

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF DECEMBER 14-15, 2023

Prepared on December 4, 2023

ITEM NUMBER: 6

SUBJECT: Proposed Designation of Chumash Heritage National Marine Sanctuary – Presentation by Northern Chumash Tribal Council

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KEY INFORMATION

Location: Proposed national marine sanctuary would include coastal and offshore waters along 134 miles of coastline from Montana de Oro State Park in San Luis Obispo County to Naples, California, along the Gaviota Coast in Santa Barbara County and would encompass 5,617 square miles.

ACTION: Information/Discussion

SUMMARY

California's Chumash Peoples and other Tribes have stewarded the lands and waters off California's Central Coast since time immemorial. These ways of knowing and being supported abundant, thriving ecosystems for thousands of years and there is a critical need for state and federal conservation managers to partner with Indigenous knowledge holders to ensure a sustainable future for California's ocean and beyond.

In 2013, the Northern Chumash Tribal Council initiated a campaign to promote a formal sanctuary designation along California's Central Coast. In 2015, the National Oceanic and Atmospheric Administration (NOAA) accepted the nomination and in 2021, NOAA initiated the formal process to designate the proposed Chumash Heritage National Marine Sanctuary (CHNMS) in the waters along and offshore of the central California coast to recognize the national significance of the area's ecological, historical, archaeological, and cultural resources and to manage this area as part of the National Marine Sanctuary System.

The proposed CHNMS boundary would stretch along 134 miles of coastline from Montana de Oro State Park in San Luis Obispo County to Naples, California, along the Gaviota Coast in Santa Barbara County. The 5,617 square mile area includes a

nearshore stretch of coastal waters along the Gaviota coast to include all of Gaviota State Park, as well as other high visitation state parks at Refugio and El Capitan; all of Kashitayit and Naples State marine conservation areas; and coastal and offshore resources adjacent to historical Chumash village sites at Tajiguas and Dos Pueblos.

This item is intended as an informational item for board and public engagement. A representative from the Northern Chumash Tribal Council will present background on the efforts to promote a formal sanctuary designation along California's Central Coast. Additionally, a representative from NOAA will be available to address any questions about NOAA's formal process to designate the proposed CHNMS. For more detailed information, please visit NOAA's [CHNMS website](#).¹

DISCUSSION

Background

National Marine Sanctuary System

In 1977, the U.S. Congress passed the Marine Protection, Research and Sanctuaries Act, which established the National Marine Sanctuary Program. The Act authorized the designation of National Marine Sanctuaries to protect significant waters and secure habitat for aquatic species, shelter historically significant shipwrecks and other cultural resources, and serve as valuable areas for research, fishing, wildlife viewing, boating, and tourism. The Office of National Marine Sanctuaries serves as the trustee for a network of underwater parks. The National Marine Sanctuary system includes 15 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments, encompassing more than 620,000 square miles of marine and Great Lakes waters from Washington state to the Florida Keys, and from Lake Huron to American Samoa. The following four national marine sanctuaries are designated on California's west coast: Greater Farallones National Marine Sanctuary (GFNMS, San Mateo and Santa Cruz Counties), Cordell Bank National Marine Sanctuary (CBNMS, Marin and Sonoma Counties), Monterey Bay National Marine Sanctuary (MBNMS, Santa Cruz, Monterey, and San Luis Obispo Counties), and Channel Islands National Marine Sanctuary (CINMS, offshore of Santa Barbara and Ventura Counties).

Proposed CHNMS Designation

The proposed CHNMS would be the first new sanctuary since 1992 to be included as part of the National Marine Sanctuary System. The proposed sanctuary sits between existing marine protected areas, the MBNMS and the CINMS, enhancing opportunities for ecological connectivity and protected corridors for fish and wildlife. NOAA published a draft environmental impact statement (draft EIS) and draft management plan in August 2023, together with a proposed rule, describing the terms of the proposed regulations to implement the national marine sanctuary designation. NOAA provided an opportunity for public comment on the proposed rule, draft EIS, and draft management

¹ <https://sanctuaries.noaa.gov/chumash-heritage/>

plan from August 25, 2023, through October 25, 2023. NOAA is in the process of considering public and agency input received to inform the proposed designation.

Sanctuary Designation and Water Quality

The proposed CHNMS designation includes regulations that protect habitat and water quality, while also allowing for human uses that are compatible with resource protection. The proposed regulations are very similar to those found at adjacent sanctuaries. The Central Coast Water Board has the authority to regulate existing and new discharges to the ocean through the National Pollutant Discharge Elimination System (NPDES) Program. Many NPDES permits issued by the Central Coast Water Board contain effluent limitations and effluent monitoring for specific pollutants in the [Water Quality Control Plan Ocean Waters of California](#)² (Ocean Plan). On October 25, 2023, the Central Coast Water Board submitted comments to NOAA requesting clarification regarding how the proposed CHNMS regulations would allow consideration of NPDES permits for new waste discharges from water supply projects designed to enhance water supply resiliency (Attachment 1).

Environmental Justice

Environmental Justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of all people, including Underrepresented Communities. Underrepresented Communities include but are not limited to Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), Economically Distressed Areas (EDAs), Tribes, Environmentally Disadvantaged Communities (EnvDACs), and members of Fringe Communities. Furthermore, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

The proposed CHNMS area and abundant resources have been home to coastal, ocean-going Indigenous tribes for tens of thousands of years. The proposed CHNMS will protect ocean life, sacred sites, and strengthen Indigenous communities and serve as a model of environmental justice. NOAA coordinated directly with local area tribes and Indigenous communities to seek input on the development of the proposed CHNMS framework. The CHNMS draft management plan includes a framework for tribal and Indigenous collaborative management, to involve, recognize, and celebrate Indigenous peoples' values, knowledge, traditions, and modern day and cultural connections to the area. NOAA describes that a sanctuary designation would promote partnerships with tribes and Indigenous communities interested in highlighting their culture and seeking to better understand and protect ancient village sites that may exist along the now-

² https://www.waterboards.ca.gov/water_issues/programs/ocean/docs/oceanplan2019.pdf

submerged paleoshoreline. Tribal and Indigenous community members would have opportunities to join NOAA in sanctuary decision-making processes and cultural programming through the sanctuary's advisory council, working groups of the advisory council, a new Intergovernmental Policy Council, and joint project agreements. NOAA's CHNMS draft management plan includes 11 specific action plans, including an Indigenous Cultural Heritage Action Plan, a Climate Change Action Plan, and an Education and Outreach Action Plan.

Climate Change

The Central Coast Region faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012.

NOAA's CHNMS draft management plan includes a Climate Change Action Plan with specific strategies to protect and enhance ecosystem function and resilience to climate change through research and monitoring, assessment and adaptation, mitigation actions, education and outreach, and Indigenous community partnerships.

CONCLUSION

NOAA proposes to designate the CHNMS in the waters along and offshore of the Central Coast Region to recognize the national significance of the area's ecological, historical, archaeological, and cultural resources and to manage this area as part of the National Marine Sanctuary System. The proposed designation and draft regulations include specific strategies to prioritize environmental justice, tribal outreach and engagement, and climate change resiliency. NOAA will consider the public comments received and additional consultations to inform a final action on the proposed CHNMS designation, scheduled for mid-2024.

ATTACHMENTS

1. Central Coast Water Board Comments on Proposed Rule NOAA–NOS–2021–0080, Chumash Heritage National Marine Sanctuary, dated October 25, 2023.