



Northern Chumash Tribal Council

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Port San Luis Harbor Commission
3950 Avila Beach Drive
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Dear Commissioners,

Thank you for the opportunity to convey to you information on our proposal for a Chumash Heritage National Marine Sanctuary pursuant to your consideration of this issue at your June 23 meeting.

A document was circulated at your April meeting that made claims regarding the economic impacts of the proposed sanctuary, its alleged duplication of existing regulations and environmental protections, and an alleged loss of "local control" and potential disruption of dredging efforts. It was apparent that you had previously received misinformation on the nature and operation of national marine sanctuaries.

These concerns have been raised many times in relation to our proposal. I am happy to address them here.

Would a national marine sanctuary provide economic benefits?

Yes. This is not, as has been alleged, the opinion of an environmental group; it is the conclusion of the 2014 report "The Potential Economic Impacts of the Proposed Central Coast National Marine Sanctuary" (attached), prepared by the director of the Center for the Blue Economy at the Monterey Institute of International Studies and the director of the center's National Ocean Economics Program. NOEP methodologies are the international standard used by countries seeking to estimate the socioeconomic impacts of their ocean and coastal resources. The report concludes that acquiring a marine sanctuary on the Central Coast would likely result in the local economy growing by at least \$23 million annually and nearly 600 new jobs. Throughout the report, the authors note that they will not make projections or estimates where they don't feel the available data is sufficiently robust to support projections of potential impacts, hence their conclusions and figures are conservative.

Commercial and recreational fishing thrive in national marine sanctuaries. In 2013, the California Fish Harvester Model was used to estimate the economic impact of commercial fishing operations in the regions of the Channel Islands and Monterey Bay National Marine Sanctuaries. According to the three-year average (measured in 2013 dollars, for years 2010-2012), 248 commercial fishing operations in CINMS earned more than \$27 million in harvest revenue from catch in the sanctuary. This revenue generated almost \$45 million in total output/sales, nearly \$31 million in value-added, almost \$28 million in total income, and 659 full-time and part-time jobs. In MBNMS counties, 491 commercial fishing operations earned almost \$26 million in harvest revenue from catch in the sanctuary. This revenue generated more than \$42 million in total output/sales, nearly \$29 million in value-added, almost \$26 million in total income, and 843 full-time and part-time jobs. If wholesaling, processing, retail and restaurant sector impacts were included, studies suggest that in both the CINMS and MBNMS regions, the total impacts could be two to three times higher than these figures.

Per NOAA, across all national marine sanctuaries socioeconomic impacts equate to about \$4 billion annually generated in local coastal and ocean-dependent economies from commercial fishing, research and recreation-tourist activities.

Would national marine sanctuary protections duplicate existing regulations?

No. According to a comprehensive review published last year in the *Environmental Law Reporter*:

“Unique among federal statutes that govern the marine environment, the [National Marine Sanctuaries Act] provides for comprehensive, ecosystem-based management.... The NMSA’s systematic approach to sanctuary designation is also preferable to state-based management plans, or coastal-focused authorities such as the CBRA, the CZMA, and the CWA The NMSA is the most effective and comprehensive approach currently available to protect specific areas within the coastal and ocean zones, including entire marine ecosystems, and the statute is the only existing federal law structured with this end squarely in mind. In contrast to other management regimes, Congress designed the NMSA to provide for comprehensive management of marine ecosystems, allowing for multiple uses that are compatible with the statute’s primary goal of preservation..... External reviews have concluded that sanctuaries are fundamentally well-conceived, cover gaps in other federal laws, and are making progress toward long-term protection of marine ecosystems.... In 2008, the Inspector General of the Department of Commerce found that...‘The program effectively complements other federal, state, and local resource protection efforts by offering benefits other laws or regulations do not.’”

The National Academy of Public Administration called the national marine sanctuary system “unique” in its ability to address the full array of ocean governance issues, and it “is building a strong performance-based management system.”

See the attached report of the U.S. General Accounting Office, "Marine Sanctuaries Program Offers Environmental Protections And Benefits Other Laws Do Not."

Would a national marine sanctuary mean a loss of "local control?"

Within three miles of shore, the California Department of Fish and Wildlife has jurisdiction, along with the State Lands Commission and the California Coastal Commission -- not the Port of San Luis, the City of Morro Bay, the County, or any other local entity. In state and federal waters, fishing regulations are set by the Pacific Fishery Management Council, National Marine Fisheries Service and California Department of Fish and Wildlife. All agencies would continue to perform their current functions regardless of national marine sanctuary designation.

Harbors would continue to oversee their operations, as national marine sanctuaries do not extend into harbors. In harbor dredging operations, the sanctuary would work with harbors to identify optimal locations where dredge spoils will be discharged offshore, or nearshore if viable for beach nourishment. Previously approved dredge disposal sites would be exempt from sanctuary regulations. If a harbor desires new offshore sites in the future, this would be included as an action plan in sanctuary management plan updates to establish location, volumes, etc. The provisions would improve dredging operations and protect the health of the fishery. Sanctuary regulation on seabed disturbance would include an exemption for any harbor maintenance or repair activities.

If anything, national marine sanctuary designation assures more local control, with more local voices of stakeholders securing direct input on the management of the resource via the establishment of a Sanctuary Advisory Council. Historically, at least 90 percent of the recommendations of sanctuary advisory councils have been accepted and put into place as policy for national marine sanctuaries. Gulf of the Farallones Sanctuary Superintendent Maria Brown reports that 99 percent of her advisory council's recommendations are accepted as sanctuary policy.

The Environmental Law Reporter's review found that:

"Sanctuaries can allow for commercial activity like fishing, for recreational activities that depend on an intact natural environment, and for long-term preservation. This comprehensive, balanced approach couples with the single most powerful and important aspect of the NMSA: its provisions for strong stakeholder and community engagement. The statute includes extensive opportunities for public participation, from the time a site is first proposed for designation as a sanctuary through a sanctuary's ongoing management as a protected area. The NMSA's commitment to participation is evidenced by its provision for advisory committees of stakeholders to make recommendations on sanctuary designation and management. More generally, the sanctuary program is set up to engage citizens in the NMSA's mission. States and communities can take a sense of ownership in their local marine

environment through the programs. Sanctuaries become living laboratories, classrooms, and playgrounds, and the NMSA makes marine areas accessible for research centers, educational institutions, and other entities.”

On March 12 of this year, the residents of Marin and Sonoma Counties, after a lengthy and inclusive public process, expanded the boundaries and protections of the Cordell Bank and Gulf of the Farallones National Marine Sanctuaries. They pressed for this expansion because they wanted to expand the benefits that national marine sanctuaries have brought to their communities, not because they believed national marine sanctuaries had robbed their communities of local control.

Would a national marine sanctuary effectively curb offshore oil drilling?

Yes. In 2006, Dow Chemical, DuPont, Chevron, Shell, and other corporations bankrolled efforts to overturn the federal offshore drilling moratorium, declared by Congress in 1982 with a requirement that it be renewed every year. That year, oil companies pushed to expand offshore drilling off the entire US East Coast, the West Coast, the Gulf Coast, and the Florida Panhandle. The House of Representatives voted the repeal measure down, by a vote of 217-203, and the coast was saved, for the moment.

In 2008, Congress allowed the moratorium to expire. Just before leaving office the following year, President Bush removed the temporary protection of Leasing Deferrals established by his father. These two actions left the entire California coast -- outside the boundaries of our designated national marine sanctuaries -- open to offshore drilling, and the impacts of routine toxic pollution and oil spills that go along with it, at the discretion of whoever happens to control Congress or the White House at any point in time. On June 26, 2014, the House of Representatives approved a bill that, had it passed the Senate, would have opened vast areas of the West Coast to oil drilling. Only areas within designated national marine sanctuaries would have been spared, as was the case in 2006 and 2008.

There is no other practical means by which we can secure permanent protection from offshore drilling except through designation of a national marine sanctuary by the National Oceanic and Atmospheric Administration. It would also provide protection from harmful seismic surveys and sewage discharge from ships.

Thank you for your consideration,

Fred Collins
Tribal Administrator

Attachments:

“The Potential Economic Impacts of the Proposed Central Coast National Marine Sanctuary”
USGAO Report: Marine Sanctuaries Program
New Times commentary, 12/18/14