Conservancy

Haley Ehlers  
Executive Director  
Climate First: Replacing Oil & Gas

Rich Block  
President & CEO  
Santa Barbara Zoo

Julia Dowell  
Senior Field Organizer  
Sierra Club

Dr. Estelle Sandhaus  
Director of Conservation & Science  
Santa Barbara Zoo

Elaine K. Mah Best  
Vice President of Community Relations  
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Eric Veium  
Chair and Executive Director  
SLO Climate Coalition

Luke Swetland  
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Santa Barbara Museum of Natural History  
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Hillary Hauser  
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Heal the Ocean

Ashley Eagle-Gibbs, Esq.  
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Marin

David Pellow  
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Sandy Simon  
Chapter Group Leader  
SLO County Citizens' Climate Education

Emily Parker  
Coastal And Marine Scientist  
Heal the Bay

August 2, 2024

Consistency Determination No. CD-0005-24 – CHNMS (August 8, Item 9b) - SUPPORT

Page 4 of 4

Gabriel Frausto  
Chairman  
Coastal Band of the Chumash Nation

Sofia Barboza  
Ocean Manager  
Hispanic Access Foundation



August 2, 2024

Dr. Caryl Hart, Chair California Coastal Commission  
455 Market Street, Suite 300 San Francisco, CA 94105

Sent by email to: EORFC@coastal.ca.gov Re: Consistency determination No. CD-0005-24 – Chumash Heritage National Marine Sanctuary (August 8, Item 9b) - SUPPORT

Attachment: Public Comment Letter to NOAA from CBCN for Designation of the Chumash Heritage National Marine Sanctuary

Dear Chair Hart and Honorable Commissioners:

We respectfully request that the California Coastal Commission (“CCC”) concur with the staff recommendation for the consistency determination submitted by the National Oceanic and Atmospheric Administration (“NOAA”) for the proposed designation of the Chumash Heritage National Marine Sanctuary (“CHNMS” or “Sanctuary”).

Coastal Band of the Chumash Nation (“CBCN”) has partnered with Northern Chumash Tribal Council (“NCTC”) in this first tribally led nomination of a national marine sanctuary because we have an obligation to protect our homeland and the natural and cultural resources on the lands and waters that our ancestors have inhabited for at least 500 generations. Designation of this national marine sanctuary has been a priority for the members of CBCN, who number over 2,000 individuals. We have assisted in the massive outreach to the public which has garnered the support of over 110,000 people for sanctuary designation.

The presence of submerged cultural resources as well as the essential habitat for many marine wildlife species contained within the proposed boundaries of the proposed sanctuary, are worthy of the highest level of protection and are also consistent with the goals and policies of California’s Coastal Management Program.

Two points need to be highlighted: first, the “Joint Agreement” that NCTC independently signed with offshore wind lease-holders and second, the naming of the proposed sanctuary.

CBCN still believes that the best option for accommodating transmission lines from offshore wind farms to onshore facilities, is achieved with the originally proposed boundaries with appropriate permitting and regulation by NOAA.

However, if the boundaries of the proposed sanctuaries are initially reduced for this industrial development we ask that the CCC seek interim protections for the area that would be initially excluded to prevent degradation from certain industrial activities, and ensure that expansion takes place within a reasonable timeframe after initial designation. Furthermore, we ask CCC to seek interim protection from offshore fossil fuel and mineral extraction while any excluded area awaits inclusion in the National Marine Sanctuary System pursuant to the Joint Agreement. We ask that CCC also seek a specific, discrete timeline and other benchmarks for future expansion of the Sanctuary in the final designation document. The timeline should allow a reasonable amount of time for installation of cables, but not leave expansion to some distant or unknown point in the future.

Finally, regarding the naming of the proposed national marine sanctuary. Salinan tribal groups have raised concerns that the proposed name of “Chumash Heritage” is offensive because they dispute the traditional northern boundaries of our respective traditional areas of ancient occupation. CBCN asks that the Coastal Commission support our compromise that we have outlined and proposed in our written public comment submitted to NOAA (see attached). In sum, this compromise would provide for the part of the sanctuary that is in dispute be given a name in consultation with the Salinan tribal groups. The undisputed waters (roughly, south of Morro Bay) would retain the name, “Chumash Heritage”.

California has led the nation in its recent efforts to come to terms with indigenous peoples and tribal groups. The state’s Truth and Reconciliation program is one example. The removal of the derogatory term “squaw” from California placenames is yet another way that the state has addressed the checkered history of its treatment of California Indians. It would be tragic and a step backwards if the name “Chumash Heritage” for the proposed marine sanctuary is dropped, altogether. So, while the final determination will be made elsewhere, we ask that the Coastal Commission request that NOAA address this issue in a manner that **does not repeat the errors of the past, by erasing the presence of the Chumash people.**

Thank you for your consideration of these comments and recommendations.

Sincerely,

Gabriel Frausto, Chairman



25 October, 2023

TO:

Paul Michel, Regional Policy Coordinator  
Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration  
99 Pacific Street, Suite 100F  
Monterey, CA 93940

Re: Support for Designation of Chumash Heritage National Marine Sanctuary (NOAA-NOS-2021-0080)

Dear Mr. Michel,

Please accept these comments regarding the proposed designation of the Chumash Heritage National Marine Sanctuary on behalf of the Coastal Band of the Chumash Nation, which strongly supports the expeditious designation of the CHNMS and offers the following specific comments regarding the CHNMS Draft Environmental Impact Statement (DEIS) and Draft Management Plan (DMP).

It was over 30 years ago that some of our citizens were among the residents of San Luis Obispo county who first proposed and helped nominate a marine sanctuary to protect the Central Coast of California, so we are pleased that NOAA has accepted the marine sanctuary nomination from the Northern Chumash Tribal Council in 2015 and has moved the designation process forward to this extent.

The proposal for the Chumash Heritage National Marine Sanctuary has overwhelming support among not only the various Chumash tribal groups representing thousands of Chumash people, but also among the public at large who also want all of the Chumash tribal groups to be engaged and fully, equitably represented in the collaborative management of the sanctuary when we expect it to be finally designated.

Sincerely,

Gabriel Frausto, Chairperson



**Public Comment Responding to the Draft Management Plan and Draft Environmental Impact Statement Published by the National Oceanic and Atmospheric Agency (NOAA), August 2023**  
by the  
**Coastal Band of the Chumash Nation**  
**For the Proposed Chumash Heritage National Marine Sanctuary**  
**(CHNMS) October 25, 2023**

**I. Background of the Coastal Band of the Chumash Nation**

The Coastal Band of the Chumash Nation (CBCN) is a sovereign nation of Coastal Chumash Indigenous Peoples. Chumash is the name that was given to the First People that existed in territories in what is now called California. Occupying the lands between present day Morro Bay in the north; most of San Luis Obispo; all of Santa Barbara; most of Ventura; Mount Pinos in the east; southwestern portions of Kern; western Los Angeles Counties; and south to Malibu.

Located within these unceded land can be found the following:

- one National Marine Sanctuary: the Channel Islands National Marine Sanctuary visible off the coastlines of Ventura and Santa Barbara, managed by National Oceanic and Atmospheric OAA
- one National Park in the Los Padres National Forest: Mount Pinos in the east, on the boundary between Ventura and Kern County, managed by the National Parks Service
- one National Monument: the Carrizo Plain located in the Central Coast area of San Luis Obispo County, managed by the Bureau of Land Management

Various swaths of our Ancestral lands have also been placed into Land Trusts that are being managed by various large non-profit organizations such as the Nature Conservancy and the Coastal Conservancy. While it is good to know these lands are being protected from any development, oftentimes there is a level of security in which we must have permission to access these lands and waterways. There was a continuum of time in which our people could move about freely, to perform our Ceremonies and to gather the material used in the baskets that the Chumash were known for. Most of our baskets were sought by private collectors and can be found in

institutions on the other side of the world. There have been 41 documented Chumash Ancestral villages on the coast and 25 villages in the interior, with evidence of our lifeways being found daily.

CBCN, which includes the original caretakers of these unceded lands, have over 2000 members currently enrolled and have managed to keep our Chumash Community alive, maintaining the same constant thread woven together by Elders close to fifty years ago. We maintain our 501c3 tax-exempt non-profit with the IRS, the State of California's Registry of Charitable Organizations. CBCN is one of the longest standing California non-recognized Chumash Tribes currently on the Native American Heritage Commission for Tribal Consultation. We conduct our meetings on a monthly basis and we hold annual elections. We are active in our communities, oftentimes bringing our Chumash point of view into the conversations wherever that might be.

With the knowledge of our own cultural identity, we feel strongly that like our Ancestors before us, Native affiliation should only be determined within our own communities, and not be determined by career anthropologists, journalists or those that use social media to engage in personal attacks. We have not relied on the California Mission records (which have become weaponized) though many of us can find our Chumash and Indigenous Ancestors listed on them as well. Nor have we relied on any academic to tell us that we are Chumash. We are secure in the knowledge we are because we were told by our Grandmothers, our Fathers, our Aunties.

We represent one of the largest groups of California Indigenous people that are actively involved in the cultural practices that have been handed down through generation after generation. Many in our CBCN community are involved in language revitalization, basket weaving, storytelling, singing our songs, joining in our dancing circles. We are creating and tending to gardens in our community or in our own backyards, so that we may grow the native plants used in our traditional Medicines, along with the fruits and vegetables enjoyed by our families providing food for our pollinator relatives. We are excited by the relationships we are building with other Ocean Indigenous people to learn how we can grow seaweed and kelp as another food source.

CBCN is currently working to establish a program to restore our practice of Cultural Burning, used by our Ancestors to maintain the health of their homelands and the propagation of the plants and seeds known to be "fire followers", another potential food source for us. These are but a few examples of how we are able to maintain our relationship with the land and each other. We also seek out being in community with other Indigenous people, building the necessary relationships needed for the future.

CBCN has a long history of protecting our Cultural Resources, we continue our

ancestral obligations to care for homelands and coastal waterways. We speak up for our Ancestors when their places of rest have been disturbed or desecrated. For decades now, we have been listed on the Native American Heritage Commission for Tribal Consultation. We have participated in Cultural/ Historical Groups composed of State, Federal and Tribal Representatives because of our knowledge and expertise of the cultural and natural resources in our Ancestral homelands.

We believe that Cultural Resources Management (CRM) is a responsibility of ours and have endeavored to continue the work in spite of our limited and truly non-existent resources. We have been successful in protecting our sacred sites such as Point Conception (Gaviota), Hammonds Meadows (Santa Barbara), the Dangermond Preserve (Santa Barbara) and most recently the San Marcos Foothills Preserve (Santa Barbara).

Unfortunately, there is a general misconception that all Chumash people in the surrounding area of the Santa Ynez Reservation receive a share of the funds from the Casino they operate. The general public does not understand the difference between a Federally-Recognized Tribe (FRT) and a Non-Federally Recognized Tribe (NFR) which can be confusing. It speaks to how complex the history of California is and important it is to acknowledge there has always been more than one Indigenous Chumash group of people that have a history of living in this area and it should be honored by all. Some of the renaming of Indigenous people, questioning their identity, the labels introduced in public forums, and the rude behavior is extremely destructive. It seeks only to exclude, it will never build the Community our children will need in the future and does not honor our Ancestors.

We have built a Community alongside others by bringing back our Tomol, our Chumash word for the traditional canoes made out of redwood plank canoes. As one of the oldest established Chumash groups living along the Coast, CBCN has founding members in The Brotherhood of the Tomol, some helped establish the Chumash Maritime Association. And while the Tomol Paddlers were traditionally men, our women in the community have actively participated in all aspects of being Tomol Paddlers for more than one decade. Each year, when the weather and the ocean permits, members of our community gather with anticipation on the shores of Limuw (Santa Cruz), one of the Ancestral Villages for some of us in CBCN, in the Channel Islands, we offer up the prayers that our Ancestors did for the safety of our Tomol paddlers as they cross the shipping lanes, a dangerous place for them and our whale relatives to cross.

Our deep and abiding connection to the ocean is so strong we consider every single being of it to be a relative of ours, to be taken care of, to be loved, to be honored and respected for the life force that it is.

It is why we feel so strongly that the original plan that was submitted decades ago by the Northern Chumash Tribal Council (NCTC) should be approved in its entirety,

fully intact as it has garnered the full support of an array of private individuals, community organizations and Government agencies both state and federal, meeting the objectives of President Biden's ambitious "30 by 30" plan.

CBCN is calling on NOAA to fulfill its responsibility to protect the ocean, every single being of it. CBCN requests that you remove the corridor that your agency has questionably made available to the production of wind energy. Make no mistake, there is nothing compatible about the wind energy industry and the future preservation of the Ocean. Our Pacific waters are entirely different compared to those waters found in the Atlantic Coast on the Eastern Coast. It may take as much as 10 years for the industry to make its way through the approval needed through the various agencies.

Protecting as much of our Ocean in the Federal Waters right now, is the single most important job of your Federal agency. Any future commercial enterprise can and should be able to go through the permit process currently being required in established National Marine Sanctuaries.

Because once the production phase hits the State Lands of California, NOAA, as the Federal Agency that it is, will no longer have any jurisdiction. It will be out of your hands, that's it. And whatever precedents set as a result of NOAA's giving the wind farm industry this open corridor, will be applied to any future wind energy production going forward.

CBCN also takes exception with statements made by representatives of NOAA both in the draft plan document, as well as comments made in more than one Tribal Consultation. The comments were to the effect that the Chumash and the Salinans Tribes couldn't come to any kind of consensus regarding the official name of this new Marine Sanctuary, That supposition was that we just couldn't and wouldn't even consider a change to the original name initially propose, The inclusion of that kind of wording in this public document, not only pits the Indigenous people against each other, it perpetuates the kind of ugly stereotype Native People continue to have to put up with. NOAA's solution is to remove the water surrounding Morro Rock out of consideration to the objecting Salinan Tribe. Their objection to not being acknowledged is understandable, and the ongoing plight of many Indigenous people everywhere, it should be heard. But it seems obvious that this was another way of justifying why NOAA has chosen to remove what is almost 2000 square miles of our Ocean from the original plan proposed. The original application proposed by the Northern Chumash Tribal Council will protect the most Ocean possible not the one NOAA is promoting as the "Agency Preferred" plan. It will remove any safeguards put into place to keep this new wind industry in check, and held accountable, especially since legislation is being written to fast-track these projects. CBCN has provided a suggestion in which NOAA can protect the Ocean as it is charged to do.

CBCN also finds it to be incomprehensible that NOAA, a Federal Agency, believes that this is a solution to the offense taken by another Non-Federally Recognized (NFR) Tribe in this manner. Please take note: we have our own Tribal Representative actively seeking to work out a solution with the Salinan Tribes of the area. CBCN is not aware of any circumstances in which a Federal Agency has put themselves in the position of acting as the intermediary between Tribal groups. A resolution may not be worked out in time for the public comment period, but we will continue to work towards an outcome beyond that date.

CBCN would like NOAA to keep in mind that any future co-management of this history-making marine sanctuary, would be better served with the active participation of an California Indigenous-led Council created by and inclusive of all the First People of these unceded lands and waterways, not just the Federally Recognized Santa Ynez Band of Mission Indians, as have appeared in press releases and announcements. Their involvement is welcome but their status as the Federally Recognized Chumash Tribe in the area should not elevate them above the rest of the Chumash and Indigenous Tribes that have a significant cultural history to the area as well. We have provided an alternative concept that should be taken under consideration.

The history shared by many of the Indigenous Peoples of California, which anyone living today has been made aware of, we know to be dark in nature and particularly brutal for some. Those dark times will manifest still to this day in many ways. But our Ancestors will also manifest to us in the most beautiful ways to us in present times as well.

It is our belief that once approved, the Chumash Heritage National Marine Sanctuary will be another one of those beautiful ways.

## **II. Response to NOAA Draft Environmental Impact Statement (DEIS), Agency Preferred Boundary Alternative**

### **Comment:**

- A. CBCN urges NOAA to enact designation of the proposed sanctuary with the most environmentally beneficial alternative, the Initial Boundary Alternative (IBA).
- B. CBCN is pleased that NOAA has offered the Gaviota Extension sub-Alternative to be included within the proposed sanctuary and we believe that it would be an extremely valuable addition to the proposed sanctuary, so we endorse this sub-alternative.

### **Rationale:**

1. NOAA states clearly in its DEIS that the Initial Boundary Alternative (IBA) is the better alternative with the Gaviota Extension in providing the superior direct and indirect long-

term, minor to significant beneficial impacts to many species and marine life habitats and protecting ocean areas with special national significance, a requirement of the National Marine Sanctuaries Act. The level of beneficial impacts for Alternatives 2 and 3 would be much less, only “minor to moderate” and Alternative 4 as only “minor”.

2. Citing NOAA’s DEIS again, it clearly states that the Initial Boundary Alternative would provide the most benefit of all the alternatives analyzed: “[ the Initial Boundary Alternative would] *result in significant beneficial impacts on physical resources; biological resources; and homeland security activities due to the added resource protection afforded by the proposed sanctuary regulations and increased awareness of the areas resource.*” (DEIS pg. 227)
3. NOAA’s DEIS identifies the IBA and Alternative 1 as the only alternatives that provide protection for the widest range of migratory and other species including seabirds, marine mammals, sea turtles, and fishes. Creating a gap or industrial corridor that cuts the connection of these migratory routes from the Greater Farallones and Monterey Bay through the Channel Islands which are protected by other nearby marine sanctuaries, would not provide the most benefit to these migratory species. As we must contend with climate change and changing ocean conditions, ensuring connectivity from Monterey Bay National Marine Sanctuary to the Channel Islands National Marine Sanctuary may help those species that may shift from northern to southern waters as the ocean warms.
4. NOAA’s preferred alternative would exclude the northern section of the IBA while Alternatives 2,3 and 4 would eliminate sanctuary protection for between 1600 and 3000 square miles of ocean waters, depending on the alternative, reducing the size of the proposed sanctuary by up to 40%. Excluded would be Lisamu (Morro Rock) a sacred Chumash and Salinan site. Excluded would be areas that would face serious potential impacts; new oil and gas development if relevant federal agencies authorized such development; wind energy projects could be pursued that would not be subject to the additional protective regulations proposed for this sanctuary; vessels would not be subject to the discharge prohibitions in the proposed sanctuary regulations and there would be a potential for adverse impacts on ocean upwelling from offshore and wind energy projects.
5. Excluding the northern coast and the area from Hazard Canyon north to Cambria could have serious impacts on blue and humpback whales, and leave intertidal and subtidal habitats for the endangered Black Abalone without sanctuary protection. Large populations of seabirds including the Brandt’s cormorants, sooty shearwater, ashystorm petrel and pink-footed shearwater would be left without sanctuary protection. Without sanctuary protection it is likely that the Pacific Flyway route would likely be adversely impacted as well.
6. The California Department of Fish and Game, the US Geologic Service and the Monterey Bay Aquarium conducted a survey in 2005 that found some of the largest counts of sea otters between Point Sur and Morro Bay. Presently, the southern sea otter ranges near Humqaq (Point Concepcion) to just north of Santa Cruz. Many of these vulnerable populations of sea otters would remain vulnerable without sanctuary protection.
7. During spawning events, the coastal pelagic species of Pacific sardine, Pacific Mackerel, northern anchovy and market squid can be concentrated 50-150 km offshore to the north

of Humqaq (Point Conception) leaving it vulnerable to global climate change and other impacts.

8. The geological shelf break in the Estero Bay area is essential for the biodiversity and climate change resilience of the California Current. This unique feature is found in only 7.6% of the world's oceans and yet generates about 15-30% of oceanic primary production. It is critical that these shelf break waters are protected for propagation as climate change drives species range shifts.
9. Removing the northern portion from the sanctuary boundaries does not support system connectivity. The seabed floor in the initial boundary is composed of soft sediments and isolated areas of rocky habitats that are ideal for kelp forests growth nearshore and rocky reefs in deeper waters. The diverse habitats allow for this region to be considered the "Serengeti of the Sea" ensuring the connectivity of the ecosystems that make up this region through management protections is essential.
10. Moving the northern end of the Sanctuary to Montana de Oro State Park or below would dissociate the sanctuary from most of the population centers of the north-central coastal including Cayucos, Morro Bay, and Los Osos, as these communities would not be located along the sanctuary boundary. This would result in lost opportunities for local residents to have a direct connection to the sanctuary and to promote sanctuary education and outreach in the areas where visitors are most likely to experience it.
11. Within the boundary of the proposed sanctuary the DEIS includes the proposed CADEMO Vandenberg offshore wind project. We are concerned that this project will adversely impact a sensitive and highly biodiverse area and therefore is not compatible with a marine sanctuary.

### **III. Response to NOAA Draft Management Plan for Proposed CHNMS, Section 1, Framework for Indigenous Collaborative Management**

#### **Comment:**

- A. Establish a Tribal Sanctuary Advisory Council (TSAC) for the proposed sanctuary on par with and in addition to a standard Sanctuary Advisory Council for all interested and culturally affiliated coastal tribal groups, regardless of their federal recognition status.
- B. Designate a NOAA staff person who is trained to coordinate with the TSAC and others in order to develop and promote the proposed Indigenous Cultural Heritage Action Plan (Draft Management Plan page 15)

#### **Rationale:**

1. The National Marine Sanctuary Act [Sec.315. (16 U.S.C. 1445A)] empowers the Secretary of Commerce to establish "one or more sanctuary advisory councils to advise and make recommendations" for designated sanctuaries.

2. The National Historic and Preservation Act [Section 106 36 CFR Part 800], has been interpreted to allow for ongoing consultation to protect places and resources that are integral to indigenous cultural practices with those who have a “cultural interest”.
3. There is long-standing precedent for federal agencies to create and charter standing and permanent tribal advisory councils under NHPA Section 106 (see attached, Carrizo Plain Native American Advisory Council documents). The Department of Interior’s Bureau of Land Management has chartered a Native American Advisory Council consisting of numerous tribal groups from Chumash, Salinan, Central Valley indigenous nations without discrimination based upon federal recognition status for over 30 years on the Carrizo Plain National Monument.
4. The First Amendment’s free exercise clause and the Religious Freedom Restoration Act (1993) protects indigenous spiritual practices and beliefs, including those that relate to marine wildlife as documented in recorded stories, songs and dance and extends these rights to incorporated tribal organizations. TSAC would provide guidance to NOAA about how to manage the sanctuary in harmony with indigenous spiritual beliefs and practices, and avoid instances when those beliefs and practices might be quashed or diminished by sanctuary policies or activities.
5. The United Nations Declaration on the Rights of Indigenous People, to which the United States is a signatory: *“Article 9 Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.”* It would be discriminatory for NOAA to exclude non-federally recognized tribes from ongoing consultation and collaborative management of the proposed sanctuary.
6. There are numerous locations along the Central Coast and proposed sanctuary boundary that include kelp beds, sea otter habitats, eel grass, clam and abalone, and other marine life of interest, all of which have significant cultural and spiritual value to the Chumash people. Any activities or projects that impacts these locations are of concern to CBCN. NOAA should consider identifying such locations as Traditional Cultural Properties as provided by the National Register Bulletin #38 (1990, revised in 1992, 1998, National Park Service, Department of Interior). Since these resources are potentially impacted continuously by many activities of various kinds within the boundaries of the proposed sanctuary, requiring continuous monitoring, CBCN asserts that formation of a TSAC would be an appropriate advisory body that would be better suited to provide ongoing guidance in a more timely and accurate manner.
7. The formation of a TSAC would enable the sanctuary superintendent to draw upon a wider range of traditional and ecological knowledge from tribal representatives because the composition of this body would derive from a pool of individuals who belong to and are accountable to their tribes. NOAA’s proposition to allow anyone, “[who] need not be members of a federally or non-federally recognized tribe” is irresponsible, would damage

tribal governance and could even lead to cultural misappropriation or inaccurate cultural information. A TSAC would reassure tribal leaders who might otherwise avoid participation with the proposed draft management plan's Indigenous Cultural Action Plan and with NOAA.

8. The expectation that one or two individuals who might sit on a single Sanctuary Advisory Council (SAC) can represent all of the tribal groups is not practicable, as there is no mechanism or mutually acceptable way for diverse tribes of California to agree upon who to come to agreement of representatives for the two seats. The more equitable and representative way to resolve this issue is to establish a TSAC. Moreover, this solution would remove the sanctuary staff from the awkward position of having to make a decision about who represents the numerous and diverse tribal groups on a single SAC.
9. Establishment of a TSAC for the proposed sanctuary does not violate or diminish the obligations NOAA may have with federally recognized tribal groups and it's proposed Intergovernmental Policy Council (IPC), as the latter has no less influence to operate when a SAC or TSAC is lawfully established.
10. Past SAC member and representative from CBCN for the Channel Islands National Marine Sanctuary, the Honorable Roberta Cordero has stated the advice she and other Chumash SAC members provided to NOAA for many years, was not restricted to episodic consultation about submerged archaeological sites, but in fact included nearly all aspects of sanctuary management. This is precedent for the non-federally recognized tribal groups and their representatives to be fully engaged with NOAA sanctuary staff in the collaborative management of the proposed sanctuary (although we find the single "Chumash Seat" on the CINMS to be insufficient and unrepresentative, as stated previously).

#### **IV. Response to NOAA Draft Environmental Impact Statement, 3.10 Disputed Issues – Proposed Sanctuary Name**

##### **Comment:**

- A. CBCN endorses the originally proposed name for this sanctuary, "Chumash Heritage National Marine Sanctuary", a name that was proposed and has been promoted for over 10 years.

##### **Rationale:**

1. It is appropriate to name this proposed sanctuary in order to recognize and honor the 15,000 year-long history of the Chumash people on the central California coast. The ancient maritime culture of the Chumash people is well-documented and remains vibrant to present day, as contemporary Chumash *tomols* and crews have reclaimed many of the seaways and journeys of old.

2. No other national marine sanctuary has ever been named or identified with the Indigenous Peoples of their respective locales, and this kind of recognition is long past due. While other placenames elsewhere have reflected racism and prejudice against indigenous people, the naming of a national marine sanctuary honoring the Chumash would help to reverse the immoral and dehumanizing practices of the past and would help correct the ignorance and misconceptions that remain.
3. The name proposed for this sanctuary will serve as an inspiration and model for many other Indigenous Peoples across the nation as they seek to redress the injustices of the past and restore their place in the proud and diverse history of America.
4. The name proposed for this sanctuary does not diminish or denigrate the heritage of any other indigenous nation, nor was it ever meant to do so. Objections raised only more recently by some of the Salinan tribal groups are misplaced, as it has been the US government that has through its neglect, mis-management and hostility to indigenous rights, been the responsible party for the destruction of American indigenous nations and their heritage. Many disputes between tribal groups in America can be traced to when settlement governments dispossessed the indigenous peoples of their ancient homelands, disrupted their lifeways and cultures and led to costly and tragic migrations. We have respectfully proposed to Salinan tribal groups reasonable compromise that might pay appropriate tribute to their heritage within the proposed boundaries of the IBA and proposed sanctuary (see #5 below), and we are hopeful that they will work with us and with NOAA to reach agreement.
5. CBCN believes that NOAA could identify the northern coast from Lisamu (Morro Bay) to the southern border of the Monterey Bay National Marine Sanctuary as a “special management zone” or “northern management area” that could be named in honor of both Salinan and Chumash heritage (for example, “Lisamu-Lesamo” the indigenous placenames for Morro Bay). NOAA has both discretionary authority and long-standing precedent to identify and name special management zones. We object to the language in the DEIS and draft Management Plan that seems to imply that none of the Chumash or Salinan tribal groups have dialogued or considered options over the name of the sanctuary, as that is inaccurate.

Dr. Caryl Hart, Chair  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105  
*Sent by email to: EORFC@coastal.ca.gov*

**Re: Consistency determination No. CD-0005-24 – Chumash Heritage National Marine Sanctuary  
(August 8, Item 9b) - SUPPORT**

Dear Chair Hart and Honorable Commissioners:

I respectfully request that the California Coastal Commission (“CCC”) concur with the staff recommendation for the consistency determination submitted by the National Oceanic and Atmospheric Administration (“NOAA”) for the proposed designation of the Chumash Heritage National Marine Sanctuary (“CHNMS” or “Sanctuary”).

Public support for the first tribally-led nomination of a National Marine Sanctuary is very strong as demonstrated by over 100,000 comments to NOAA calling for the designation of the CHNMS with its originally nominated boundaries connecting the Monterey Bay National Marine Sanctuary to the Channel Islands National Marine Sanctuary for a continuous network of protection.

The designation of this Sanctuary will protect a unique biodiverse area and provides essential habitats for whales, pelagic birds, sea otters, turtles, and abalone. Sanctuary designation provides regulation of harmful activities and encourages stewardship and access to the marine resources. Designation of the Sanctuary is consistent with the goals and policies of California’s Coastal Management Program.

If the phased-in approach is used for NOAA’s boundary alternatives in the final designation, it is critical to protect the areas that might be initially excluded to prevent degradation from certain industrial activities, and ensure that expansion takes place within a reasonable timeframe after initial designation. Interim protection from offshore fossil fuel and mineral extraction is essential to protect the future sanctuary expansion. The designation should include a Sanctuary Expansion Action Plan in the final designation of the Chumash Heritage National Marine Sanctuary with a timeline to allow for a reasonable amount for installation of cables, but not leave expansion to some distant or unknown point in the future.

Thank you for your consideration of these comments and recommendations.

Sincerely,

Margaret (P.J.) Webb, JD  
P.O. Box 702  
Cambria, California 93428  
[pjwebb@inreach.com](mailto:pjwebb@inreach.com)

**From:** [Dale Pavich](#)  
**To:** [Energy@Coastal](mailto:Energy@Coastal)  
**Subject:** Public Comment on August 2024 Agenda Item Thursday 9b - Consistency Determination No. CD-0005-24  
(National Oceanic and Atmospheric Administration, San Luis Obispo and Santa Barbara Counties).  
**Date:** Friday, August 2, 2024 7:43:40 AM

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Dear Coastal Commissioners:

As a resident of the Santa Barbara area coastal area for the past 25 years, I urge passage of the Marine Sanctuary proposal in order to safeguard & protect our Central & South California Coast and water resources & marine life.

We have continued to experience devastating & unacceptable impacts of commercial activities in our ocean waters for many years, and without protections for these sensitive areas, the damage and destruction of this invaluable resource and region will continue unabated.

Please support the proposed protections for our sensitive ocean water and marine life that a Marine Sanctuary will provide.

Thank You,

Dale Pavich  
1122 Camino Manadero  
Santa Barbara, CA 93111  
GraysonDale@hotmail.com

**From:** Kahn, Kevin@Coastal <kevin.kahn@coastal.ca.gov>  
**Sent:** Friday, August 2, 2024 11:03 AM  
**To:** rachelle toti <rachelletoti@gmail.com>  
**Cc:** Street, Joseph@Coastal <Joseph.Street@coastal.ca.gov>  
**Subject:** RE: Comment for Item 9b

Thanks Rachelle. I'm forwarding to our Federal Consistency manager Joe Street.

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**From:** rachelle toti <rachelletoti@gmail.com>  
**Sent:** Friday, August 2, 2024 10:48 AM  
**To:** Kahn, Kevin@Coastal <kevin.kahn@coastal.ca.gov>  
**Subject:** Comment for Item 9b

Hello Kevin,

See below.

August 1, 2024

California Coastal Commission  
725 Front St.  
Santa Cruz, Ca

Dear Executive Director Huckelbridge and Coastal Commissioners,

I am writing in support of the NOAA Consistency Designation of the Chumash Heritage National Marine Sanctuary draft management plan and draft regulations. I feel it is very important, and long overdue to protect the marine environment between the Monterey Bay Marine Sanctuary and the Channel Islands Marine Sanctuary. Protection of the natural resources, wildlife and indigenous peoples sacred sites and artifacts should be of highest priority.

The goal of protecting, enhancing and restoring the coastal environmental quality must be implemented in the proposed area. Sharing the management responsibilities with leaders from the California Tribal groups will ensure that their knowledge and expertise is utilized.

I support the Initial Boundary Alternative as this covers the largest area. Protection of the Morro Bay

estuary and others to the south in Pismo Beach and Arroyo Grande Creek is important for the threatened and endangered species living there such as the steelhead trout and tide water goby.

In conclusion, I support the staff recommendation and am encouraged that I will see a Chumash Heritage National Marine Sanctuary in my lifetime.

Sincerely,

Rachelle Toti  
San Luis Obispo County Resident