



## **STAFF REPORT**

**TO:** Board of Commissioners

**FROM:** Suzy Watkins, Harbor Director

**DATE:** September 19, 2023

**SUBJECT:** Chumash Heritage National Marine Sanctuary

### **Recommendation / Proposed Motion**

Review and provide direction on comments on the draft Environmental Impact Statement for the proposed Chumash Heritage National Marine Sanctuary.

### **Policy Implications**

Marine sanctuaries are federal designations, thus are subject to operation under the National Marine Sanctuaries Act.

### **Fiscal Implications**

Minimal cost to prepare and submit comments on the Environmental Impact Statement (EIS).

### **Alternatives Considered**

Do not provide comments or limit the District's comments on the draft EIS and draft management plan for the proposed Chumash Heritage National Marine Sanctuary.

### **Background**

In accordance with the National Marine Sanctuaries Act, the National Oceanic and Atmospheric Administration (NOAA) is moving through the process to consider designation of areas offshore of San Luis Obispo and Santa Barbara Counties as a national marine sanctuary. The idea of a national marine sanctuary along the central coast began in 1990. There have been several attempts over the years to create a marine sanctuary offshore of San Luis Obispo County but not until 2015 did a proposed marine sanctuary gain traction.

In July 2015 the Northern Chumash Tribal Council submitted a nomination to NOAA through the Sanctuary Nomination Process. This request asked NOAA to consider designating an area on the central coast as a national marine sanctuary. The nomination

was endorsed by many individuals at tribal, local, state, regional, and national levels. There was considerable support for the proposal but also opposition. National marine sanctuaries can have broad and long-lasting economic implications to all near shore uses including harbors and ports. The District adopted Resolution 15-08 in opposition to the proposed sanctuary nomination on June 23, 2015 (attached).

The marine sanctuary as currently proposed stretches along 134 miles of coastline from Montana de Oro to Gaviota 5,617 square miles (previously proposed as 7,670 square miles). The proposed boundaries have been revised from the initial concept in order to exclude any overlap of the Offshore Wind Power lease area (Morro Bay 399 Area) to the north with an extension to the south to include Gaviota coast. The proposed site has been titled the Chumash Heritage National Marine Sanctuary since the designation was championed by the Northern Chumash Tribal Council. The proposed sanctuary would sit between the Monterey Bay and Channel Islands National Marine Sanctuaries.

Consideration of the proposed Chumash Heritage National Marine Sanctuary is now in the third phase of the four-step federal designation process. This review phase is a public process under the National Environmental Policy Act to receive input on the draft documents for the sanctuary proposal. Summarized below are the four phases that must be completed before a final designation:

1. **Scoping:** NOAA must ask the public for input on potential boundaries, resources that could be protected, any specific issues that NOAA should consider and any information that should be included in the analysis.
2. **Sanctuary Proposal:** NOAA prepares draft documents, including a management plan, environmental impact statement that analyzes a range of alternatives, proposed regulations, and proposed boundaries. NOAA may also form an advisory council to guide the process to completion and implementation.
3. **Public Review:** The public, local agencies, tribes, and other interested parties can provide input on the draft documents. NOAA will consider all input and determine appropriate changes if any.
4. **Sanctuary Designation:** NOAA makes a final decision and prepares final documents. The State Governor and the US Congress have the option to review the documents before the designation becomes effective.

### **Discussion**

Your Board discussed District comments regarding the scope of the EIS December 14, 2021. Those comments were forwarded to NOAA for consideration in their preparation of the draft EIS and accompanying documents. The complete set of documents also includes a draft management plan and proposed boundaries.

The item under discussion at today's meeting is consideration of any District comments regarding the draft EIS and accompanying documents. NOAA will consider comments on the draft documents until October 25, 2023. Comments are often focused on the sanctuary boundaries, regulations, and any management plan. The District's main

concerns in past sanctuary discussions focused on the desire to maintain local control, overlap of regulatory agencies, and lack of science in the management of a sanctuary.

After receiving today's input, staff will draft a response and return to your Board for further discussion.

Attachments:

1. NOAA Notice of draft EIS 8-24-2023
2. Port San Luis Harbor District EIS scoping comments 1-18-2022
3. Resolution 15-08 (copy)