



State of California
Office of the Attorney General

XAVIER BECERRA
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Nicole Le Boeuf
Deputy Assistant Administrator for Ocean Services and Coastal Management
National Oceanic and Atmospheric Administration
Silver Spring Metro Campus Building 4 (SSMC4), Eleventh Floor
1305 East-West Highway
Silver Spring, MD 20910

Re: Comments on Executive Order 13795 - Review of National Marine Sanctuaries

Dear Ms. Le Boeuf:

I am writing to oppose yet another misguided “review” by the Trump Administration aimed at decreasing protections afforded to our nation’s most precious natural resources. This latest review of several National Marine Sanctuaries off California’s coast is not only unnecessary, but it is also based on a fundamental misunderstanding of the applicable legal requirements that govern the creation and expansion of marine sanctuaries. California’s National Marine Sanctuaries include globally significant marine environments that provide enormous ecological, scientific, and economic benefits and enjoy widespread public support. The fossil fuel resources underneath these sanctuaries are miniscule or entirely speculative, and the potential to develop such resources is greatly outweighed by the benefits that the sanctuaries provide. Moreover, the criteria governing this review—including opportunity costs associated with energy and mineral exploration and production—are directly at odds with the purposes of the National Marine Sanctuaries Act. As the Attorney General of California, I will take any and all legal action to defend these sanctuaries and the vital biological resources within them.

Under President Trump’s Executive Order 13795, and a Federal Register Notice issued by the National Oceanic and Atmospheric Administration (NOAA) on June 26, 2017, the Administration specifically listed the designation or expansion of 11 National Marine Sanctuaries and Marine National Monuments for review, including the 2007, 2008, and 2015 expansions of all four Sanctuaries that lie off California’s coast: Channel Islands National Marine Sanctuary, Cordell Bank National Marine Sanctuary, Greater Farallones National Marine Sanctuary, and Monterey Bay National Marine Sanctuary.

As described below and in the attached Appendix, California's National Marine Sanctuaries were designated and expanded by Republican and Democratic administrations alike after lengthy and comprehensive public engagement, state consultation, and consideration of the best scientific evidence, in accordance with the requirements of the National Marine Sanctuaries Act¹ and Coastal Zone Management Act.² Each sanctuary preserves significant areas of the marine environment, and enhances the conservation, protection, and management of these waters and California's adjoining state-managed Marine Protected Areas. I strongly urge the Administration not to waste taxpayer money revisiting the designations or expansions of these sanctuaries.

I. Any Modification of a National Marine Sanctuary Must Comply with the National Marine Sanctuaries Act and Other Federal Laws.

In its review of National Marine Sanctuaries, the Trump Administration has requested comments regarding: (1) the acreage affected by the marine sanctuary; (2) the costs of managing the sanctuary; (3) the adequacy of consultations with federal, state, local, and tribal government agencies; (4) and opportunity costs associated with energy and mineral exploration and production from the Outer Continental Shelf as well as production in regions adjacent to each sanctuary.³ However, these factors are directly at odds with the stated goals of the National Marine Sanctuaries Act. A review based on these factors alone would be wholly inadequate to support revisiting the designation or expansion of an existing sanctuary. Instead, any review of California's National Marine Sanctuaries must carefully consider the Act's protective purposes.

Congress first adopted what would later become known as the National Marine Sanctuaries Act in 1972. The Act was one of many environmental laws enacted during an era of increased understanding of the need to protect human health and conserve the natural environment for future generations. At the time, coastal and marine degradation caused by pollution, industrial development, and unregulated ocean dumping was becoming a major national concern.⁴

¹ 16 U.S.C. §§ 1431–1445.

² 16 U.S.C. §§ 1451–1466.

³ Executive Order 13795, Section 4(b)(i); 82 Fed. Reg. 28,827-28 (June 26, 2017).

⁴ William J. Chandler, *The Future of the National Marine Sanctuaries Act in the Twenty-First Century* (May 2006), at 26, available at: https://marine-conservation.org/media/filer_private/2011/04/18/chandler_2006.pdf. A major oil spill galvanized public and Congressional support for protecting vital marine areas. In 1969, a Union Oil well off the coast of Santa Barbara blew out, resulting in an estimated 80,000 to 100,000 barrels of crude oil pouring into the ocean—at the time the largest oil spill in U.S. waters of all time. See County of Santa Barbara Planning and Development, Energy Division, *Blowout at Union Oil's Platform A*, available at: <http://www.sbcountyplanning.org/energy/information/1969blowout.asp>. Following the spill, California Senator Alan Cranston became the foremost advocate for banning drilling off the coast of Santa Barbara and other sites along the California coast. Other California Congressional

The National Marine Sanctuaries Act has been amended numerous times since 1972, but retains its core purposes of conserving and protecting essential marine areas possessing “special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or esthetic qualities.”⁵ The Act’s “primary objective” is resource protection.⁶ Other goals include: maintaining natural biological communities and restoring and enhancing natural habitats, populations, and ecological processes; enhancing public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archaeological resources; and creating models of, and incentives for, ways to conserve and manage marine sanctuaries.⁷

Any action to modify an existing sanctuary must comply with the Act’s extensive procedural requirements, as well as the requirements of the Coastal Zone Management Act and other federal laws. Under the National Marine Sanctuaries Act, any adjustment to the boundaries of a sanctuary requires the preparation of an environmental impact statement pursuant to the National Environmental Policy Act,⁸ consultation with federal state and tribal agencies, and the preparation of a draft management plan. Fishing regulations must be prepared, Congress must be provided with an opportunity to consider the modification, and public hearings must be held.⁹ In addition, federal courts have unequivocally held that federal agency activities affecting California’s coastal zone are subject to consistency review by the California Coastal Commission pursuant to the Coastal Zone Management Act, including activities related to hydrocarbon production from the Outer Continental Shelf.¹⁰ Compliance with other federal statutes, including the National Historic Preservation Act¹¹ and the Endangered Species Act,¹² would also be required. The scope of NOAA’s review addresses none of these protective purposes or procedural requirements.

II. The Designation and Expansion of California’s National Marine Sanctuaries Followed Lengthy Consultation with Federal, State, Tribal, and Local Governments and Received Broad Public Support.

Each of the four California National Marine Sanctuaries under review were the product of lengthy consultation with federal officials, State agencies, Tribal representatives, and local

representatives joined in the effort. *See Gladwin Hill, Santa Barbara, 2 Years After its Oil Well Blowout, Still Hopes to Curb Offshore Drilling*, New York Times (Jan. 27, 1971), at 16, available at: <http://www.nytimes.com/1971/01/27/archives/santa-barbara-2-years-after-its-oil-well-blowout-still-hopes-to.html>.

⁵ 16 U.S.C. § 1431(a)(4).

⁶ 16 U.S.C. § 1431(b)(6).

⁷ 16 U.S.C. § 1431(b).

⁸ 42 U.S.C. §§ 4321-4347.

⁹ 16 U.S.C. § 1434(a)(2)-(a)(6).

¹⁰ *See* 16 U.S.C. § 1456(c); *California v. Norton*, 311 F.3d 1162 (9th Cir. 2002).

¹¹ 54 U.S.C. §§ 300101-307108.

¹² 16 U.S.C. §§ 1531-1544.

governments, as required by the National Marine Sanctuaries Act and the Coastal Zone Management Act. NOAA amply documented the coordination that led to the designations and expansions in the environmental impact statements and other documents associated with them.

For instance, with regard to the 2015 expansion of the Greater Farallones and Cordell Bank Sanctuaries, NOAA held a series of public scoping meetings with the participation of several hundred people. NOAA received hundreds of written and oral comments during these meetings. Sanctuary advisory councils were briefed and provided with an opportunity to identify issues for analysis. NOAA reached out to numerous Native American tribes. California's Senators and Members of Congress were consulted, as were numerous federal agencies. State agencies were also consulted, including the Coastal Commission, Coastal Conservancy, the Department of Fish and Wildlife, Department of Parks and Recreation, the Ocean Protection Council, and the State Lands Commission. The Counties of Marin, Sonoma, and Mendocino were consulted and overwhelmingly supported the expansion.

As noted by NOAA, "there was strong support for the proposed sanctuary boundary expansion and the proposed actions for increasing protection of marine resources."¹³ The Sonoma County Board of Supervisors unanimously passed a resolution recognizing the need to protect these "biologically important waters" from "oil spills and other forms of pollution," and noting that the County "derives tremendous economic benefit from its clean beaches, pristine coastal waters and abundant wildlife with over three million visitors each year and millions of dollars brought into the local economy and county tax revenues."¹⁴ More recently, the Marin County Board of Supervisors unanimously approved a resolution highlighting the "overwhelming public support for the expansion of the Gulf of the Farallones (Now Greater Farallones) and Cordell Bank National Marine Sanctuaries," and "urg[ing] all citizens of the county and state to stand with them in support of the current designation of the expansion areas" of these Sanctuaries.¹⁵

Comprehensive consultations were also conducted with regard to the expansions of the Monterey Bay and Channel Islands Sanctuaries, with similarly broad public support. For example, the Santa Cruz County Board of Supervisors sent a letter commending NOAA "for engaging in a comprehensive review of its existing management plan" and "provid[ing] local citizens and communities adjacent to the [Monterey Bay National Marine Sanctuary] a welcome opportunity to weigh on important resource protection, public outreach, education, and research issues," and noting that it "was a leader in opposing offshore oil development decades ago and

¹³ 80 Fed. Reg. 13,078, 13,089 (Mar. 12, 2015).

¹⁴ Resolution of the Board of Supervisors of the County of Sonoma, State of California, in support of the Expansion Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary, Resolution No. 13-0019 (Jan. 15, 2013).

¹⁵ Resolution of the Marin County Board of Supervisors Opposing Review of Designations of Greater Farallones and Cordell Bank National Marine Sanctuaries, Resolution No. 2017-61 (June 6, 2017).

we remain opposed to any such future development.”¹⁶ With regard to the expansion of the Channel Islands National Marine Sanctuary, NOAA found that over 30,000 individuals submitted written comments or presented oral testimony and “[a]pproximately 99% of these individuals” supported its proposal.¹⁷

Moreover, NOAA manages each of the four sanctuaries in consultation with Sanctuary Advisory Councils. These councils are composed of representatives of State, Tribal, and local governments, stakeholders from the fishing and tourism industries, and members of the public. Thus, in addition to the comprehensive consultation that accompanied the sanctuaries’ expansions, NOAA conducts ongoing and robust consultation related to the management of California’s National Marine Sanctuaries.

In sum, the consultations that accompanied the expansions of California’s National Marine Sanctuaries were adequate, there was overwhelming public support for the expansions, and there is no justification for revisiting the boundaries of these sanctuaries.

III. Any Opportunity for Increased Fossil Fuel Production is Clearly Outweighed by the Significant Marine Environments that the Sanctuaries Protect.

California’s National Marine Sanctuaries contain some of the most biologically significant and productive waters in the world. Their designations and expansions were supported by scientific evidence that these federal waters merited special protection. For example, the Cordell Bank expansion encompasses offshore habitats with unique geological and biological features supporting a rich and diverse assemblage of marine species that NOAA considers to be “globally significant,” as predators travel from thousands of miles away to feed in these waters. The Greater Farallones expansion likewise is a globally significant environment with over 36 species of marine mammals, rookeries for nesting marine bird populations, abundant populations of shellfish and fish, and one of the largest concentrations of adult white sharks in the world. The Davidson Seamount in the Monterey Bay National Marine Sanctuary is a biologically significant area and, as one of the largest known seamounts in United States waters, is a unique geologic feature where many undersea explorations have occurred. The Channel Islands National Marine Sanctuary supports significant marine species, and its 2007 expansion enabled better enforcement of rules in adjacent state Marine Protected Areas.

The biological importance of California’s sanctuaries far outweighs any limited potential for increased hydrocarbon production. These sanctuaries are located off primarily rural areas without available onshore infrastructure that might enable oil and gas development. Even if such infrastructure were present, NOAA previously found that the underlying expansion areas for the Cordell Bank and Greater Farallones Sanctuaries to be less than .0079 of the total Outer

¹⁶ Letter from Mark Stone, Chair, County of Santa Cruz Board of Supervisors, to Brady Phillips, NOAA, re: “Draft Environmental Impact Statement and Draft Management Plan for the Monterey Bay National Marine Sanctuary” (Nov. 1, 2006).

¹⁷ 72 Fed. Reg. 29,208, 29,211 (May 24, 2007).

Continental Shelf oil reserves and .0012 of the total gas reserves in the United States, and there was “no indication that these reserves would be considered for active energy production in the future.”¹⁸ The Davidson Seamount has not been explored for oil and gas, and any estimates of hydrocarbon potential there are speculative at best. The Davidson Seamount is located some 80 miles offshore, which would likely make extraction prohibitively expensive. The Channel Islands National Marine Sanctuary expansion in 2007 was less than 2% of that Sanctuary’s total area, and oil and gas reserves potentially affected by that expansion are likely very little.

California’s National Marine Sanctuaries also provide significant economic benefits to local communities from fishing, recreation, and tourism. For example, NOAA has estimated that between 2010 and 2012, commercial fishing operations earned almost \$26 million in annual harvest revenue from catch in the Monterey Bay National Marine Sanctuary and added 843 full- and part-time jobs,¹⁹ while recreational fishing generated an additional \$53.2 million in income and 900 jobs annually during the same time period.²⁰ As NOAA has recognized, travel and tourism is one of the most significant industries in the five counties adjacent to the Sanctuary, with total travel-spending revenue in the billions of dollars annually.²¹ Similarly, the Greater Farallones National Marine Sanctuary generated more than \$15 million in annual harvest revenue from commercial fishing operations and supported 291 full- and part-time jobs,²² while the annual economic impact from recreational fishing averaged \$28.4 million and roughly 200 jobs.²³ Finally, in the Channel Islands National Marine Sanctuary, commercial fishing generated

¹⁸ NOAA, *Final Environmental Impact Statement, Cordell Bank and Gulf of the Farallones National Marine Sanctuaries Expansion* (Dec. 2014), at 4.7-7, available at: http://farallones.noaa.gov/manage/pdf/expansion/CBNMS_GFNMS_FEIS_Expansion_122014.pdf.

¹⁹ NOAA, *Economic Impact of the Commercial Fisheries on Local County Economies from Catch in the Monterey Bay National Marine Sanctuary 2010, 2011 and 2012* (Jan. 2014), at 10, available at: http://sanctuaries.noaa.gov/science/conservation/pdfs/mbnms_fishing_report.pdf.

²⁰ NOAA, *Economic Impact of the Recreational Fisheries on Local County Economies in Monterey Bay National Marine Sanctuary 2010, 2011 and 2012* (June 2015), at 23, available at: <http://sanctuaries.noaa.gov/science/socioeconomic/montereybay/pdfs/mbnms-rec-report.pdf>.

²¹ NOAA, *Monterey Bay National Marine Sanctuary Socioeconomics* (Nov. 2, 2015), available at: <http://sanctuaries.noaa.gov/science/socioeconomic/factsheets/montereybay.html>.

²² NOAA, *Economic Impact of the Commercial Fisheries on Local County Economies from Catch in the Gulf of Farallones National Marine Sanctuary 2010, 2011 and 2012* (Jan. 2014), at 8, available at: http://sanctuaries.noaa.gov/science/conservation/pdfs/gfnms_fishing_report.pdf.

²³ NOAA, *Economic Impact of the Recreational Fisheries on Local County Economies in Greater Farallones National Marine Sanctuary 2010, 2011 and 2012* (June 2015), at 26, available at: <http://sanctuaries.noaa.gov/science/socioeconomic/farallones/pdfs/gfnms-rec-report.pdf>.

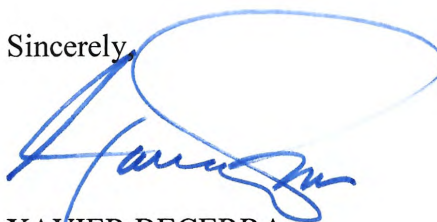
\$27 million in annual harvest revenue and 659 full- and part-time jobs each year,²⁴ while recreational fishing generated, on average, more than \$31 million and 244 jobs.²⁵

The State of California has long opposed new federal oil and gas lease sales on a bipartisan basis, and state law prohibits new offshore oil and gas leases in state waters.²⁶ In addition, California is already experiencing the adverse effects of climate change and is working diligently to reduce greenhouse gas emissions and promote a clean energy economy. California law establishes targets to reduce the State's greenhouse gas emissions to 1990 levels by 2020 and to 40 percent below 1990 levels by 2030.²⁷ Thus, there is little support in California for revoking the designation or expansion of California's National Marine Sanctuaries in order to increase fossil fuel development or production.

IV. Conclusion.

I strongly oppose any attempt by the Trump Administration to change the boundaries of California's four National Marine Sanctuaries under review pursuant to Executive Order 13795. These sanctuaries were designated and expanded following lengthy consultation with federal, state, tribal, and local governments and enjoy widespread public support. The sanctuaries protect globally significant marine environments and provide substantial economic benefits to local communities from fishing, recreation, and tourism. Any attempt to undermine these protections for purposes of energy or mineral exploration and production is short-sighted, contrary to the interests of Californians, and in direct conflict with the National Marine Sanctuaries Act. Therefore, I strongly urge you to refrain from any attempt to revisit the designation or expansion of California's National Marine Sanctuaries.

Sincerely,



XAVIER BECERRA
California Attorney General

²⁴ NOAA, *Economic Impact of the Commercial Fisheries on Local County Economies from Catch in the Channel Islands National Marine Sanctuary 2010, 2011 and 2012* (Jan. 2014), at 8, available at:

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

²⁵ NOAA, *Economic Impact of the Recreational Fisheries on Local County Economies in the Channel Islands National Marine Sanctuary 2010, 2011 and 2012* (June 2015), at 20, available at: <http://sanctuaries.noaa.gov/science/socioeconomic/channelislands/pdfs/cinms-rec-report.pdf>.

²⁶ Cal. Pub. Res. Code, §§ 6240-6244.

²⁷ Cal. Health & Safety Code § 38500-38599.

Appendix – Background on California’s National Marine Sanctuaries.

I. Monterey Bay National Marine Sanctuary.

Known as the “Serengeti of the Sea,” the Monterey Bay National Marine Sanctuary was originally established in 1992. The Sanctuary contains North America’s largest underwater canyons and extensive kelp forests.¹ This incredibly productive marine environment sustains over 180 species of seabirds and shorebirds, at least 525 species of fishes, and an abundance of invertebrates and algae.² Yet, at the time of its designation, not much was understood of the exotic world of deep sea life that lay just outside its boundaries.

Since the initial designation of the Sanctuary, scientific research has revealed the ecological importance of the Davidson Seamount, one of the largest underwater volcanos in the world.³ The Seamount’s slopes are home to 100-year old ancient coral gardens growing up to 10-foot high, fields of colorful sponges, crabs, and anemones that close like Venus flytraps.⁴ It provides habitat to seabirds, fish, shrimp, and many benthic vertebrates.⁵ Because research suggests that deep sea organisms have reduced resilience to disturbances such as bioprospecting, dumping, and harvesting, added protections were recommended for such species.⁶

In 2001, NOAA proposed expanding the Sanctuary to include the Davidson Seamount.⁷ Public participation in the process and support for the expansion were extensive. NOAA received over 8,000 written comments as well as a petition with 1,700 signatures identifying important issues and proposing management priorities.⁸ In addition, NOAA held 20 public meetings where hundreds of members of local communities had an opportunity to voice concerns.⁹ In 2008, after broad public outreach that included seven years of public meetings and study groups, and the submission of thousands of public comments, the Sanctuary was expanded to include the Davidson Seamount and surrounding area.¹⁰ Research at the Davidson Seamount

¹ NOAA, *Monterey Bay National Marine Sanctuary Overview*, available at: <http://montereybay.noaa.gov/intro/welcome.html>.

² *Id.*

³ Virginia Hennessey, *A Mountain Under the Sea: Expedition explores coral gardens off Central Coast*, Monterey County Herald (Jan. 29, 2006).

⁴ Paul Rogers, *Underwater volcano off Central Coast gets national protection*, The Mercury News (Nov. 20, 2008), available at: <http://www.mercurynews.com/2008/11/20/underwater-volcano-off-central-coast-gets-national-protection/>.

⁵ Daniel Lopez, *Sanctuary adds undersea mountain*, Monterey County Herald (Nov. 21, 2008).

⁶ NOAA, *Cordell Bank, Gulf of the Farallones, and Monterey Bay National Marine Sanctuaries: Final Environmental Impact Assessment* (Sept. 16, 2008), at 2-21, available at: <http://montereybay.noaa.gov/intro/mp/welcome.html>.

⁷ *Id.* at 1-11.

⁸ *Id.*

⁹ *Id.*

¹⁰ 73 Fed. Reg. 70,488 (Nov. 20, 2008).

has led to the discovery of several new endemic species,¹¹ as well as a greater understanding of the dispersal of benthic organisms.¹²

B. Greater Farallones & Cordell Bank.

The Greater Farallones is the widest continental shelf on the west coast of the United States.¹³ The shelf itself is relatively flat, with sandy plains and provides a shallow and large foraging and habitat area for many marine animals.¹⁴ The Greater Farallones National Marine Sanctuary was originally designated in 1981.

Cordell Bank is a four by nine mile rocky undersea feature located 22 miles west of the Point Reyes headlands.¹⁵ The bank lies at the end of the continental shelf and rises abruptly from the soft sediments of the shelf to within 115 feet of the ocean surface.¹⁶ The Cordell Bank National Marine Sanctuary was originally designated in 1989.

Although geographically exceptional, what makes these Sanctuaries so special is their water circulation patterns. The Sanctuaries lie within the California Current upwelling ecosystem, one of the most productive ocean ecosystems on Earth.¹⁷ In such upwelling systems, shallow sunlit waters are fertilized with nutrients welled up from deeper colder waters which create a complex food web.¹⁸ Although upwelling systems comprise less than 1% of the world's oceans, they contribute 20% of the total world fish catch.¹⁹ Dense concentrations of phytoplankton support a diverse number of marine animals.²⁰ Indeed, the Greater Farallones and Cordell Bank Sanctuaries are home to 25 endangered or threatened species, 36 marine mammal

¹¹ Monterey Bay Aquarium Research Institute, "*Seamounts may serve as refuges for deep-sea animals that struggle to survive elsewhere*" (Feb. 11, 2009), available at: <http://www.mbari.org/seamounts-may-serve-as-refuges-for-deep-sea-animals-that-struggle-to-survive-elsewhere/>.

¹² Kavyon Sharghi, *Scientists See Movement of Marine Species*, Monterey County Herald (Feb. 19, 2009), available at: <http://www.montereyherald.com/article/ZZ/20090219/NEWS/902199849>.

¹³ NOAA, Final Environmental Impact Statement on the Proposed Farallon Islands Marine Sanctuary (1980), Vol. 1 at E1.

¹⁴ *Id.*

¹⁵ NOAA, *About Cordell Bank National Marine Sanctuary*, available at: <http://cordellbank.noaa.gov/about/>.

¹⁶ *Id.*

¹⁷ Dr. Susan L. Williams, *Marine Sanctuaries - Hydrographic Services*, Capitol Hill Hearing Testimony (Oct. 24, 2007).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

species, one of the most significant white shark populations on the planet,²¹ 23 species of cetaceans (whales, porpoises, and dolphins),²² the highly migratory black footed albatross, and 70 other species of seabirds.²³

In 2015, NOAA finalized the expansions of both Greater Farallones and Cordell Bank.²⁴ It did so after a lengthy public process during which it received hundreds of comments in writing and at numerous public hearings, mostly offering strong support of the expansions.²⁵

C. Channel Islands.

The Channel Islands National Marine Sanctuary was originally designated in 1980 to protect natural, cultural, and historically significant resources.²⁶ The Sanctuary is home to more than 27 species of cetaceans (whales and dolphins), 5 species of pinnipeds (seals and sea lions), 60 species of birds, and more than 23 species of sharks. The Sanctuary also contains a wealth of Chumash Indian artifacts as well as the remains of over 100 shipwrecks.²⁷

While the Sanctuary's original designation did provide a measure of protection for these unique and important resources, population growth in the coastal region and changing oceanographic conditions from El Niño created new pressures on the marine system.²⁸ Among other effects, scientists began to notice that kelp beds transformed into urchin barrens and that certain populations of fish (rockfish and abalone) were on the decline.²⁹ As a result, in 2002, California's Department of Fish and Game established a network of Marine Protected Areas (MPAs) in the Sanctuary's near-shore waters.³⁰ In 2006, NOAA proposed expanding the MPA

²¹ Paul Rogers, *Obama administration doubles size of California marine sanctuaries*, *Contra Costa Times* (Jun. 10, 2015), available at: <http://www.eastbaytimes.com/2015/06/09/obama-administration-doubles-size-of-california-marine-sanctuaries/>.

²² Jenny Stock and Elizabeth Weinberg, *5 Awesome Things You Might Not Know About Cordell Bank National Marine Sanctuary* (May 15, 2015), available at: <http://sanctuaries.noaa.gov/news/may15/cordell-bank.html>.

²³ *Id.*

²⁴ 80 Fed. Reg. 13,078 (Mar. 12, 2015).

²⁵ NOAA, *Final Environmental Impact Statement, Cordell Bank and Gulf of the Farallones National Marine Sanctuaries Expansion* (Dec. 2014), at ES-7, 5-1, available at: <http://cordellbank.noaa.gov/management/plan.html>.

²⁶ NOAA, *Channel Islands National Marine Sanctuary: About Us*, available at: <http://channelislands.noaa.gov/contact/welcome.html>.

²⁷ 72 Fed. Reg. 29,208, 29,212 (May 24, 2007).

²⁸ *Id.* at 29,209.

²⁹ *Id.*

³⁰ NOAA, *Channel Islands National Marine Sanctuary: Marine Reserves*, available at: <http://channelislands.noaa.gov/marineres/welcome.html>. California controls waters within the Sanctuary extending to three nautical miles from the Islands' shores. The MPA network consists

network into the federally-controlled waters of the Sanctuary, which lie further off the shores of the Channel Islands.³¹

The public review process was extensive. In response to its proposal, NOAA received thousands of comments from interested parties including environmental groups, recreational fishermen, and numerous state, local, and federal agencies.³² In addition, NOAA held six public hearings where members of the public could voice their support or concerns.³³ In 2007, after considering the comments and numerous alternatives, NOAA added nine marine zones in the federally-controlled waters, almost entirely within the boundaries of the existing Sanctuary.³⁴ NOAA added these marine zones to protect critical marine habitats in deeper waters.³⁵ The effort has apparently succeeded, as a 2014 research study suggests that sea life inside the reserves is more abundant than in unprotected areas.³⁶

of 11 marine reserves where all take and harvest is prohibited, and two marine conservation areas that allow limited take of lobster and pelagic fish.

³¹ NOAA, *Final Environmental Impact Statement for the Establishment of Marine Reserves and Marine Conservation Areas* (Apr. 2007), at viii, available at:

<http://channelislands.noaa.gov/marineres/archive.html>; NOAA, *Channel Islands National Marine Sanctuary Condition Report* (Sept. 2009), at 33, available at: channelislands.noaa.gov/research/pdfs/cinms_conditionreport09.pdf.

³² NOAA, *Public Comments on the Draft Environmental Impact Statement for the Consideration of Marine Reserves and Marine Conservation Areas in the Channel Islands National Marine Sanctuary* (Apr. 2007), at 2, available at: <http://channelislands.noaa.gov/marineres/archive.html>.

³³ *Id.*

³⁴ 72 Fed. Reg. at 29,208; NOAA, *Final Environmental Impact Statement for the Establishment of Marine Reserves and Marine Conservation Areas* (Apr. 2007), at i, available at:

<http://channelislands.noaa.gov/marineres/archive.html>. Eight of these were “no-take” marine reserves, while one was a limited-take marine conservation area.

³⁵ *Id.* at 26.

³⁶ Jennifer Caselle, *A Decade of Protection: Ten Years of Change at the Channel Islands*, Partnership for Interdisciplinary Studies of Coastal Oceans (2014), available at:

http://gordon.science.oregonstate.edu/piscoweb2/sites/default/files/portfolios/CI_10-Yr_Brochure_web.pdf.