

NOAA's Office of National Marine Sanctuaries (ONMS) - West Coast Region hosted a virtual public meeting on the five-year review of the nomination for the Chumash Heritage National Marine Sanctuary. The virtual public meeting was conducted via GoToWebinar on May 27, 2020; 6:00 - 9:00 pm.

The software program of GoToWebinar made recordings and transcripts of the virtual public meeting. Staff from ONMS - West Coast Region divided the recording into three parts:

1. Video and audio recording with closed caption for the PowerPoint Presentation on the five-year review.
2. Audio recording with transcript for the Question and Answer portion about the five-year review process.
3. Audio recording with transcript for the Spoken Public Comments.

Here follows the transcript for the Question and Answer portion. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors.

27:59

So that's the overview of this process.

28:03

And what we did want to do is just pause for a couple of minutes, 4 or 5 minutes, because some folks may have questions about the process. As Claire alluded to at the beginning, if you could type those in and it'll make it a lot easier, it's really hard to call on people just straight up out of the blue like this. We will call on people for the oral comments at the very end in a couple of minutes when we're done with questions.

28:28

Alright. So maybe I'll pause there and Claire will conduct questions about the process. We could feel those now.

28:35

Yeah, sure. We'll give all attendees a couple of minutes here to be thinking and typing in questions about the process.

28:43

With these virtual meetings, we do need to allow for a little extra time, for people to get to that point, so nothing has come in quite yet, Bill, so we'll just give folks a couple of minutes here, to, think, process all the information you gave them, and think if there's any follow up questions they may have.

29:02

We do have one that came in. Could you let us know in order of the public speakers maybe, and fives? So, we can be ready. Absolutely. That'll be the plan. It'll probably be in groups of three, which gives you six minutes to prepare. Hopefully, I could. I could do it in five, as well. Good suggestion. Thank you for that.

29:25

So I guess in preparation, while we're waiting for questions on the process, that, like we mentioned at the very beginning, there will be a few more slides before we open it up for public comment period.

29:34

But for those I'll tell you the first five that are in the queue for questions.

29:40

Again, this is based on when you registered, so those that registered first are starting, and then we're going to work our way up the list here.

29:48

So Rocio Lozano-Knowlton, Christopher Voss, Heather Dine, Margaret Webb, and Molly Williams. So, those will be our first five speakers. I did go through the list.

30:01

and not everyone that registered and said, they wanted to make a public comment is, actually, at our meeting today, that has something they have come up or they may be joining later.

30:11

So, we'll, I've made note of the ones that aren't here yet.

30:18

We did get a comment that, Bill, it was very helpful to get that overview of the process. And so you're being thanked for that.

30:25

Another question here, who is on the panel that makes the final decision about the nomination?

30:32

Yeah, so the final decision is for the director of the Office of National Marine Sanctuary, John Armor.

30:38

And we, in the West coast regional staff will make a recommendation to him, but it's his decision.

30:46

Right, all right, looks like we gave enough time, so there's more questions coming in at this point. Will the slides be available for review after this presentation?

30:56

Yeah, I think, Lisa, we're planning to put those on the website, right? Where there's a- Yes, we'll post them on the five-year review page of the website, [nominate.noaa.gov](http://nominate.noaa.gov).

31:10

On that page, there's a separate section for the Chumash Heritage nomination. Yes, If you haven't seen it yet. At the very last slide we'll have that web address that that subsection on that website includes the nomination itself, the recent letter we received from the Northern Chumash Tribal Council, and we will put this PowerPoint up too.

31:32

Great. And we actually Haven. If you don't mind typing in that address, like, got, getting it to [nominate.noaa.gov](http://nominate.noaa.gov) and putting that into the chat box for all attendees that they can get that sooner rather than later.

31:43

All right, another question here: How many national marine sanctuaries are in the United States now? And, if this area were designated, could you construct offshore wind turbines in the sanctuary?

31:58

So there are these, I may get this wrong, there are 14 National Marine sanctuaries and two Marine National Monument, one of the marine national monuments is Rose Atoll. It largely overlaps National Marine Sanctuary of American Samoa.

32:16

So in terms of total number of units, that's what, 15 different units, but there are two, like I said, two monuments in 14 marine sanctuaries. A marine sanctuary and wind turbines is a question that's certainly been out there for some time, and it gets a lot of attention. The ultimate answer is, it depends on the regulations that are developed for that marine sanctuary, every marine sanctuary, in essence, has a customized set of regulations that apply to the issues and threats, that that area faces, we don't have windfarms within marine sanctuaries presently.

32:56

There has been a lot of discussion about potential, you know, possible, maybe one day considerations.

33:04

In the very south-west corner of the Monterey Bay Sanctuary, which is very close to the area that's been proposed for wind development.

33:11

There's nothing that inherently prohibits it within the marine sanctuaries' regulations, but this is, I'm giving you the absolute tip of the iceberg, because it's a very complicated issue.

33:21

There are other federal laws and state laws that govern how a windfarm can be developed.

33:28

And those are more richly described than what would happen in the marine sanctuary. So, for a lot of reasons, none has been proposed in a marine sanctuary. None has been denied. But the permitting process would be probably a bit more complex than what it would be outside of marine sanctuary, which is complex too.

33:49

Ultimately, the gist of it is that, for Chumash Heritage to move forward that particular issue and many other issues would be part of that designation process.

34:01

Great. Thank you for that, Bill.

34:04

We have a question here. Are all the criteria weighted equally, or will they be special considerations to one or another?

34:13

No, they're largely considered equally, but I think what's key is that, for a site, to move forward into the inventory, it needs to meet at least one of the four national significance criteria.

34:26

If it doesn't meet one of those four, then the management considerations are not relevant.

34:33

But of all of them, together, if you could accept, OK, of those four, one of those, at least, ideally several are relevant, then the management of considerations are weighted equally, or evaluated together.

34:45

OK, great, why has this taken five years, and what is the timeline moving forward?

34:54

So, the five-year process has taken five years, because it's a five year process.

35:00

The age, when NOAA set up this nomination process for community groups to nominate them, they had, they chose to set some timeframe, to, in essence, evaluate the shelf life of them.

35:16

And five years was chosen. It's taken, we're at 4.5 years, four years, and eight months or so right now.

35:24

The process to complete the five-year review is going to be over the next 2 or 3 months when I, and my team, on the West Coast are going to be evaluating the information that I identified in the process.

35:39

All right, we have a few more questions, and then I'll just, I put into the chatbox last call for questions related to the process. So, a question here, what would be the basis for not recommending proceeding with the designation process?

35:56

Could you read the not not moving forward with the designate process?

36:01

Yell. Yes. Yeah, that's how it's written. So oh.

36:07

Take it on its face.

36:08

So, the decision to move a site forward for designation is made at a very high level within NOAA. And there are three of the sites that have many, that have been nominated have been advance for designation to by the Obama Administration, one by the Trump administration.

36:26

And there's a lot of considerations that they made. I wasn't a principle in any of those discussions. But the assessment that they made was that those other sites were appropriate worthy and ought to be advanced.

36:40

and up until now, the Chumash Heritage denomination hasn't met those criteria.

36:46

Some of them are probably a bit political in nature. Some of them may be about the urgency of the resources that need protection.

36:54

Some may be weighing about what role NOAA and the sanctuary can really provide at this time. So, there's not been a decision to never designate Chumash Heritage, it just hasn't risen to that point in the process.

37:10

Alright.

37:12

Who develops the customized set of rules for each sanctuary, and how are they approved?

37:19

That's getting a bit more beyond the five year review process, but the, um, the regulations are developed, as I alluded to, with it, through the designation process through a very lengthy, collaborative, consultative effort with stakeholders.

37:36

Other agencies, local and state agencies.

37:39

And federal agencies, and tribal organizations, tribal institutions, have a prominent roles in that, and those are then vetted through a public review process, NOAA writes them, but then they're reviewed by the public.

37:54

That includes writing an environmental impact statement about the potential impacts, and then sharing those with the public, and the public gets a chance to give us feedback about what they like and don't like about those regulations.

38:06

They're too hot or too cold, or they go too far to go far enough.

38:10

And the Governor's Office for those, the governor himself or herself for those portions that are within state waters, also has a review authority too. So there's multiple levels.

38:20

And ultimately, after that extensive preparation process, a comment process, and response to comment process, it's, it's NOAA decision, the agency's decision, whether or not to make that final step and designate a marine sanctuary. Which, as I said, cooperation of the state, the Governor can object to ask us to change.

38:43

Thank you.

38:44

For those that maybe didn't join at the beginning of the meeting, I'm just gonna go ahead and re-introduce ourselves so that people know who I'm talking here. So I'm Claire Fackler. I'm with the NOAA Office of National Marine Sanctuaries, and I'm an Education specialist. And we've got Bill Douros, who is the Regional Director for the West Coast region of the National Marine Sanctuary System. And Doctor Lisa Wooninck, who is the policy coordinator, also for the West Coast region of the National Marine Sanctuary System. So that's here, who's here today, helping organize the meeting. We do have a few more questions, Bill, and I think we'll be able to move on. This question here is, Can boundaries of the proposed area be modified?

39:30

Yeah, that's an important question because the only boundaries we have, in essence now are those which the Northern Chumash Tribal Council has proposed. So, that's what we start with.

39:43

Within the nomination, if NOAA were to advance it to a designation, and if, at that time, pretty unlikely, but if at that time we had strong concern or interest, in a bigger or smaller boundary, we would identify that. But the review process always looks at a range of alternatives.

40:02

And so that, in theory, could be bigger boundaries, one or several alternatives, smaller boundaries.

40:10

You know, I think, for the sanctuaries that are immediately abutting this one Monterey Bay's Review had 5 or 6 alternative boundaries, Channel Islands had 3 or 4 alternative boundaries. So that's always an inherent part of the process.

40:24

So these that you see in that map are the starting point, not the end point. It would be one of those factors that gets evaluated through a designation.

40:36

OK, question about how much influence politics in Washington have on this process?

40:46

Politics in Washington, My view is, are not a factor that we consider.

40:52

We are, you know, at this point, you know, I, my staff within the West Coast regional office, evaluating really on a technical basis.

41:02

Is there new information that helps demonstrate greater or lesser responsiveness and relevance to these 11 criteria?

41:11

So, that's what we're evaluating. And we're not involved in any way in

41:15

Sort of political aspects of this, you know, local, state, national origin.

41:23

Thanks for that clarification. In terms of policy, CEQA apply.

41:30

So, CEQA itself, does not apply through, because we're a federal agency carrying on the Federal Action.

41:37

However, there's a parallel process, or a sister, a twin process called NEPA, the National Environmental Policy Act, which actually came before CEQA.

41:48

And we are required to complete NEPA.

41:52

You know, having done these for 35 years, it's a parallel similar, not quite identical, but very, very comparable process to see.

42:04

Which four criteria did you mean when you said one had to be met? Perhaps? Are you able to go back to that slide for a second? Go back to that slide.

42:13

Um.

42:17

Yeah.

42:19

These four are the national significance criteria.

42:24

And what it says, in essence, is that this area is nationally significant, either because of the natural resources, or the ecological qualities, or because it contains submerged maritime heritage resources of special either historical cultural archeological significance. And just reading the highlights you can see here. Again, these are all on that website, too.

42:50

There's a lot of detail about what we mean by this.

42:54

And, or the area supports present in potential economic uses that are nationally significant.

43:01

And then, lastly, there's publicly derived benefits for the area that are significant, and they depend on conservation and management.

43:10

So, these are the four national significance criteria.

43:14

Excuse me, for which a nomination must at least meet one of these four.

43:22

Great, that provided a nice review of that.

43:25

Alright. We will take one last question and then the 1 or 2 questions that remain, we'll answer on the side. One question here. Have you consulted with other tribes?

43:40

Not at this point, we have not.

43:42

The nomination came to us from one of the bands of the Chumash nation.

43:50

There are federal guidelines and procedures that we're required to follow for and with tribes that are what are called federally recognized.

44:00

And the Chumash Nation, the Santa Inez band of the Chumash, is federally recognized and the only one in the area. We have sent them a letter seeking and an e-mail followed by later a letter to determine if they're interested in government to government consultation on this. But they're the only ones we've reached out to.

44:20

But through this process, we're hoping word spreads to anyone who's interested, whether it's a different tribal group or any other organizations, individual citizens, we're open to any feedback group.

44:34

Again, especially as it relates to these 11 criteria. That's really what we want.

44:40

OK, well thanks everyone, for your great, great questions, related to the process.

44:45

We'll go ahead and let Bill do a few more slides and then we're going to be- Sure, There's, there's many more. I mean some of this Claire's gone over.

44:54

We've talked about it a little bit already that everyone's got three minutes to speak. There'll be a timer.

45:03

We decided rather than have you watch a three-minute countdown clock which may take the commenter's sole focus, there'll be one that will count down the last twenty seconds.

45:12

So, that's all that we're going to count down. So you don't have to concentrate on that, but we do ask that everyone take that amount of time less, if you feel like that's all you need, And we've got lots of folks that have signed up. But there is a process, if you haven't signed up, if you decide to speak.

45:31

Clarie may cover that one more time, Re raise your hand.

45:34

You've got Lisa's e-mail address here. You want to reach out to her immediately to try to help you with anything. And, again, just be respectful. And there's a lot of different views out there on on everything.

45:45

Yeah, It's a challenging time in our country.

45:48

And we just want to make sure everyone feels as if their comments and views were heard. And you don't want to know that someone later on is complaining about a comment that you made either tonight, or even after.

46:03

So, anyway, we'll get through this.

46:05

And we just want to appreciate, extend our appreciation for everyone who participated.

46:11

You know, Claire, for hosting this, you know, you're a technical guru on it, but there's, you know, a lot of folks that are taking time to come out and be part of this tonight.

46:20

We did struggle with when to host it, you know, in the afternoon, in the evening. So, apologies if, you know, it's going to be a late-night for those who may speak at the end. But there's a number of sanctuary staff that are here as well.

46:33

Paul Michel's a superintendent from Monterey Bay Sanctuary, He's listening in, Mike Murray's the deputy superintendent at Channel Islands. He's here. We've got other staff from the other sanctuaries. And my regional team that's here, too.

46:46

So, we're really focused on getting people's feedback and input.

46:50

And I think one thing I just wanted to flag, I forget whether you mentioned this Claire, we are going to take, what, a brief, five minute or so, bio break around 7:30. And just in case, you know, at least some of us that are participating on this, may need to scoot away just for a few minutes. But, we'll give everyone a heads up before that.

47:11

So, this is the slide that will just stay up at the end, It's got all the information on one side about the written comments.

47:18

And then, the oral comments tonight, that 20 is the countdown clock that you'll see counting down when you hit your last 20 seconds.

47:27

So, with that, I'm done, and I really appreciate everyone's attention and everyone's participation sincerely.