



May 6, 2024

The Honorable Richard W. Spinrad, Ph.D.  
Undersecretary of Commerce for Oceans and Atmosphere  
Administrator, National Oceans and Atmospheric Administration (“NOAA”)  
1401 Constitution Avenue NW, Room 5128  
Washington, D.C. 20230

*Sent by email to: [rick.spinrad@noaa.gov](mailto:rick.spinrad@noaa.gov)*

**Re: Support for Proposed Chumash Heritage National Marine Sanctuary**

Dear Administrator Spinrad:

We write to you today to once again urge you to expeditiously designate the Chumash Heritage National Marine Sanctuary (“CHNMS” or “Sanctuary”). We strongly support the CHNMS, the first tribally-led nomination of a National Marine Sanctuary, which would help protect the unique and remarkable marine environment off the Central Coast of California.

We previously requested that NOAA designate the Sanctuary with the boundaries proposed by the Northern Chumash Tribal Council (“NCTC”) with the Gaviota Extension. However, recently NCTC and wind energy companies Equinor, Golden State Wind and Invenegy jointly requested the immediate designation of a smaller, modified version of the Sanctuary with expansion to follow at a later date (“Joint Agreement”). This Joint Agreement, if implemented, would accommodate the placement of wind energy transmission cables between the Morro Bay Wind Energy Area (“MBWEA”) and the coastline without the need to secure Office of National Marine Sanctuaries (“ONMS”) permits or authorization.

While we reiterate that ONMS's existing permitting structure would allow for the placement of undersea transmission cables in a National Marine Sanctuary, we are in support of the phased-in approach as outlined in the Joint Agreement and urge the Administration to expedite Sanctuary designation. However, in recognition of the high degree of public interest and support for the Sanctuary, it will be critical to ensure that expansion takes place within a reasonable timeframe after initial designation and that interim protections be secured for the area to be initially excluded in order to prevent degradation from certain industrial activities.

1. Provide Interim Protections for Excluded Area.

To ensure that the outstanding natural, cultural and historical resources of the marine environment are protected pending Sanctuary expansion, we urge the Administration to take advantage of the momentum of public support for the CHNMS by providing interim protection from offshore fossil fuel and mineral extraction while any excluded area awaits inclusion in the National Marine Sanctuary System pursuant to the Joint Agreement. We urge the Administration to utilize its statutory or regulatory authorities to provide this interim protection and we encourage NOAA to work with partner federal agencies such as the Bureau of Ocean Energy Management, as well as state agencies and local authorities, to ensure the same. Such interim protection could occur later this year after the Sanctuary designation is finalized and would not require National Environmental Policy Act review as the area slated for expansion has already been studied in the Draft Environmental Impact Statement for the Proposed CHNMS ("DEIS").

2. Ensure Timely Expansion of the Sanctuary Once Cables are Installed.

In addition, we urge NOAA to include a specific, discrete timeline and other benchmarks for future expansion of the Sanctuary in the final designation document. Inclusion of a timeline should allow a reasonable amount of time for installation of cables, but not leave expansion to some distant or unknown point in the future.

To that end, we urge you to include in the final designation document a Sanctuary Expansion Action Plan with a specific timeframe and actions or steps towards Sanctuary expansion, tying the expansion itself to the Records of Decision for the wind energy companies' Construction and Operations Plans ("COPs"). We recommend the intent be clear that Sanctuary expansion should be completed within five (5) years of the last Record of Decision for the three MBWEA COPs or, alternatively, no later than ten (10) years from the date of CHNMS designation. Similar to the interim protection measures discussed above, expansion of the Sanctuary would not require additional environmental review because the area to be added was analyzed as the Initial Boundary Alternative in the DEIS.

Thank you again for your work to protect the Nation's marine ecosystems and cultural heritage.

Sincerely,

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Environmental Defense Center

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President & CEO  
Santa Barbara Zoo

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Senior Counsel  
Center for Biological Diversity

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cc:

Brenda Mallory, Chair, Council on Environmental Quality  
Ali Zaidi, White House National Climate Advisor, Office of Domestic Climate Policy  
Miriam Goldstein, Director for Ocean Policy, Council on Environmental Quality  
John Armor, Administrator, NOAA  
Gavin Newsom, Governor, State of California  
U.S. Senator Alex Padilla  
U.S. Senator Laphonza Butler  
Congressman Salud Carbajal  
Congressman Jimmy Panetta

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Congresswoman Julia Brownley  
California State Senator John Laird