



August 15, 2017

Secretary Wilbur Ross
 1401 Constitution Ave. N.W.
 Washington, DC 20230
Submitted via email

Re: Review of National Marine Sanctuaries and Marine National Monuments Designated or Expanded Since April 28, 2007; Notice of Opportunity for Public Comment (82 Fed. Reg. 28827 (June 26, 2017))

Dear Secretary Ross:

On behalf of the 46 undersigned organizations, we submit these comments on the Department of Commerce, National Oceanic and Atmospheric Administration's (NOAA) Notice of Opportunity for Public Comment on the Review of National Marine Sanctuaries and Marine National Monuments Designated or Expanded Since April 28, 2007, 82 Fed. Reg. 28,827 (June 26, 2017) (Review). While we firmly disagree with the need for and intent of such a review, we appreciate the opportunity to comment on the Review. These comments pertain specifically to the four California National Marine Sanctuary expansions that are included in the Review pursuant to EO 13795: Channel Islands National Marine Sanctuary (CINMS), Cordell Bank National Marine

Sanctuary (CBNMS), Greater Farallones National Marine Sanctuary (GFNMS), and Monterey Bay National Marine Sanctuary (MBNMS).

Our organizations work to protect the environment by harnessing the expertise of policy analysts, attorneys, scientists, tribes and tribal organizations, educators, and businesswomen and men (please see Appendix on page 19 for descriptions of signatory organizations). We collectively represent millions of people, many of whom are Californians, and strongly support all designations and recent expansions of National Marine Sanctuaries (NMS) and Marine National Monuments. Several of our organizations are separately submitting comments pertaining to other areas subject to this review. We support all four of the California NMS expansions and oppose the use of those areas for extractive offshore energy development, mineral exploration, or any other function outside the prescribed purposes and uses of each individual sanctuary. Prioritizing fossil fuel development or other mineral extraction at the expense of the many economic and conservation benefits National Marine Sanctuaries provide would plainly contradict the extensive public support for the expansions.

Nearly fifty years ago, a major oil spill disaster occurred off the coast of Santa Barbara, California, when an oil-well shaft ruptured and sent millions of gallons of oil into the ocean. The oil spread to over 800 square miles of ocean, and its effects haunt coastal residents to this day. This seminal disaster spurred Congress to pass the National Marine Sanctuary Act in 1972. Over time, the statute has led to the creation of thirteen National Marine Sanctuaries in U.S. waters, all of which share the primary purpose of protecting iconic and valuable marine resources.¹ It is ironic that NOAA is now tasked with reviewing some of these same areas for their energy and mineral extraction potential, which are activities that could lead to an environmental disaster similar to the one that first galvanized their creation.

The National Marine Sanctuary Act gives NOAA the authority to set aside ocean and Great Lake areas of “special national significance” for permanent protection and long-term management as National Marine Sanctuaries.² The “primary objective” of the statute is to provide resource protection for natural habitats, populations, and ecological processes.³ The process for designating and expanding National Marine Sanctuaries is extensive and allows for full participation from a vast number of stakeholders, including regional councils, numerous Federal agencies, state and local governmental agencies, coastal zone management agencies, governors of affected states, Congressional committees in both the Senate and the House, federally recognized tribes, tribal communities, and other interested parties.⁴ Before designating or expanding an area, NOAA is required to thoroughly evaluate the resources in the area, including the present and potential uses of those resources.⁵ NOAA must also draft a management plan, publish maps depicting the boundaries of the area, make an extensive set of findings and

¹ “Much of the impetus for the law came from the disastrous Santa Barbara oil spill in 1969. Congress developed the marine sanctuary idea as a way of identifying unique ocean areas that deserve special status and making sure that any activities carried on in those areas are consistent with their long-term health and preservation.” Presidential Statement on Signing the Channel Islands Marine Sanctuary into Law, *in* 1963 PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES, Jimmy Carter (1980).

² 16 U.S.C. §§ 1431; 1433(a)(2).

³ 16 U.S.C. § 1431(b)(6).

⁴ 16 U.S.C. §§ 1433(b)(2); 1434(a)(6), (b)(1).

⁵ 16 U.S.C. § 1434(a)(2)(B).

determinations that include socioeconomic and other budgetary analyses, complete a full environmental impact statement, and hold at least one public hearing.⁶

In the case of the four California National Marine Sanctuaries under review, NOAA spent many years comprehensively evaluating and analyzing the expansions for those areas. NOAA only finalized the expansions after careful consideration and with support from participating stakeholders. For example, NOAA evaluated the expansions of GFNMS and CBNMS over the course of fourteen years. As a result of NOAA's extensive outreach and engagement, the sanctuary expansions under review all reflect tremendous public support. Stakeholders for the expanded areas have already made the informed judgment call that extractive operations are incompatible with the resource needs of those areas. We expect that this comment period will merely reflect what has already been evaluated.

The National Marine Sanctuary modifications subject to this Executive Order were all also subject to review by the State of California pursuant to the Coastal Zone Management Act (CZMA), as required under the law.⁷ California's federally-approved Coastal Management Program requires protection of marine biology, water quality, cultural resources, and ocean recreation.⁸ These policies were applied during the CZMA consistency review of the sanctuary expansions and modifications now under review pursuant to the Executive Order, as they must be applied to any action pertaining to the National Marine Sanctuaries located off the coast of California.

The State of California has consistently supported the National Marine Sanctuaries located off the California coast, including the expansions and modifications discussed in this letter.⁹ Further, the State has repeatedly objected to new or expanded offshore oil and gas leasing in federal waters off our coast.¹⁰ The inevitable risk of an oil spill is the primary basis for the State's objection to new or expanded offshore oil and gas leasing. The recent Refugio oil spill in 2015 was a potent reminder of this risk. That spill resulted in the release of more than 140,000 gallons of oil that spread at least 150 miles along the California coast, causing closures of State Parks, public beaches and commercial fishing grounds, in addition to killing hundreds of dolphins, seals and other wildlife.

In this letter, we respond to the three substantive issues EO 13795 requests the Department of Commerce evaluate in its review of National Marine Sanctuaries: (A) an analysis of the acreage affected and an analysis of the budgetary impacts of the costs of managing each National Marine Sanctuary expansion; (B) an analysis of the adequacy of any required Federal, State and tribal consultations conducted before the expansions; and (C) the opportunity costs associated with

⁶ 16 U.S.C. §§ 1433; 1434(a)(2), (3).

⁷ 16 U.S.C. §1456(c).

⁸ California Coastal Management Program, including the California Coastal Act (Public Resources Code § 30000 *et seq.*).

⁹ California Coastal Commission Consistency Determinations CD-072-06 (CINMS), CD-011-07 (MBNMS), and CD-0002-14 (CBNMS and GFNMS).

¹⁰ *Secretary of Interior v. California*, 464 U.S. 312 (1984); *State of California v. Norton*, 311 F.3d 1162 (2002); California Coastal Commission Consistency Determinations CD-047-05, CD-048-05, CD-049-05, CD-050-05, and CD-051-05.

potential energy and mineral exploration and production from the Outer Continental Shelf, in addition to any impacts on production in the adjacent region.

I. INTRODUCTION

While the economic data on National Marine Sanctuaries are unequivocal in demonstrating the economic importance of the sanctuaries, California's offshore waters more generally are invaluable—the California Current is a world-class marine ecosystem and an asset that is irreplaceable. California's offshore waters are among the most biologically diverse areas in the world. California's four National Marine Sanctuaries were created to provide refuge to endangered whales, dolphins, porpoises, seals, sea lions, fish, seabirds, coral reefs, kelp forests, and sharks, among other marine species. The National Marine Sanctuaries also support fishermen and communities that rely on healthy marine ecosystems for their livelihood, as well as citizens of tribal nations who depend upon them for the continuation of their traditional cultural ways of life. As the impacts of ocean acidification, warming waters, overfishing, and industrial uses of the oceans mount, National Marine Sanctuaries have an essential role in preserving ocean health, and by extension, supporting the communities that depend on them.

Energy extraction in these areas would come at great cost. The California Coastal Sanctuary Act (1994) prohibits oil and gas leasing within state waters due to concerns about both environmental and economic impacts. Since 1994, California governors and legislatures have passed many resolutions opposing offshore oil and gas development in federal waters. Further, given California's commitment to dramatically curbing greenhouse gas emissions and increasing investments in its thriving renewable energy economy, the opportunity cost of foregoing offshore oil and gas development is very low.

The California National Marine Sanctuaries are an integral part of California's \$41.8 billion ocean economy.¹¹ As key context for understanding their value, here we describe the economic trends that demonstrate the benefits of the State's coastal tourism industry to which National Marine Sanctuaries contribute. The tourism and recreation portion of California's ocean economy plays a disproportionately large role in employment and contribution to the State's GDP. Tourism and recreation comprises the largest portion of the ocean economy and contributes more jobs than all of the other sectors. In 2014, California's tourism and recreation sector generated \$19.5 billion in GDP, nearly 50 percent of the ocean GDP that year.¹² Most significantly, the tourism and recreation sector of the ocean economy has grown 35 percent since 2005, underscoring that California's non-extractive path for its marine resources is a powerful economic engine for the state.¹³

Contrary to the argument that increased oil and gas production will bring jobs to California, relying on the state's thriving tourism and recreation and renewable energy industries will

¹¹ National Ocean Economics Program, Market Data, Ocean Economics (California GDP), available at <http://www.oceaneconomics.org/Market/ocean/oceanEcon.asp>. \$41.8 billion is the average of the California ocean GDP for all sectors from 2005 to 2014.

¹² National Ocean Economics Program, Market Data, Ocean Economics (California, All counties, Tourism & Recreation Employment and Minerals/Oil & Gas Exploration and Production).

¹³ *Id.*

provide economic and social benefits that far surpass those the offshore oil and gas (O&G) industry can offer. In contrast to the tourism and recreation sector, the “oil and gas exploration and production” sector of the ocean GDP declined 10 percent from 2005 to 2014, falling from \$5.13 billion in 2005 to \$4.66 billion in 2014.¹⁴ Employment data for the tourism and recreation sector contrast starkly with those of the O&G sector and affirm the social and environmental values of the tourism and recreation economies. In 2014, the tourism and recreation sector provided 400,056 jobs, an increase of 19.5 percent since 2005.¹⁵ In contrast, the O&G sector provided 8,775 jobs in 2014. This observation also applies to the United States generally: the tourism and recreation sector is the largest employment sector of the U.S. ocean economy, providing more than 2.2 million jobs in 2014, which constitutes 19.4 percent growth in employment in this sector since 2005, whereas oil and gas employment provided only 164,420 jobs in 2014.¹⁶

In expanding the sanctuaries under review, the Secretary of Commerce and the people of California have affirmed that these marine areas confer greater value to the United States and Californians in their protected state than if used for extractive purposes.

II. CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

The CINMS is located off the coast of California and is adjacent to the northern Channel Islands, is seaward of Santa Barbara Island, and consists of approximately 1,128 square nautical miles. On May 24, 2007, NOAA modified the boundary of the CINMS by approximately 15 square nautical miles in order to straighten the boundaries of the sanctuary and thereby improve the management and enforcement of state marine reserves and marine conservation areas contained within the sanctuary. The boundary adjustment represented an approximate one percent increase of total area and did not increase the costs of management. In making the changes, NOAA completed the extensive review protocols, described above.

We believe that NOAA’s 2007 action did not constitute an “expansion” of the CINMS boundary and thus should not be subject to review under EO 13795.¹⁷ However, because CINMS was included in the Notice, we offer the following information in response to Section 4(b) of the EO:

(A) An analysis of the acreage affected and an analysis of the budgetary impacts of the costs of managing the CINMS modification.

NOAA originally designated the CINMS in October 1980.¹⁸ The original boundary encompasses ocean waters and submerged lands off the southern coast of California, extending seaward six

¹⁴ National Ocean Economics Program, Market Data, Ocean Economics (California, All counties, Minerals/Oil & Gas Exploration and Production/Employment/GDP).

¹⁵ National Ocean Economics Program, Market Data, Ocean Economics (California, All counties, Tourism and Recreation/Employment).

¹⁶ *Id.*

¹⁷ See 72 Fed. Reg. 29208, 29208 (May 24, 2007) (referring to “slight modification to the outer boundary of the CINMS.”).

¹⁸ 45 Fed. Reg. 65198 (Oct. 2, 1980).

nautical miles from the islands and offshore rocks of San Miguel Island, Santa Cruz Island, Santa Rosa Island, Anacapa Island, Santa Barbara Island, Richardson Rock, and Castle Rock.¹⁹

On May 24, 2007, NOAA issued the rule “Establishment of Marine Reserves and a Marine Conservation Area Within the Channel Islands National Marine Sanctuary.”²⁰ The 2007 regulations created “marine zones” within the sanctuary, consisting of “marine reserves” and “marine conservation areas.” The regulations created eight marine reserves and one marine conservation area. Notably, the creation of marine reserves and marine conservation areas in the federal waters of the sanctuary were not actual expansions, but a form of more specific zoning within the already-designated waters of the sanctuary. In this process, NOAA received comments from fishermen and boaters that indicated curved boundaries are more difficult to locate than straight boundaries. Thus, as part of that rule, the boundaries of the sanctuary were modified by roughly fifteen square miles to create reserves and conservation areas with straight lines. The modification allowed for the boundaries of the marine reserves to be defined by straight lines, which enabled better enforcement.²¹

The modification did not have any budgetary impacts or increases to costs of management. Rather, in adjusting the boundary to simplify enforcement, the adjustment may have reduced management costs.

(B) An analysis of the adequacy of any required Federal, State and tribal consultations conducted before the modification.

The CINMS process exceeded NOAA’s review protocols and included extensive public comments and participation. The entire process lasted from 1999-2007, including numerous State and Federal meetings, hearings and consultations involving the CINMS Advisory Council, stakeholder Marine Reserves Working Group, Science Advisory Panel, and a NOAA-led Socioeconomic Team.²² A State-led process involved formal environmental review and a public process that generated 2,492 letters, emails, and oral comments.²³ NOAA also held scoping meetings with the general public, the CINMS Advisory Council, and Pacific Fisheries Management Council (PFMC), and consulted with local, State and Federal agencies and the PFMC.²⁴ Following its preparation of an Environmental Impact Statement and proposed rule, NOAA held two additional public hearings. Over 30,000 individuals provided written and/or oral testimony, the vast majority of whom were in support of the establishment of marine reserves.²⁵ NOAA also solicited comments from the State of California, and the California Coastal Commission held a hearing on the proposal that included representation from the California Department of Fish and Game (now California Department of Fish and Wildlife). Thus, the proposed action was fully analyzed in consultation with appropriate agencies and the

¹⁹ 15 C.F.R. § 922.70.

²⁰ 72 Fed. Reg. 29208.

²¹ 72 Fed. Reg. at 29215.

²² 72 Fed. Reg. at 29210.

²³ *Id.*

²⁴ *Id.*

²⁵ 72 Fed. Reg. at 29211.

public.²⁶ In direct response to the comments NOAA received, the final rule supported Alternative 1C, which created marine zones in the federal waters of the sanctuary.²⁷

(C) The opportunity costs associated with potential energy and mineral exploration and production from the Outer Continental Shelf, in addition to any impacts on production in the adjacent region.

The CINMS was established to protect the area's "rich and diverse range of marine life and habitats, unique and productive oceanographic processes and ecosystems, and culturally significant resources."²⁸ The CINMS was designated in a special area of upwelling and transition between the cold California Current and the warmer Southern California Countercurrent. The CINMS's remote, isolated position at the confluence of two major ocean currents creates remarkable biological diversity. The mingling of cool, nutrient-rich waters from the north with warm currents from the south form a dynamic transition zone that is home to a myriad of sea life from microscopic plankton to blue whales. The sanctuary is in place to protect an exceptionally rich and diverse biota, including 30 species of marine mammals and several endangered species of marine mammals and sea birds.

CINMS also protects invaluable Chumash cultural resources. The Chumash are the indigenous maritime people of the Santa Barbara Channel region who for thousands of years used—and continue to build and use— plank-construction canoes, called tomols, to navigate the Channel Islands and mainland coast from San Luis Obispo to Los Angeles. The Chumash settled the Channel Islands more than 12,000 years ago, and the area's waters continue to be culturally, spiritually, and economically significant to indigenous Chumash peoples. The Channel Islands preserve a wide range of cultural resources on the islands and in the waters within the CINMS, including submerged village sites. Several Chumash tribal groups and Chumash-led nonprofit organizations in this area are actively involved in the protection of marine resources and the continuation and revitalization of their many ancient cultural connections within the CINMS. Continued protection of Chumash cultural resources and values within the CINMS requires the ongoing protection of this sanctuary.

Many valuable commercial and recreational activities, such as fishing, shipping, and tourism occur in the CINMS. A comprehensive ecosystem-based management approach is used to promote long term conservation of sanctuary waters, wildlife, habitats, and cultural resources, while allowing compatible human uses. The areas into which the sanctuary was expanded did not include any outer continental shelf lease areas. Therefore, the impacts to potential energy and mineral exploration are insignificant. The CINMS provides many socioeconomic benefits to the area's local communities and economies that the fishing, whale watching, boating, and diving industries drive. CINMS also benefits businesses that offer opportunities to visit the area for non-consumptive enjoyment such as sailing, kayaking, and sight-seeing.

²⁶ National Marine Sanctuary Program. 2007. Channel Islands National Marine Sanctuary, Final environmental impact statement for the establishment of marine reserves and marine conservation areas, available at: <http://channelislands.noaa.gov/marineres/pdfs/feis.pdf>.

²⁷ 72 Fed. Reg. at 29211.

²⁸ 72 Fed. Reg. at 29208 (citing 45 Fed. Reg. 65198).

A NOAA study of the economic impacts of the recreational fishing industry in the CINMS revealed that from 2010-2012, the three-year average economic impact from just marine recreational fishing in the CINMS amounted to more than \$31.4 million in output, \$18.7 million in value added, \$11.0 million in income and more than 200 jobs.²⁹ Similarly, a NOAA economic study of commercial fishing found that CINMS landings generated \$27.3 million in harvest revenue, \$45.4 million in output, \$30.9 million in value added, \$27.8 million in total income, and 659 full and part-time jobs across five counties.³⁰

The Channel Islands drive tourism in Santa Barbara and Ventura Counties, despite their distance from the mainland. CINMS supports businesses such as hotels and restaurants, transportation, and other tourism amenities in Santa Barbara and Ventura Counties. Since the CINMS modification in 2007, Santa Barbara's tourism and recreation GDP grew from \$519.9 million in 2006 to \$697.1 million in 2014, a 34 percent increase over eight years.³¹ Employment grew from 12,164 jobs in 2006 to 15,220 jobs in 2014, a 25 percent increase.³² Similarly, in Ventura County, the tourism and recreation sector grew from \$379.8 million in 2006 to \$538.7 million in 2014, a 41.8 percent increase in the sector.³³ Employment grew proportionately, increasing by 41 percent over the same period of time.³⁴ The exact contribution the CINMS modification may have generated is beyond the scope of these comments; the salient observation is that both Santa Barbara and Ventura counties have benefitted from thriving tourism and recreation industries since the change.

Finally, the value of the Sanctuary for the regional economy cannot be determined solely by evaluating opportunities for energy and mineral extraction, particularly if one considers how an oil spill or pollutants would compromise the area's thriving tourism and recreation economies. For example, the recent 2015 Refugio oil spill from a pipeline carrying oil from platforms offshore Santa Barbara County had a devastating economic impact on the State's fishing and tourism economy.

III. GREATER FARALLONES AND CORDELL BANK NATIONAL MARINE SANCTUARIES

(A) An analysis of the acreage affected and an analysis of the budgetary impacts of the costs of managing the GFNMS and CBNMS expansions

²⁹ Leeworthy, V.R. and D. Schwarzmann. 2015. Economic impact of the recreational fisheries in local county economies in the Channel Islands National Marine Sanctuary 2010, 2011, 2012. NOAA's Office of National Marine Sanctuaries Conservation Science Division, available at:

<http://sanctuaries.noaa.gov/science/socioeconomic/channelislands/pdfs/cinms-rec-report.pdf>.

³⁰ Leeworthy, V.R., D. Jerome, K. Schueler. 2014. Economic impact of the commercial fisheries in local county economies from catch in the Channel Islands National Marine Sanctuary 2010, 2011, 2012. NOAA's Office of National Marine Sanctuaries Conservation Science Division, available at:

http://sanctuaries.noaa.gov/science/socioeconomic/channelislands/pdfs/cinms_fishing_report.pdf.

³¹ National Ocean Economics Program, Ocean Economics Data (Ventura and Santa Barbara Tourism and Recreation Employment and GDP), available at <http://www.oceaneconomics.org/Market/ocean/oceanEcon.asp>.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

Greater Farallones National Marine Sanctuary: Originally designated in 1980 as the Point Reyes/Farallon Islands National Marine Sanctuary, NOAA expanded the GFNMS on March 12, 2015, from 968 square nautical miles to 2488 square nautical miles. The boundary was expanded northwards to include the coastal waters and submerged lands north of the sanctuary, and extended seaward to the continental slope. A description of the areas the expansion covered is described in great detail in the Final Environmental Impact Statement of December 2014.³⁵

There have not been any budgetary impacts from the expansion. The GFNMS has not, to date, received any additional funding for expansion activities. While NOAA's sanctuary staff has taken on the work to accomplish expansion goals, local citizens and institutions have provided the major support to implement the expansion. For example, the Greater Farallones Association (GFA) has raised funds from individuals, corporations and foundations to support the sanctuary and its expansion. GFA has doubled the money NOAA budgets and contributes to support programs to reach a total of over \$1 million from public support for the GFNMS. These contributions underscore the overwhelming public support for GFNMS among the sanctuary's surrounding communities.

Cordell Bank National Marine Sanctuary is an extremely productive marine area off the west coast of United States in northern California, just north of the Gulf of the Farallones. With its southern-most boundary located 42 miles north of San Francisco, the sanctuary is entirely offshore, with the eastern boundary six miles from shore and the western boundary 30 miles offshore. The CBNMS was originally designated in 1989 and expanded on March 12, 2015 from 399 square nautical miles to 971 square nautical miles. The description of the areas covered is set forth in great detail in the Final Environmental Impact Statement of December 2014.

The sanctuary has not received any additional Federal funding for expansion activities. While Sanctuary staff has squeezed time out of their current positions to accomplish expansion goals, major support has come from the general public. The Cordell Marine Sanctuary Foundation (CMSF) has supported the CBNMS for nine years. The CMSF supplies substantial funding and volunteers in support of the goals, objectives, and activities of CBNMS. Because of the local public's financial and political support of the sanctuary, CMSF is able to augment NOAA budgets and contribute substantially to support educational outreach and research programs. These programs have been extended to the expansion areas.

(B) An analysis of the adequacy of any required Federal, State and tribal consultations conducted before the expansions.

The GFNMS and CBNMS expansions originated with requests from the public and were the result of a highly participatory process that occurred over the course of 14 years.³⁶ These expansions properly proceeded in compliance with the comprehensive statutory process required under the National Marine Sanctuaries Act. In preparing the Environmental Impact Statement to evaluate the expansion, NOAA diligently conducted public outreach and consultation that

³⁵ Final Environmental Impact Statement: CBMNS and GFNMS, available at http://farallones.noaa.gov/manage/pdf/expansion/CBNMS_GFNMS_FEIS_Expansion_122014.pdf.

³⁶ Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Proposed Northern Expansion Fact Sheet, NOAA ONMS.

exceeded the agency's requirements.³⁷ During NOAA's 2001 scoping meetings on the joint management of CBNMS and GFNMS, members of the public delivered remarks requesting the NMS boundaries expand north and west. In response to continued requests for CBNMS and GFNMS expansions, NOAA's 2008 revised management plans described a strategy for public engagement so as to ensure that the sanctuaries' boundaries "were inclusive of the area's natural resource and ecological qualities, including the biogeographic representation of the area."³⁸ NOAA's action to expand the boundaries of these sanctuaries was in response to strong public interest in ensuring the sanctuaries' boundaries were representative of the area's unique natural resources.

In January and February of 2013, NOAA held three scoping meetings along the Northern California coast. In March 2013, NOAA also solicited public comments, to which the agency received 300 comments. NOAA held four public meetings following the issuance of the Draft Environmental Impact Statement describing the proposed expansion. Throughout this process, federal, state and local agencies received comments in support of the expansions from tribal representatives, organizations, industry representatives, and other members of the public. These sanctuary expansions were the outcome of explicit requests from Northern California individuals, businesses, and other organizations.

Following publication of the final rule describing the CBNMS and GFNMS expansions, Congress also reviewed NOAA's proposed expansion, as required under the National Marine Sanctuary Act, and supported the GFNMS boundary adjustments. The expansion fully complied with the National Environmental Policy Act (NEPA) and all other federal and state laws. The California Coastal Commission determined that the expansion of the Gulf of the Farallones site was in compliance with California's Coastal Zone Management Plan.

Every sitting governor of the State of California, both Republican and Democrat, has been on the record in support of both the relevant designations and the boundary expansions since the initial designation of the original sanctuaries and throughout the subsequent expansion process. Affected County Boards of Supervisors and a number of cities adopted timely formal resolutions of support at every available comment opportunity, and these resolutions are also part of the published record in the Final Environmental Impact Statement prepared and published during the boundary expansion process. Consultation did not end with the designation. The GFNMS and CBNMS Sanctuary Advisory Councils routinely meet with stakeholders and the public over Sanctuary issues.

That there is public support for both GFNMS and CBNMS is beyond question—hundreds of individuals donate time and money to support and enhance the sanctuaries' ecological and community impact. As mentioned above, GFA contributes over \$1 million per year to sanctuary programs. GFA raises these funds from individual citizens, corporations and foundations. Further, hundreds of volunteers spend countless hours in sanctuary protection activities.

³⁷ 40 C.F.R. § 1506.6(a).

³⁸ Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Proposed Northern Expansion Fact Sheet, NOAA ONMS.

The CBNMS and GFNMS expansions were formed through a transparent, public process informed by extensive participation and feedback. The beneficial role of the sanctuaries in providing public access to the ocean, education about marine areas of special significance, and enhanced conservation has been repeatedly affirmed by the public, Native American tribes, non-profits, and government agencies. Jeopardizing these significant benefits in the name of mineral production is antithetical to both the purpose of the sanctuary system and to the will of the people.

(C) The opportunity costs associated with potential energy and mineral exploration and production from the Outer Continental Shelf, in addition to any impacts on production in the adjacent region.

The GFNMS protects a globally-significant coastal upwelling area that supports over 36 species of marine mammals. The GFNMS includes rookeries that host one of the largest seasonal concentrations of adult white sharks in the world. The nutrient-rich waters in the sanctuary promote thriving nearshore kelp forests, productive fisheries, and diverse wildlife. Large predators, including white sharks, sea lions, killer whales, and baleen whales, travel thousands of miles to feed in these productive waters. The CBNMS consists of a series of steep-sided ridges and narrow pinnacles that rise from the edge of the continental shelf. The seasonal upwelling of nutrient-rich bottom waters and wide depth ranges in the sanctuary attract a unique association of subtidal and oceanic species, which includes a diverse gathering of invertebrates, fishes, marine mammals, and seabirds.

The important ocean upwelling now included in the expanded sanctuary waters is among the four most productive upwelling zones on the planet. Because the prevailing southerly surface currents tend to incubate nutrients and transport them southward into the existing sanctuaries, thereby providing an offshore watershed - or source waters - for the existing sanctuaries, utmost care should be taken not to interrupt any component of this transport system. The Farallon Islands are habitat for the largest assemblage of breeding seabirds in the contiguous United States. Over half of California's nesting marine bird populations and nesting areas for at least 12 of 16 known U.S. nesting marine bird species are found within the boundaries of the GFNMS. Each year, their breeding success depends on a healthy and productive marine ecosystem so nesting adults and fledgling young can feed and flourish. The protections the CBNMS and GFNMS provide to these world-class and unique ecosystems underpin the region's economy and provide social benefits that surpass their monetary value.

Further, the GFNMS and the CBNMS protect invaluable tribal cultural places and resources for tribes with traditional territories situated along the coast between the San Francisco Bay Area and Mendocino County. Tribal traditional territories in this area encompass the marine waters and habitats that are situated within these two sanctuaries. Traditional territories (between the south and north ends of these sanctuaries) include those of the Ohlone, Coast Miwok and Pomo tribal peoples who are indigenous to this region and who for countless generations have maintained, and continue to maintain, close cultural connections to as well as stewardship and use of the GFNMS and CBNMS. Tribes within the areas of these two sanctuaries are involved in the protection of marine resources and the continuation and revitalization of their traditional cultural ways and many connections to these sanctuaries. Continued protection of tribal cultural

resources and values within the GFNMS and CBNMS necessitates their ongoing protection and intactness.

NOAA has already examined the opportunity costs associated with potential energy and mineral exploration and production in the GFNMS and CBNMS in great detail and summarized the analysis in the Final Environmental Impact Statement of December 2014 at Section 4.7.³⁹ The fossil fuel industry submitted testimony and comments, as did the Bureau of Ocean Energy Management. While both commented on the potential for offshore oil resources, they both concluded that expanding the GFNMS would result in a loss of zero dollars for energy or mineral exploration. The Final EIS states, “At present, there are no existing, planned or reasonably foreseeable offshore energy development projects within the study area.” Most of the possible oil and gas exploration areas within the expansion area are located in state waters.

The GFNMS provides tremendous economic and social benefits to its coastal communities, the state of California and to the United States. The GFNMS alone adds \$87.2 million annually to the California and U.S. economies in recreation revenue, \$17.5 million from recreational fishing, and \$16.3 million from commercial fishing.⁴⁰ Combined, California’s Northern Central Coast sanctuaries provide over 4,100 jobs and more than \$285 million in economic value. The vast majorities of these economic benefits accrue to the local economies and support small regional businesses.

IV. MONTEREY BAY NATIONAL MARINE SANCTUARY

(A) An analysis of the acreage affected and an analysis of the budgetary impacts of the costs of managing the MBNMS expansion.

The Monterey Bay National Marine Sanctuary was originally designated in 1992. In 2008, MBNMS expanded to a total of 4,016 square nautical miles to include the Davidson Seamount, adding an additional 585 square nautical miles to the Sanctuary. Davidson Seamount was the first geologic feature in the United States to be described as a “seamount.” The Seamount was first mapped in 1933 and was named for George Davidson, an historic figure in early charting and mapping.

There has been no budgetary impact to the MBNMS as a result of the Davidson Seamount Expansion. The MBNMS has not experienced, nor was awarded, any budgetary increase associated with the expansion. While MBNMS staff do participate in research expeditions at the Seamount, funds for those activities have been raised through grants and work conducted in collaboration and with the financial support of the Monterey Bay Aquarium Research Institute.

(B) An analysis of the adequacy of any required Federal, State and tribal consultations conducted before the expansions.

³⁹ See Final Environmental Impact Statement: CBNMS and GFNMS, available at http://farallones.noaa.gov/manage/pdf/expansion/CBNMS_GFNMS_FEIS_Expansion_122014.pdf.

⁴⁰ Cordell Bank National Marine Sanctuary Socioeconomics Factsheet, available at <http://sanctuaries.noaa.gov/science/socioeconomic/farallones/>.

NOAA staff conducted extensive outreach to Federal and State governmental agencies and tribes on the prospective MBNMS expansion. The decision to incorporate Davidson Seamount into MBNMS was an outcome of the 2007-2008 Management Plan Review, which included the following consultative actions:

- 20 public scoping meetings, during which there were extensive public comments;
- Over 12,000 written comments;
- 20 Monterey Bay Sanctuary Advisory Council meetings, and;
- 68 volunteer working groups meetings, during which groups provided input and recommendations on issues MBNMS staff must address. The recommendations included proposals on how to address the issues the working groups identified.

Members of the public and government agencies invested well over 8,000 hours in meetings about the proposed expansion, offering the advice and guidance that ultimately resulted in development of the Management Plan Review detailing the proposed expansion.⁴¹

(C) The opportunity costs associated with potential energy and mineral exploration and production from the Outer Continental Shelf, in addition to any impacts on production in the adjacent region.

The Davidson Seamount merits protection for its unique geography and biology, its value to commercial and recreational fisheries, and its scientific value. The Davidson Seamount is a pristine undersea mountain habitat off the coast of Central California, 70 nautical miles southwest of Monterey and 65 nautical miles west of San Simeon. At 23 nautical miles long, and seven nautical miles wide, it is one of the largest known seamounts in U.S. waters and the only one protected by sanctuary status in the United States. From base to crest, the seamount is 7,480 feet tall, yet its summit is still 4,101 feet below the sea surface. The Davidson Seamount is home to one of the most diverse and abundant wildlife assemblages in the world, including fragile and expansive cold water coral colonies, some of which are several hundred years old. The Seamount provides highly-valuable nursery habitat for commercial fish species. Accordingly, the National Marine Fisheries Service protects its benthic habitat by prohibiting all bottom-contact fishing gear, and has identified it as a “Habitat of Particular Concern.”

Despite their disproportionately important role in marine ecosystems, less than 0.1 percent of the world’s seamounts have been explored. NOAA has worked in partnership with marine research institutions and universities to explore Davidson Seamount. As a result of these efforts, it is now one of the better studied seamounts in the world. The seamount is dominated by suspension feeders, such as corals, that grow on the rock in an otherwise flat, low biomass, sediment-covered abyssal plain. In addition, the seamount creates complex current patterns that influence sea life above them. Commercially valuable fish species concentrate in and around the seamount due to enhanced upwelling caused by current deflection.

⁴¹ Monterey Bay National Marine Sanctuary Davidson Seamount Management Zone Management Plan, available at http://montereybay.noaa.gov/research/techreports/dsmz_plan_v6.pdf. Monterey Bay National Marine Sanctuary 2008 Management Plan Environmental Impact Statement, available at: <http://montereybay.noaa.gov/intro/mp/feis.html>.

A number of previously unknown species of deep sea coral have been identified on the Davidson Seamount. These species of deep sea coral require protection in order to survive and thrive. Species associated with Davidson Seamount cover an array of habitats including: the sea surface habitat (birds in flight and on the sea surface), the midwater habitat (0 – 4,100 feet below the sea surface), the seamount crest habitat (4,100 – 4,900 feet), the seamount slope habitat (4,900 – 8,200 feet), and the seamount base habitat (8,200 – 11,500 feet). The surface habitat hosts a variety of seabirds, marine mammals, and surface fishes, including albatross, shearwaters, jaegers, sperm whales, killer whales, albacore tuna, and ocean sunfish. Organisms in the midwater habitat have a patchy distribution with marine snow, organic matter that continually “rains” down from the sea surface, which scientists hypothesize likely provides an important food source for deep-sea animals. Incorporating the Davidson Seamount into the MBNMS protected its resources provided opportunities for us to gain a better understanding of the seamount and similar ecosystems.

A key reason NOAA identified the Davidson Seamount for inclusion in MBNMS was to protect it from potential threats. Examples of such threats are: bio-prospecting, cumulative impacts from collection of long-lived species for research, new or known forms of seafloor disturbance, new technologies to harvest from the seabed, “exploratory” benthic fishing, and marine debris/dumping. Energy or mineral extraction would seriously disrupt and/or destroy Davidson Seamount’s unique wildlife habitat and species. An oil leak or toxic mineral release would further devastate habitat and species in other parts of the MBNMS.

The Davidson Seamount has not previously been explored for oil and gas reserves of rare earth minerals. Therefore, any estimates of potential resources that could be extracted from the seamount are speculative. Moreover, the Davidson Seamount’s distance from shore and lack of requisite infrastructure would likely make extraction prohibitively expensive. Given these factors and California’s commitment to investing in a renewable energy future, there is no indication of commercial interest in considering these reserves for active production. Thus, there are minimal, if any, lost opportunity costs associated with the Davidson Seamount expansion.

Monterey and Santa Cruz Counties are world-renowned for their marine life, surf breaks, and pristine shores. Tourism and recreation data capture the huge socioeconomic benefits the sanctuary provides to these local economies as millions of annual visitors eat, recreate, and stay in accommodations in the Tri-County region.

- In Monterey County, tourism is the second largest industry and generated over \$2.7 billion in spending in 2015.⁴²
- In 2015, the Tri-County region (Santa Cruz, Monterey, San Benito) generated \$3.64 billion in travel spending.
- In 2015, tourism-generated employment in Monterey County was 24,390, or 13 percent of the county's total industry employment.
- In Santa Cruz County, tourism created 9,450 jobs, or 8.9 percent of the county's total industry employment in 2015.

⁴² All bulleted statistics are extracted from The Monterey Bay Economic Partnership website, available at [http://www.mbec.biz/Facts-Figures/Key-Industries/Tourism-Hospitality.aspx#Regional Tourism Information](http://www.mbec.biz/Facts-Figures/Key-Industries/Tourism-Hospitality.aspx#Regional%20Tourism%20Information).

- In Monterey County, Food & Beverage Services and Accommodations industries accounted for 30.4 percent and 26 percent, respectively, of visitor travel spending by commodity purchased in 2015.
- In Monterey County, the Accommodations & Food Services industry was 66.8 percent of the total industry employment generated by travel spending in 2015.
- In Santa Cruz County, Food & Beverage Services and Accommodations industries accounted for 28.3 percent and 27.0 percent, respectively, of visitor travel spending by commodity purchased in 2015.
- In Santa Cruz County, the Accommodations & Food Services industry was 56.5 percent of the total industry employment generated by travel spending in 2015, while Arts, Entertainment & Recreation was 32.5 percent.

Additionally, the MBNMS protects invaluable cultural places and resources for tribes with traditional territories located along the coast between the San Francisco Bay Area and Cambria. Tribal traditional territories in this area encompass the marine waters and habitats that are situated within this sanctuary. Traditional territories (located between the north and south ends of this sanctuary) include those of the Coast Miwok, Ohlone, Esselen, and Salinan tribal peoples. These tribes are indigenous to this region, and for countless generations have maintained close cultural connections to the MBNMS. Tribes within the areas of this sanctuary are involved in the protection of marine resources and the continuation and revitalization of their traditional cultural ways and many connections to this sanctuary. Continued protection of tribal cultural resources and values within the MBNMS necessitates its ongoing protection and intactness.

We hope these comments are useful to you as you complete your review of National Marine Sanctuaries. The California National Marine Sanctuary expansions and modifications were the result of multi-year processes that reflect extensive stakeholder engagement and support. Protecting California's world-renowned marine ecosystems conserves our nation's spectacular natural resources for future generations and enriches the communities, businesses, and visitors that depend on healthy marine environments. The California National Marine Sanctuaries provide profound economic and social benefits to the state and nation that demonstrate that investments in marine protection dramatically exceed the minimal costs associated with their maintenance and operation. We look forward to continuing to work together to manage and protect California's iconic coast and ocean waters.

Sincerely,

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Ventura Coastkeeper

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Ventura Audubon Society

*Organization is listed for identification purposes only

APPENDIX

SUPPLEMENTARY INFORMATION ABOUT SIGNATORY ORGANIZATIONS

For more than a century, **Audubon** has built a legacy of conservation success by mobilizing the strength of its network of two million members and supporters, 450 local chapters, 41 Audubon centers, 23 state offices, and dedicated professional staff to connect people with nature and the power to protect it. A powerful combination of science, education, and policy expertise combine in efforts ranging from protection and restoration of local habitats to the implementation of policies that safeguard birds, other wildlife, and the resources that sustain us all—in the U.S. and across the Americas.

Azul advocates on behalf of Latinxs to conserve our coasts and oceans. Azul represents roughly 5000 people.

The **California Marine Sanctuary Foundation** is a nonprofit partner supporting significant marine protected areas, including National Marine Sanctuaries and California’s network of underwater parks. Our collaborators include over 2,500 docents engaging with more than three million coastal visitors per year, who come from all parts of the United States and world.

California Waterkeepers are a diverse network of grassroots organizations across the state using advocacy, citizen science, and education to fight for clean water and a healthy ocean. Cumulatively, we represent thousands of members committed to swimmable, fishable, and drinkable waters for California communities and ecosystems.

Cordell Marine Sanctuary Foundation (CMSF) has, for nine years, been the non-profit supporting the Cordell Bank National Marine Sanctuary. The CMSF supplies substantial funding and volunteers in support of the goals, objectives and activities of CBNMS. CMSF contributes substantially to support educational outreach and research programs.

Founded in 1947, **Defenders of Wildlife** (Defenders) is a national non-profit conservation organization dedicated to conserving and restoring native species and the habitats on which they depend. Based in Washington, DC, Defenders also maintains six regional field offices around the country, including in California. The organization represents 1.2 million members and supporters nationwide, with more than 173,300 in California. Defenders is deeply involved in the conservation of marine species and ocean habitats, including the protection and recovery of species that occur in U.S. waters in the Pacific Ocean.

Earthjustice is the premier nonprofit environmental law organization. We wield the power of the law and the strength of partnership to protect people’s health, preserve magnificent places and wildlife, advance clean energy and combat climate change. Our litigators have represented more than 1,000 public-interest clients, large and small—always without charge. Thanks to the commitment and generosity of over 100,000 annual supporters, Earthjustice is the leader in using the power of the law to protect the right of all people to a healthy environment.

The **Environmental Defense Center** (EDC) is a non-profit public interest law firm that protects the environment through education, advocacy and legal action. EDC has approximately 3,000 members and represents organizations throughout Santa Barbara, Ventura and San Luis Obispo Counties. EDC staff have represented the conservation community on the CINMS Advisory Council since its inception in 1998, and have served as Chair of the Council's Conservation Working Group.

Get Oil Out! (GOO!) was created in the aftermath of the 1969 oil spill in order to protect the Santa Barbara Channel from the impacts of oil and gas development by supporting a decrease in fossil fuel consumption, clean, renewable energy resources, conservation and increased efficiency.

Gray Whales Count's primary objectives and purposes are research and education about marine mammals, including, but not limited to, the migration of gray whales and their related environment: collecting and sharing data, analyzing and interpreting data, recruiting and training volunteers, and engaging in outreach to inform the public. Approximately 100 volunteers from the community participate in Gray Whales Count each year.

Greater Farallones Association (GFA) has been the non-profit support for the GFNMS for over 20 years. As noted in our comments, GFA provides substantial funding and volunteers in support of the goals, objectives, and activities of GFNMS.

The mission of the **Inland Ocean Coalition | Colorado Ocean Coalition** is to create an inland movement that builds land-to-sea stewardship because those who live and travel among mountains, rivers, and inland cities have a direct impact on the cycles of life in the ocean. As the nation's Inland Ocean Movement, our goal is to be a wellspring for literacy and community engagement across North America. The Inland Ocean Coalition represents roughly 10,000 people.

InterTribal Sinkyone Wilderness Council is a nonprofit consortium of ten federally recognized California Indian Tribes that retain ancient and active cultural, ancestral and historical connections to the coastlines, marine waters, and ecosystems of the traditional Sinkyone and neighboring tribal territories that encompass portions of present-day Sonoma, Mendocino and Humboldt Counties and their offshore waters. The Sinkyone Council supports and advances the revitalization of local tribal peoples' deeply-rooted relationships with ancestral lands and waters through culturally informed conservation initiatives; protection and restoration of forest and ocean ecosystems; environmental education; advocacy of tribal land and water rights and policies; and collaborations with a wide variety of project partners.

Madrone Audubon Society, founded in 1967, is a non-profit organization in Sonoma County, California, and is also the Sonoma County Chapter of the National Audubon Society. Representing over 3000 members, this Audubon Chapter fulfills significant roles in conservation, education and appreciation of wildlife, birds and the natural environment. With the residents and citizens of Sonoma County, Madrone Audubon strongly supported the expansion of the Greater Farallones National Marine Sanctuary along the entirety of the Sonoma County Coast.

Morro Coast Audubon Society has about 900 members. Its mission is to promote the appreciation, conservation, and restoration of ecosystems, focusing on the biological diversity of birds, other wildlife, and their habitats, particularly in San Luis Obispo County, California.

The **National Marine Sanctuary Foundation** is the chief non-profit partner for our National Marine Sanctuary System. The Foundation focuses on conserving areas of national significance in American's ocean and Great Lakes by engaging citizens and communities in education, research, and on-the-ground conservation work.

The **National Parks Conservation Association** (NPCA) represents over 1.3 million members and supporters nationwide. For nearly a century, NPCA has been a powerful independent voice working to strengthen and protect America's favorite places. Through our nationwide network of offices and our grassroots network of members and supporters, we speak up for the 417 landscapes, seashores, cultural and historic places—whether in communities or on Capitol Hill.

The **Natural Resources Defense Council** (NRDC) is an international nonprofit environmental organization with more than 2.4 million members and online activists, over 400,000 of whom are Californians. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing.

O'Neill Sea Odyssey is an American non-profit organization located in Santa Cruz, California. The Sea Odyssey program provides a free ocean science program within the Monterey Bay National Marine Sanctuary to fourth to sixth-grade students, who typically come from economically disadvantaged backgrounds. O'Neill Sea Odyssey has served nearly 100,000 students.

Ocean Conservancy educates and empowers citizens to take action on behalf of the ocean. Informed by science, our work guides policy and engages people in protecting the ocean and its wildlife for future generations. Ocean Conservancy is committed to supporting efforts that benefit not just fish, wildlife and the places they live, but also the people who depend on the ocean for food, jobs and recreation. Ocean Conservancy recognizes that real leadership means real cooperation — among governments, businesses, scientists, policymakers, conservation organizations and citizen advocates. With the backing of our over one million members, activists, volunteers and partners, we continue to inform and inspire action to ensure a healthy ocean for the future.

Oceanic Society is the oldest non-profit in America focused on ocean conservation. We have worked globally for ocean wildlife and habitats by deepening the connections between people and nature since 1969, a mission we pursue by providing life-changing nature expeditions, and by investing in threatened species. Our headquarters are in Ross, CA. Annually, over 2,000 persons participate in our whale watching programs in the Greater Farallones National Marine Sanctuary and Monterey Bay National Marine Sanctuary. Additionally, ~300 travelers participated in international expeditions.

San Fernando Valley Audubon Society, located in Los Angeles County, CA, was founded in 1907 and has over 1,800 members. We advocate for wildlife and the conservation of their habitats with priorities that cover the breadth of landscapes that birds need to thrive, including marine sanctuaries and other protected areas.

Santa Barbara Audubon Society (SBAS)'s mission is to help conserve and restore the earth's natural ecosystems and improve its biological diversity, principally in the Santa Barbara area, and to connect people with birds and nature through education, science-based projects and advocacy. SBAS has been a voice for the natural world in the Santa Barbara area for more than 50 years. We have 1,100 members.

Santa Clara Valley Audubon Society has more than 2,000 members in Santa Clara County who care deeply about the preservation of our natural resources. Our mission is to promote the enjoyment, understanding, and protection of birds and other wildlife through birding, education and conservation.

Save our Shores is a Santa Cruz, CA-based non-profit whose mission is to care for the California Central Coast marine environment through awareness, advocacy and action. Save Our Shores focuses on the three most important elements required for a thriving MBNMS: clean shores, healthy habitats and living waters. Save Our Shores works primarily across five California counties: Santa Cruz, Monterey, San Mateo, Santa Clara and San Benito, all of which border the Sanctuary or feature waterways/watersheds that feed into the Bay. Our constituents number over 10,000.

Sea & Sage Audubon Society is an Orange County chapter of National Audubon Society with 3,000 local members dedicated to the protection and appreciation of birds, other wildlife and their habitats through education, citizen science, research, and public policy advocacy.

The **Sierra Club** is a grassroots environmental organization with roughly three million members and supporters.

Surfrider Foundation is a nonprofit organization dedicated to the protection and enjoyment of the ocean, beaches and waves. Surfrider's staff and volunteers number over 500,000 people.

Wishtoyo Chumash Foundation ("Wishtoyo") is a Native-led nonprofit organization whose mission is to address modern day environmental issues by preserving and protecting the ancient wisdom of Chumash culture and inspiring the public and its youth to take responsibility for sustaining the health of the natural resources all people depend upon. Wishtoyo's holistic and inclusive approach integrates education, outreach, restoration, advocacy, and legal action, bringing spiritual, cultural, and environmental tools together to make our communities and the world a more sustainable place. Wishtoyo's First Nation's Ecological Conservation Alliance ("FNECA") program uses Wishtoyo's knowledge, expertise, and expanded capacity to connect and empower Native nations' peoples playing critical roles in ecological conservation efforts.