



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
Silver Spring, Maryland 20910

## Findings Required under the National Marine Sanctuaries Act, Section 304(f)

### Introduction

The National Marine Sanctuaries Act (NMSA) provides the Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA) Office of National Marine Sanctuaries (ONMS), with the mandate and authority to identify and designate national marine sanctuaries, comprising areas of the marine and Great Lakes environment with special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archaeological, educational, or aesthetic qualities. NOAA is designating Chumash Heritage National Marine Sanctuary (CHNMS) in waters along and offshore of the central California coast encompassing 4,543 square miles. The sanctuary area contains unique and diverse ecosystems essential to the heritage of the Chumash People and other Indigenous Peoples in the region. The marine environment provides a special sense of place to coastal communities and visitors because of the significant historic, archaeological, cultural, aesthetic, and biological resources found there. NOAA is also establishing the terms of designation and regulations to implement the national marine sanctuary designation.

Under section 304(f)(1) of the NMSA, NOAA is required to make certain findings relating to any proposal to designate a new sanctuary. Additional information on the general criteria for performing the 304(f) analysis is provided in a separate document, entitled "Program Criteria and Definitions Informing Findings under Section 304(f) of the National Marine Sanctuaries Act" (hereinafter "Program Guidance."). The Program Guidance is available on the ONMS website at: <https://sanctuaries.noaa.gov/media/archive/management/pdfs/programguidance.pdf>. NOAA is publishing these findings with the publication of the final regulations for the designation of CHNMS.

In August 2023, NOAA solicited public comments on the preliminary 304(f) findings for the sanctuary designation, which was published on the ONMS website at <https://sanctuaries.noaa.gov/chumash-heritage/>. NOAA did not receive any comments on the preliminary 304(f) findings.

NOAA makes the following final findings for the three elements required by Sec. 304(f): Chumash Heritage National Marine Sanctuary designation will not have a negative impact on the National Marine Sanctuary System (System); sufficient resources exist to effectively implement sanctuary management plans; and sufficient resources exist to complete site characterizations and inventory known sanctuary resources, as required under the NMSA.

### Findings for the Designation of Chumash Heritage National Marine Sanctuary

#### **1. No Negative Impact on the National Marine Sanctuary System**

NMSA section 304(f)(1)(A) requires NOAA to determine if the new sanctuary would have a negative impact on the System. NOAA manages the System to fulfill the purposes and policies of the NMSA to protect nationally-significant natural and cultural underwater resources in the nation's marine and Great Lakes waters. As of September 2024, the System consists of 16



national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments.

As described in the Program Guidance, a new national marine sanctuary has a negative impact on the System if its addition: (1) would compromise NOAA's capacity to fulfill the purposes and policies of the NMSA articulated in NMSA section 301(b); or (2) would strain resources to the point NOAA could not provide support for basic management capacity for each sanctuary in the System. Basic management capacity includes: sanctuary leadership (e.g., sanctuary superintendent, program coordinator(s), or other staff); support for a sanctuary advisory council; and basic administrative and operational support. Capacity for these roles may be developed at the local level or through NOAA support at the regional or headquarters levels.

NOAA routinely distributes resources and capacity across the System, leverages collaborations with a broad range of partners, and focuses existing program priorities to ensure it fulfills the purposes of the NMSA across the System. For this designation, ONMS staff from the West Coast Region, Headquarters, and other parts of NOAA engage with state and local partners, support the public review process, and facilitate the development of the designation documents. This reallocation of capacity has not limited the ability of the program to fulfill the purposes of the NMSA or affected basic management capacity of any site in the System.

Beyond ONMS, NOAA also relies on the support of other NOAA program offices to achieve the purposes of the NMSA, including work that supports site characterization and monitoring. This alignment of intra-agency capacity has strengthened NOAA's ability to meet the NMSA policies and objectives as well as other agency mandates.

NOAA finds that its fiscal year 2024 operating budget adequately supported basic management capacity for each national marine sanctuary in the System and would not be strained by the addition of a new sanctuary. The management of the new sanctuary would be focused on establishing programs to enhance management and protection of ecological and cultural resources and promoting educational and recreational opportunities. This management structure would not strain System capacity because significant expertise exists in NOAA to manage the existing sites. Additionally, NOAA would continue to grow existing partnerships with federal and state agencies to support CHNMS. The existing expertise and partnerships related to sanctuary management would facilitate the addition of CHNMS without overly burdening System capacity.

As a result, NOAA finds that the addition of the Chumash Heritage National Marine Sanctuary would not have a negative impact on the System.<sup>1</sup>

## ***2. Effective Implementation of Sanctuary Management Plans***

NMSA section 304(f)(1)(B)(i) requires NOAA to determine whether sufficient resources are available in the fiscal year in which the finding is made to effectively implement sanctuary management plans for each sanctuary in the System. As described in the Program Guidance, resources include fiscal and human resources and other assets or materials provided by the

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<sup>1</sup>In 2005, NOAA made general findings under section 304(f) that adding a new national marine sanctuary at that time would have a negative impact on the System. The 2005 findings of "negative impact" do not reflect the current state of the System and are thus not further discussed here. Please see the 304(f) findings for Mallows Bay-Potomac River NMS (<https://sanctuaries.noaa.gov/mallows-potomac/about/management-plan.html>) and Wisconsin-Shipwreck Coast NMS (<https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/docs/202106-wscnms-304f-memo.pdf>) designations for more information.

federal government or through partnerships for effective operation of the System. In making this finding, NOAA must evaluate whether current management plans are performing within the range of expected standards and at the level required for basic management capacity.

A sanctuary management plan includes a scalable set of strategies and activities to address resource protection, research, education, and operations at various levels of resources and management capacity. These plans are evaluated approximately every five years to consider emerging issues and to allow for adaptive management of the sanctuary and alignment with program priorities. To date, NOAA has completed at least one, and in many cases multiple, management plan reviews for all national marine sanctuaries that have been in existence for more than five years, in which NOAA evaluated and revised, as needed, the existing management plan and regulations to address emerging issues and to adaptively manage the site.

In fiscal year 2024, NOAA used available resources to effectively implement existing sanctuary management plans. Throughout the System, NOAA is implementing national marine sanctuary management plan programs for resource protection, research, education, and operations in conjunction with partners inside and outside of NOAA in a manner that meets basic schedule and performance metrics, and is within the range of expected standards. Therefore, NOAA finds sufficient resources exist to effectively implement sanctuary management plans.

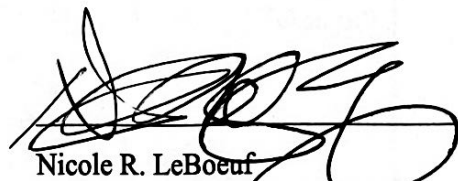
### **3. Complete Site Characterization Studies and Inventories of Known Sanctuary Resources**

NMSA section 304(f)(1)(B)(ii) requires NOAA to determine whether sufficient resources are available in the fiscal year in which the finding is made and to complete site characterization studies and inventory known sanctuary resources for each sanctuary in the System within 10 years after the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10-year period.

NOAA uses condition reports to document site characterization and to inventory known sanctuary resources. Condition reports provide a summary of resources in each sanctuary, pressures on those resources, the current condition and trends, and management responses to the pressures that threaten the integrity of the marine environment. Specifically, the reports include information on the status and trends of water quality, habitat, living resources, and maritime archaeological resources and the human activities that affect them.

As described in the Program Guidance, for this finding, NOAA considers whether a condition report has been completed for each national marine sanctuary in the System or can be completed within 10 years of the finding. To date, NOAA has completed at least one, and in some cases several, condition reports for each site in the System that was designated more than five years ago. Additionally, in 2013, NOAA completed the National Marine Sanctuary System Condition Report. This System-wide report detailed the status and trends of resource conditions and human uses evaluated across the entire System.

Accordingly, NOAA finds all necessary site characterization and resource inventories have been completed.

  
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10/8/24  
Date