



Pacific Fishery Management Council

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Brad Pettinger, Chair | Merrick J. Burden, Executive Director

October 25, 2023

Paul Michel
National Marine Sanctuary Program Regional Policy Coordinator
99 Pacific Street, Suite 100F
Monterey, CA 93940

Re: Proposed Chumash Heritage National Marine Sanctuary, Docket NOAA–NOS–2021–0080

Dear Mr. Michel:

Thank you for the opportunity to provide comments on the proposed Chumash Heritage National Marine Sanctuary (CHNMS) designation, and for presenting relevant information to the Pacific Fishery Management Council (Council) on September 11, 2023. We appreciate your commitment to keeping the Council apprised of Office of National Marine Sanctuaries (ONMS) activities, and we offer these comments in the spirit of cooperation between the ONMS and the Council.

In September 2022, Bill Douros (ONMS West Coast Regional Director) presented information to the Council regarding the proposed CHNMS and the designation process for new Sanctuaries. This process includes a requirement¹ to notify the appropriate Regional Fishery Management Council and provide the opportunity to prepare draft fishing regulations, if appropriate. In December 2022, the Council sent a letter to the ONMS stating that current fishing regulations were adequate, and no new regulations were necessary.

At its September 2023 meeting, the Council considered draft designation documents, including proposed regulations for the CHNMS. The Council again concluded that no new fishing regulations were necessary for the designation of the CHNMS, and discussed concerns related to the draft designation documents and proposed regulations, described below.

The Proposed Rule (Article IV: Scope of Regulations) includes a broad ability for the proposed CHNMS to regulate fishing activities and take of living marine resources. The specific proposal states that the “The following activities are subject to regulation, including prohibition... c. Taking, removing, moving, ***catching, collecting, harvesting***, feeding, injuring, destroying, attracting, possessing, or causing the loss of, or ***attempting to take, remove, move, catch, collect, harvest***, feed, injure, destroy, attract, or cause the loss of, a marine mammal, sea turtle, bird,

¹ National Marine Sanctuary Act Section 304(a)(5)

historical resource, or other Sanctuary resource” (emphasis added). While similar authority is found in the Monterey Bay National Marine Sanctuary Designation Document, such authority does not exist in the Channel Islands National Marine Sanctuary (whose authority to do so is limited to within reserves, parks, and conservation areas) or the Greater Farallones National Marine Sanctuary. **The Council does not support CHNMS authority to manage fisheries**, consistent with the overarching National Marine Sanctuaries regulations found in Section 922.3, Title 15, Code of Federal Regulations.

Vessel discharge

The [Proposed Rule](#) includes a prohibition on routine discharges from vessels lacking a Type I or II marine sanitation device, and includes an exception for U.S. Coast Guard vessels that lack sufficient holding tank capacity and lack a Type I or II marine sanitation device. Many commercial and recreational fishing vessels also lack such devices, and installing such devices would be prohibitively expensive and logistically challenging, given that many fishing vessels are too small to accommodate a marine sanitation device. Further, it is not clear that adequate pumpout stations would be available to fishing vessels. **Therefore, the Council recommends that the final rule provide the same discharge exception for lawful fishing activities, that is provided to the U.S. Coast Guard vessels.**

Offshore Wind Energy and Ecosystem Effects

The Council notes that a large area immediately adjacent to the proposed CHNMS has been leased to offshore wind energy companies for development of renewable energy installations. These offshore wind facilities will have habitat and ecosystem impacts not only within the lease area, but also in adjacent areas. The ‘wind wake’ effect can impact ocean surface circulation and upwelling, both of which are processes critical to ecosystem dynamics such as nutrient delivery and primary productivity.² In addition, wind wake effects could cause changes in flow and turbulence that may alter larval dispersal.³ **The Council recommends that the proposed CHNMS monitor these effects and their potential impacts to the ecosystem and fisheries resources.**

Habitat Protections and Potential Impacts

The proposed CHNMS designation would enhance protection of certain habitat types identified as essential fish habitat and habitat areas of particular concern, such as seagrass, kelp, and rocky reef habitats. These habitats are crucial to supporting healthy sustainable fisheries, and **the Council recommends that the ONMS consult with the Council on potential habitat impacts from future proposed activities, including aquaculture, within the proposed Sanctuary.**

Thank you for considering these comments and recommendations regarding the proposed CHNMS. In conclusion, we again express appreciation for the communication and positive relationship between the ONMS and the Council. And we emphasize the Council’s central role in considering or developing any proposed or necessary fishery management regulations within the

² Raghukumar K, Chartrand C, Chang G, Cheung L and Roberts J (2022) Effect of Floating Offshore Wind Turbines on Atmospheric Circulation in California. *Front. Energy Res.* 10:863995. doi: 10.3389/fenrg.2022.863995

³ Hogan et al. 2023. Fisheries and Offshore Wind Interactions: Synthesis of Science. NOAA Technical Memorandum NMFS-NE-291.

boundaries of National Marine Sanctuaries. Please contact Kerry Griffin on Council staff (Kerry.griffin@noaa.gov) with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Pettinger". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Brad Pettinger
Chair

KFG:kma

Cc: Bill Douros
Laura Ingulsrud
Ryan Wulff
Council Members