



AGENDA NO: PC

MEETING DATE: October 24, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Heather Goodwin

From: maggie@beachnbaygetaways.com
Sent: Monday, October 23, 2023 4:18 PM
To: Council
Cc: Dana Swanson; Yvonne Kimball; Scot Graham
Subject: Correspondence regarding re-opening of STR regulations discussions
Attachments: CC letter_Oct 23_final.docx

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Please find attached a letter we are submitting addressing the recent council-lead Town Hall about STR regulations. Dana, we would like for this to be included in Agenda Correspondence for the City Council meeting tomorrow but I am not sure if that is possible since it is not about any agenda items being discussed in this meeting.

Thank you in advance to the Council members for taking the time to read our letter. We are available for further conversation about this should any of you want to discuss further.

Maggie Juren

Office: 805-528-2888

Cell: 805-550-9515

Maggie@BeachNBayGetaways.com



www.BeachNBayGetaways.com

Oct 23, 2023

To Morro Bay City Council members:

Re: Short Term Vacation Renta Regulations

We are the owners of Beach-N-Bay Getaways and Urelax Vacation Rentals, operating as affiliated companies from our office here in Morro Bay. We currently manage 38 unhosted vacation rentals in Morro Bay and for FY 2022-23, paid approximately \$374,000 in TOT to the city of Morro Bay for this period. This figure does not include \$111,364 to the MB TBID and \$57,040 to Visit SLOCal to promote visits to the area. We actively participated in the review and revisions of the STR regulations that took place from 2019 to 2021 which were subsequently approved by the Coastal Commission early in 2022. We donated hundreds of hours of our time to this process. Needless to say, we were shocked and disappointed to find out that after all the effort put forth to arrive at the current regulations, a current City Council member has chosen to re-open this topic via a Town Hall meeting held on October 15th, 2023. The original revamping of the old regulations included multiple community forums designed to seek input, a year-long series of committee meetings (members included community members, hoteliers and STR owners and managers) and multiple City Council meetings where the proposed new regulations were read and approved followed by review and finally, acceptance by the California Coastal Commission. During this process, the Chamber of Commerce with their Governmental Affairs Committee and the local Realtor's Association conducted independent surveys and meetings on this subject and both came forth strongly supporting the fact that STRs are an important part of the total package that is needed to continue to support the tourism industry in Morro Bay. Tourism is Morro Bay's largest industry by far as you all know. Our guests enjoy are able to enjoy family-friendly accommodations that offer direct beach access in the city, which is an important consideration for the Coastal commission. If our operations were disrupted, these guests would find other locations to enjoy the beach experience. Other lodging choices would usually not be considered by these groups as staying in a vacation rental is the only desirable choice for some travelers. Morro Bay in general mostly lacks lodging choices that offer this outside of vacation rentals.

There were several of the new regulations that negatively impacted those homeowners holding STR licenses and significantly constrained any possible growth of our business in Morro Bay but were necessary compromises in order to protect and serve the residents here. Some of those items were:

- Reduction in the # of unhosted STR licenses from 250 to 175. As of this writing the current number of licensed unhosted STRS has reached 175, a 30% reduction in the last 2 years.
- Implementation of proximity restrictions for any new license applicants by requiring a minimum of 175 feet separation between unhosted vacation rentals. This provision will reduce the density over time in areas of concentration without the chaos and possible lawsuits that might result from a forced reduction in the number of compliant, operating and currently licensed unhosted rentals.
- The business license fee for STRs has increased 600% from a few years ago due to additional permit fees to cover outsourcing to Host Compliance for identification of illegal VRs and outsourcing to HdI for the collection of TOT and other fees as well as funding for a compliance officer to ensure compliance with new STR regulations.
- Prohibiting the STR license to be passed to new owner upon sale of the property. Over time this will reduce the concentration of rentals in the most desirable and commercially viable areas.
- Increased fines for violations of STR regulations.

- Requirement to have a sign posted at all VRs that is visible from the public right-of-way and provides the public with a business license number and a contact number. (standards have not been published by the city for specifications for the sign).

We feel strongly that the current regulations adequately provide for sufficient monitoring and control of short-term vacation rentals but unfortunately the City has not put personnel and processes in place to enforce these regulations. The significant increase in our permit fees were in large part designed to fund a compliance officer to ensure and enforce compliance but there is no reporting from the city on the activity and actions of that person. The regulations also call for the public to have access to a current list of addresses of all licensed STRs and that is currently only available if one makes a Public Records request of the city. This should be free, easy to access, information! We have made this information available on our advocacy site in the past and are in the process of updating it to the current list of licensed rentals - WWW.ShareMorroBay.com .

In talking with Council Member Landrum about the Town Hall meeting, we heard that many of the complaints were about unlicensed homes where it is a second home and the owners send over friends and relatives who are noisy and disrespectful of the surrounding neighbors. These homes should still be subject to the city noise ordinance and the health and safety regulations that govern how many people are allowed to “live” in a home.

We ask that the current Council members please review in detail the information and findings that came out of these proceedings that led up to the establishment of the current regulations before opening “Pandora’s Box” on this issue again. We suggest that the City Council move forward with the implementation of the new VR regulations and its provisions to adequately regulate the operations that fall outside professional management. Currently and in all past reviews professional management operations have never been identified as a part of the problem.

We would suggest the following immediate actions that could be implemented that may help alleviate some of the community concerns:

1. Send a copy of the current STR regulations to all license holders and remind them that they are responsible for complying with all items.
2. Provide a “Good Neighbor” brochure to every operator of unhosted rentals and require the item to be provided to every VR guest.
3. Verify that all licensees have a means of ensuring their guests’ understanding of the rules and requirements of being a good neighbor via posted house rules or a signed agreement.
4. Establish standards for the signage that is to be visible to the public and send this to all licensees with a “due by” date to have these in place. The Compliance Officer should then be responsible for ensuring that all licensed STRs have these in place by that due date.
5. Make a current list of licensed vacation rentals available to the public on the city website with the contact number for each STR so residents know who to call if there are issues at a rental.
6. Audit all unhosted vacation rentals to verify that a local responsible contact is available.
7. Ensure that the Morro Bay Police Department has a current list of all licensed STRs so if they get a noise or disturbance complaint on one of these homes, they can then report the complaint to the Compliance Officer if the situation is not addressed. The police should also have the local contact number for each STR so that they can contact the responsible party first to deal with the complaint and if they are unable to talk with the contact within the hour limit specified in the regulations, this too should be reported to the Compliance Officer.

8. The city should send an email to all second home owners informing them that they must ensure that any people they allow to stay in their vacation home must comply with the city noise ordinance and must be respectful of their neighbors by not parking too many cars on the street and adequately managing their garbage and recycle. We would suggest that in the letter, it is stated that unruly guests in some of the second homes have become a major issue and that if they are collecting money from these guests, they are required to get an STR license and pay the TOT and other fees levied for STRs.
9. Provide reporting to STR licensees from the police and the Compliance Officer showing all actions and violations that have been handled.
10. Lastly, remind the community that ALL homes in the city are subject to noise and disturbance regulations and strongly encourage the community to report issues on all neighboring homes whether they are STRs or not and if there are repeat offenders, the city should take action against the homeowner.

As the largest operator in the city, we are currently remitting over 50% of the total STR TOT that was paid for the FY 2022-23 and we have worked diligently to set the example for other operations by being compliant with the regulations and insisting that our guests are “Good Neighbors” during their visit. Please don’t punish those of us who are working hard to be good and compliant operators for the actions by the bad actors and the second home owners. Let’s just focus on fixing the gaps in enforcement and identifying and eliminating the violators. As a professional Real Estate company in the city, we generate very significant economic benefit for the local merchants in the area with our estimated 5000 guests in the city each year, providing an even greater economic benefit to the city beyond the funds remitted directly to the city in TOT.

Maggie Juren, Nick Juren, Robert Elzer
Owners, Beach-N-Bay Getaways and URelax Vacation Rentals



AGENDA NO: A-3

MEETING DATE: October 24, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Monday, October 23, 2023 8:15 PM
To: Carla Wixom; Laurel Barton; Jennifer Ford; Zara Landrum; Cyndee Edwards
Cc: Steve Conway; Dana Swanson
Subject: agenda item a-3

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear City Council,

The year-end budget adjustments seem appropriate. What is surprising is the number of Capital Improvement carryover projects. There are 47 listed. Half are in the hundreds of thousands of dollars to millions of dollars. With that kind of budget it is not surprising that these projects are multi-year. However, it's not clear why less expensive projects are carryovers, for example new vehicles, speed survey, and license plate readers. Please ask staff to explain.

Also, I note that the City is purchasing at least 4 new vehicles. Will they be purchased in line with the CAP recommendations that the City is suppose to be meeting?

Why is the City still ding ADA access upgrades?

Is the City putting in its own EV stations?

Finally, though the new sewer plant is technically complete (is that true?) why are there so many outstanding bills?

Sincerely,
Betty Winholtz



AGENDA NO: A-6 & C-2

MEETING DATE: October 24, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Heather Goodwin

From: patticake801 [REDACTED] >
Sent: Sunday, October 22, 2023 6:52 PM
To: Council
Subject: Meeting for 10-24-23

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

A-6....I'm so happy that Mary Lou Jannopoulos (Bay Theater) will be honored.... She is a true Morro Bay TREASURE !!!
Also I have met the new owner, Cameron (Cam) and he is awesome too.
C-2.... In regards to the issue of the declaration by the former council, stating that Morro Bay did not want to be part of the Chumash Heritage Marine Sanctuary, please change the city's position, without delay! We most definitely need to be included in the sanctuary, as was originally proposed! Thank you, Patti Anderson
PS I was very disappointed that neither Jen Ford nor Laurel Barton responded to my prior email, to each of them, asking how they had voted on that issue and why they voted that way (when Heading was mayor).

[Sent from the all new AOL app for iOS](#)



AGENDA NO: C-1

MEETING DATE: October 24, 2023

**AGENDA CORRESPONDENCE AND
STAFF PRESENTATION
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

To: Morro Bay Mayor Carla Wixom and MB City Council
From: Neil Farrell
Re: Parking issues at Morro Rock.

Dear Madam Mayor:

Please consider this my public comments on the parking situation on the Morro Bay waterfront and the Walker Study calling for paid parking.

With regards to Morro Rock, the harbor department — along with State Parks — over 7-years ago — permanently closed the traffic gate on Coleman Drive at the base of Morro Rock, cutting off the parking lot overlooking North Jetty Beach (Mother's Beach?).

What used to be a gate to control traffic when the waves are big and everyone wants to drive down there and watch the spectacle, making it hard for emergency response vehicles (fire trucks and ambulance), has become a permanent barrier to accessing that calm-water beach, one of just two in town.

They did this without the benefit of obtaining a Coastal Development Permit from the City or the Coastal Commission, which has original jurisdiction in that area.

The Coastal Commission famously had a similar situation in Aptos years ago. A group of private property owners closed off a private dirt road leading to a public beach because they were tired of all the parties, trash and debauchery going on.

The Coastal Commission ordered the fence torn down and when the property owners refused, the Commission sued. The Commission successfully got the court to order removal of the

fence/gate to restore public access through private property to a public beach.

In Morro Bay you have two public agencies working together to close access to a public parking lot at a public beach, on a public road, without notifying anyone or seeking a CDP.

A CDP process would also have considered handicap accessibility instead of a dirt pathway around the gate post, which becomes a significant obstacle for wheelchairs when it's muddy.

Also, this "loss" of parking on the Waterfront should be considered as a loss of \$15,000 for each vehicle parking space at the end of Coleman Drive and the Harbor Department/State Parks should compensate the Parking-in-lieu fund accordingly.

Or the gate should immediately be reopened and access restored to this public parking lot and beach. And if the department still wants it closed, do so properly and legally through the CDP process — i.e. apply for a permit and take your chances.

Reopening would also restore handicap parking for people who wish to see the breakers over the Jetty; as it is now, everyone is forced to walk about 250 yards from the gate to the end of Coleman Drive.

Also, all the work that has been done at the Rock parking lot — the parking bumpers, anchors and chain, and stood-up boulder fence at the base of the Rock — was also done without a CDP. None of the work that was done out there was designed, planned or permitted in any way and frankly, sits as a huge liability for a writ of mandamus lawsuit against the City and State Parks.

As for paid parking, I'm against it. In the paraphrased words of Harry Rodgers, The Embarcadero doesn't have a parking problem.

When there's nowhere to park, that isn't a problem, because it means your town is full and the economy is good. When there's plenty of parking, the town isn't full, and that is a real problem.

Every council for the past 30-plus years has tried to fix the parking problems in town. Unless you are willing to take vacant property on The Embarcadero (or uptown) for additional parking, I do not believe you should consider paid parking unless you can buy a parking lot.

Also you must consider that proceeds from paid parking can only be used to provide more parking and cannot just be dumped into the City treasury.

Making locals pay to park on the Embarcadero, and actually ticketing them if they stay too long, will cause this council and future councils untold headaches. It will also risk cutting the number of times local residents go to the waterfront, which is vital during the winter to keep these businesses afloat.

This City has a parking time limit on the books now, but the street crews haven't kept up with painting the curbs, the City took down all the parking limit warning signs (making this unenforceable) and the police have always refused to enforce parking laws anyway (unless you block someone's driveway or stay over 72 hours on the street).

I have a suggestion for solving another issue — delivery trucks blocking traffic on Embarcadero. Paint wide, yellow, "loading zone" stripes across the front of the street ends from corner to corner and have delivery trucks pull off the traffic lane to deliver their goods. Move the crosswalks in a few feet and this should fix the issue of delivery trucks blocking traffic.

Sincerely,
Neil Farrell
Former Morro Bay resident

Dana Swanson

From: Sean Green [REDACTED]
Sent: Tuesday, October 24, 2023 2:47 PM
To: Council; Yvonne Kimball
Cc: Public Works Advisory Board; City Clerk Distribution Group; Greg Kwolek
Subject: 10/24/23 Council Item C-1: Paid Parking Pilot Program
Attachments: Screen Shot 2023-10-24 at 2.21.10 PM.png; Screen Shot 2023-10-24 at 2.29.59 PM.png; Screen Shot 2023-10-24 at 2.34.12 PM.png

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Council and staff,

While I recognize there's some upside if well executed and managed, I still feel mixed and worried about paid parking and empathize with the majority of residents who oppose it outright. Before you make your decisions today, can you please address the following items to help alleviate public concerns, mine included?

Five (5) questions for today's deliberation:

1. **Do paid parking "pilot programs" ever fail?** It would seem that financial investment in paid parking infrastructure would inevitably mean that the machines will never go away, and that results of a pilot program may skew in favor of continuation simply by inertia. Are there examples of other cities who have completed a pilot program, received negative results, and ultimately eliminated paid parking? Is there a way to preemptively create a system to evaluate the effectiveness of paid parking at future checkpoints (ex. end of Year 2 or Year 3) that doesn't require paid consultants nor rely on anecdotal surveys? Could such an evaluative system be established by PWAB, city staff, or ad hoc committee prior to program implementation so as to maintain a sort of ongoing public scoreboard of pros and cons?
2. **Where will pedestrians walk?** Parking machines are bulky and cumbersome, and Embarcadero's sidewalks are laughably narrow for a tourist destination. Are there examples in other cities where parking machines take up little to no space and yet remain accessible to paying customers? Conversely, is there merit to postponing paid parking until Embarcadero's sidewalks are widened to adequate width?
3. **Will machines be app-based, coin-based, or both?** App-based parking machines are the new normal, which can leave many seniors (and sometimes even myself) frustrated to the point of giving up on visiting a business district altogether. Considering Morro Bay's aging population, are there examples in other cities where app-based parking machines have found ways to avoid displacing seniors? Will there be coin-based meter options as well?
4. **Which stakeholders groups in Morro Bay support paid parking?** City staff and outside consultants seem to support paid parking, which certainly counts for something, but are other city groups fighting hard for it, either publicly or privately? (WMLs, TBID, Chamber, citizens groups, etc.) If known stakeholder groups support or oppose paid parking, whether publicly or privately, can Council or staff please share who those groups are at today's meeting, as this will help build a more reasonable case for or against the pilot program?
5. **Can the parking spaces at Beach Street, west of Embarcadero, be added to the pilot program?** The owners, employees, and/or affiliates of 1099 Embarcadero typically place cones, classic vehicles, and/or private trucks around the property's entire public perimeter from Friday morning to Sunday afternoon on most weekends at the expense of several public spaces. Is there any specific reason why the public parking spaces at the west end of Beach Street are excluded from a paid parking program designed to combat this very issue? Can those spaces please be included, if the pilot program moves forward, as they represent a key stretch of Embarcadero with far more demand than supply?

Thank you for your time and consideration,

Sean Green
Morro Bay, CA





Item C-1 – Sean Green



Heather Goodwin

From: [REDACTED]
Sent: Tuesday, October 24, 2023 8:19 AM
To: Council
Subject: parking situations

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Good Morning Ladies!

I have written a couple of emails since 2020 regarding my thoughts on Pay for Parking at The Rock.

My take is DO IT!

It will bring in essential necessary revenue for upkeep, be more ADA accessible and seem not as confusing with enter and exiting .

Locals will need a sticker or some tag identifying them so they are exempt but visitors will adjust, they always do. I don't know any locals who visit the rock at busy times, so that's a thought too. Charge on weekends and holidays, there are many options.

The garbage cost increase is another story.

As is the wind farm.

And the Chumash Sanctuary.

And the amount of TRASH piling up across from Dolly,s Donuts in the ditch.

On that note: Have a Nice Day.

Respectfully,

~Mary Forbes



WALKER
CONSULTANTS

Paid Parking Pilot

Background and Proposed Policies

City of Morro Bay



Agenda

01 Rationale for Paid Parking

02 Approach

03 Proposed Pricing and Location

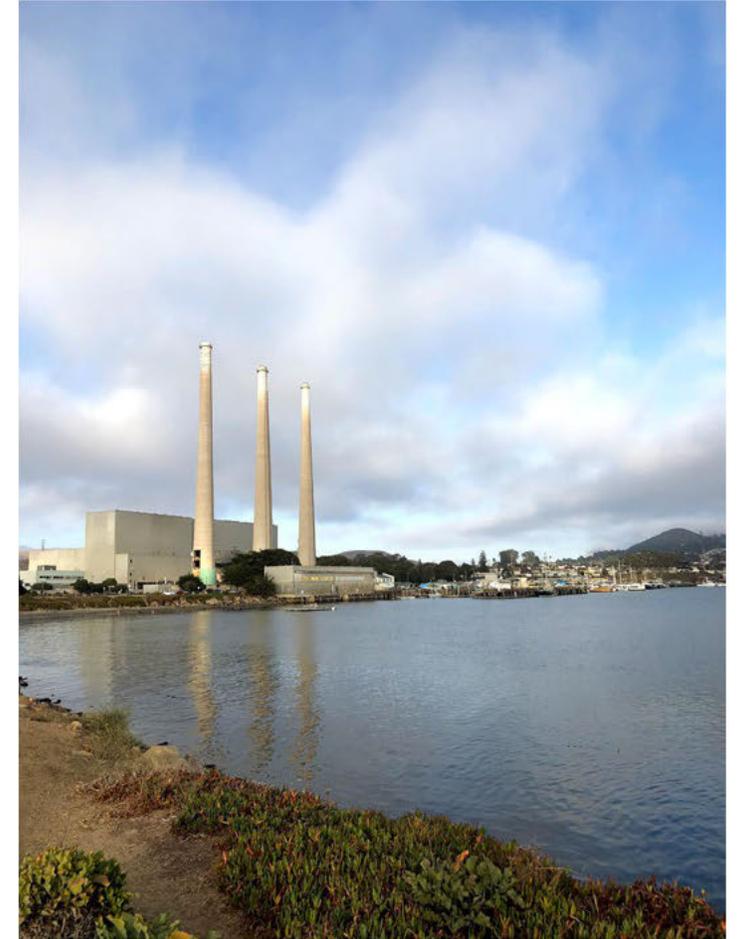




01 | Rationale for Paid Parking

BENEFITS OF ACTIVELY MANAGING PARKING

- Improve and increase access to the area for visitors and customers
- More frequent turnover of prime parking spaces
- Space availability increases for visitors (less time circling & searching for space, and giving up)
- Increased coastal access
- Bring more visitors to shop, dine, & recreate in Morro Bay
- Effective increase in parking supply through greater turnover.
- Sustainability benefits



A wide-angle photograph of a harbor or bay. The water is a deep blue, and the sky is a clear, light blue. In the foreground, several kayakers are visible on the water. In the middle ground, a large number of sailboats with their masts up are anchored. The background shows a low, sandy shoreline with some vegetation. A teal-colored banner is overlaid on the right side of the image, containing the text '02 | Approach for Implementation' in white.

02 | Approach for Implementation

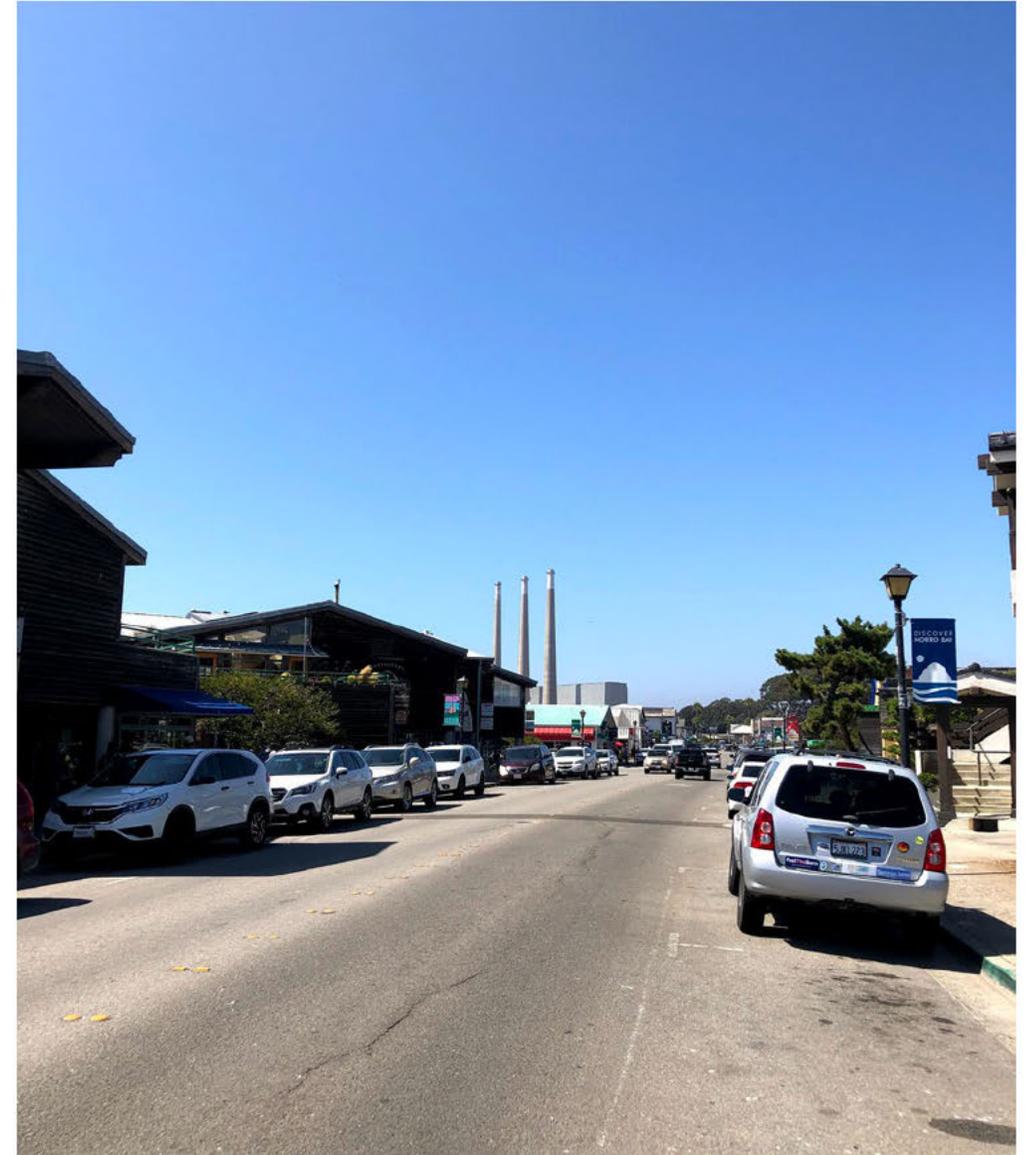
ORIGINAL STUDY AREAS

- Embarcadero: Findings justify paid parking
- Morro Rock parking areas: No paid parking at this time
- Downtown, public on- & off-street: Parking demand does not justify paid parking.



DATA COLLECTION

- Summer Data Collection
 - Thursday, August 6, 2020
 - Saturday, August 8, 2020
- Off-Season Data Collection
 - Thursday, November 19, 2020
 - Saturday, November 21, 2020
- On-Street counts collected from 10 a.m. to 8 p.m. every 2 hours
- Off-Street counts collected at noon, 2 pm. & 6 p.m.
- Parking turnover (how long people park) collected hourly Friday, August 7 & November 20, 2020, from 9 a.m. to 5 p.m.



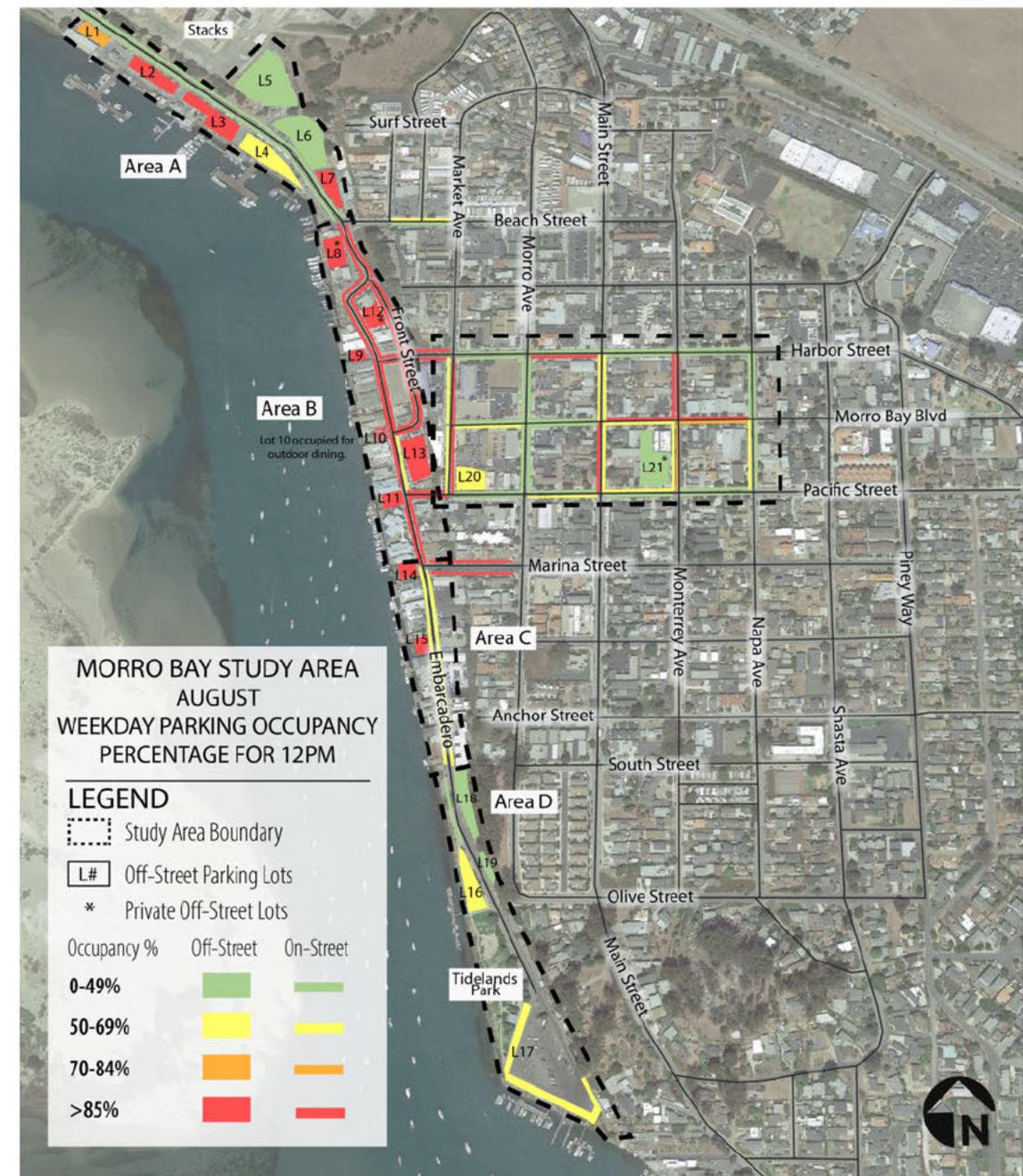
APPROACH FOR IMPLEMENTATION: THE EMBARCADERO

- Design day: summer weekday and non-summer weekends
- Paid parking in areas of low parking space availability
- Free parking in locations of high availability to make space available for:
 - Employees
 - Long-term parkers
 - Price conscious drivers
- High season and low season parking pricing
- No time limits. Parking enforced with hourly rates only.
- Monitor and adjust rates to adjust pricing and locations



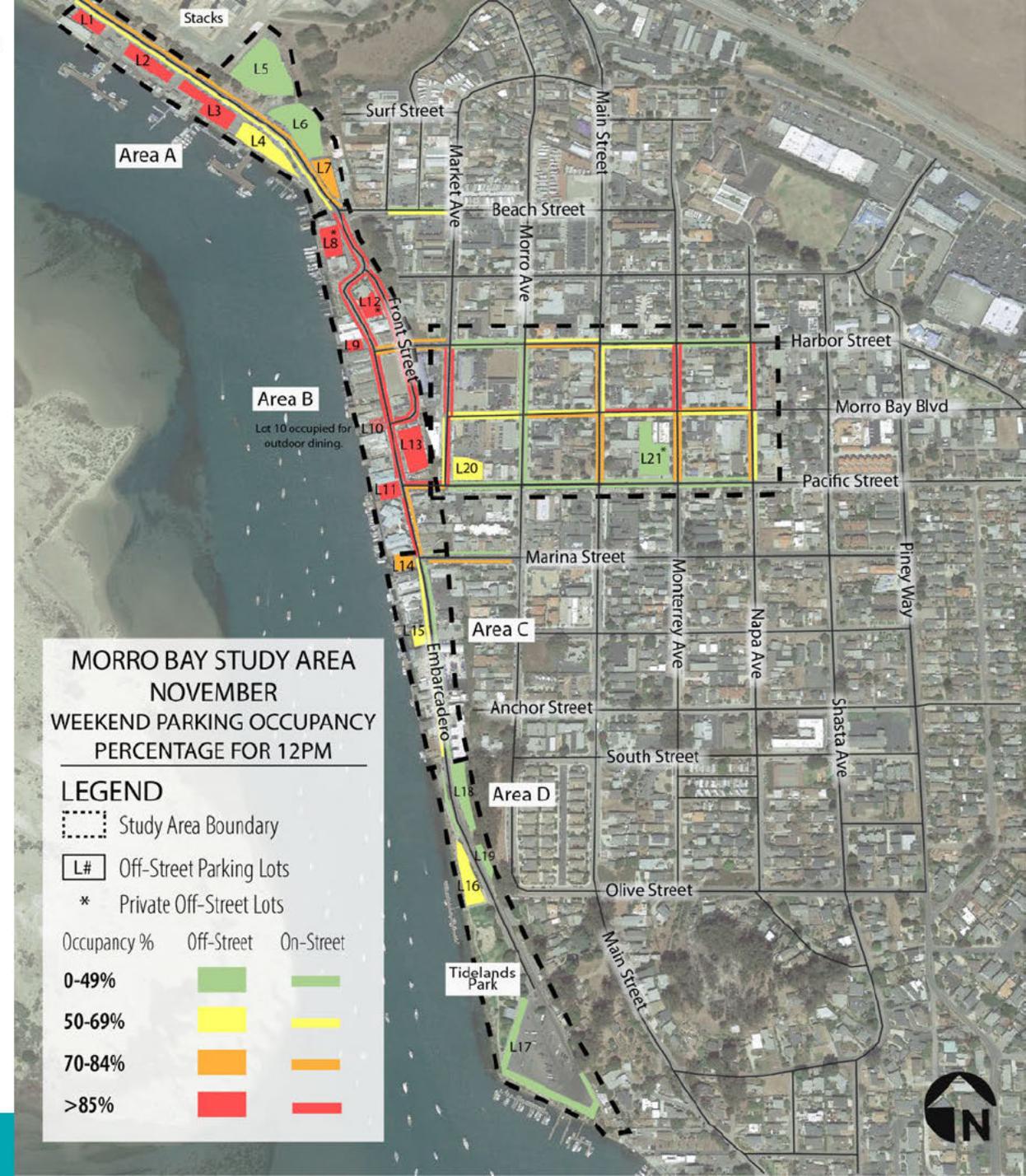
SUMMER – WEEKDAY – DESIGN DAY

- **Peak demand:** lunchtime
- **Embarcadero**
 - 67% of spaces utilized
 - Most highly utilized areas:
 - On- and off-street parking between Beach Street and Marina Street
 - Off-Street lots north of Beach St, west side of Embarcadero (shown as L2 & L3 on map)



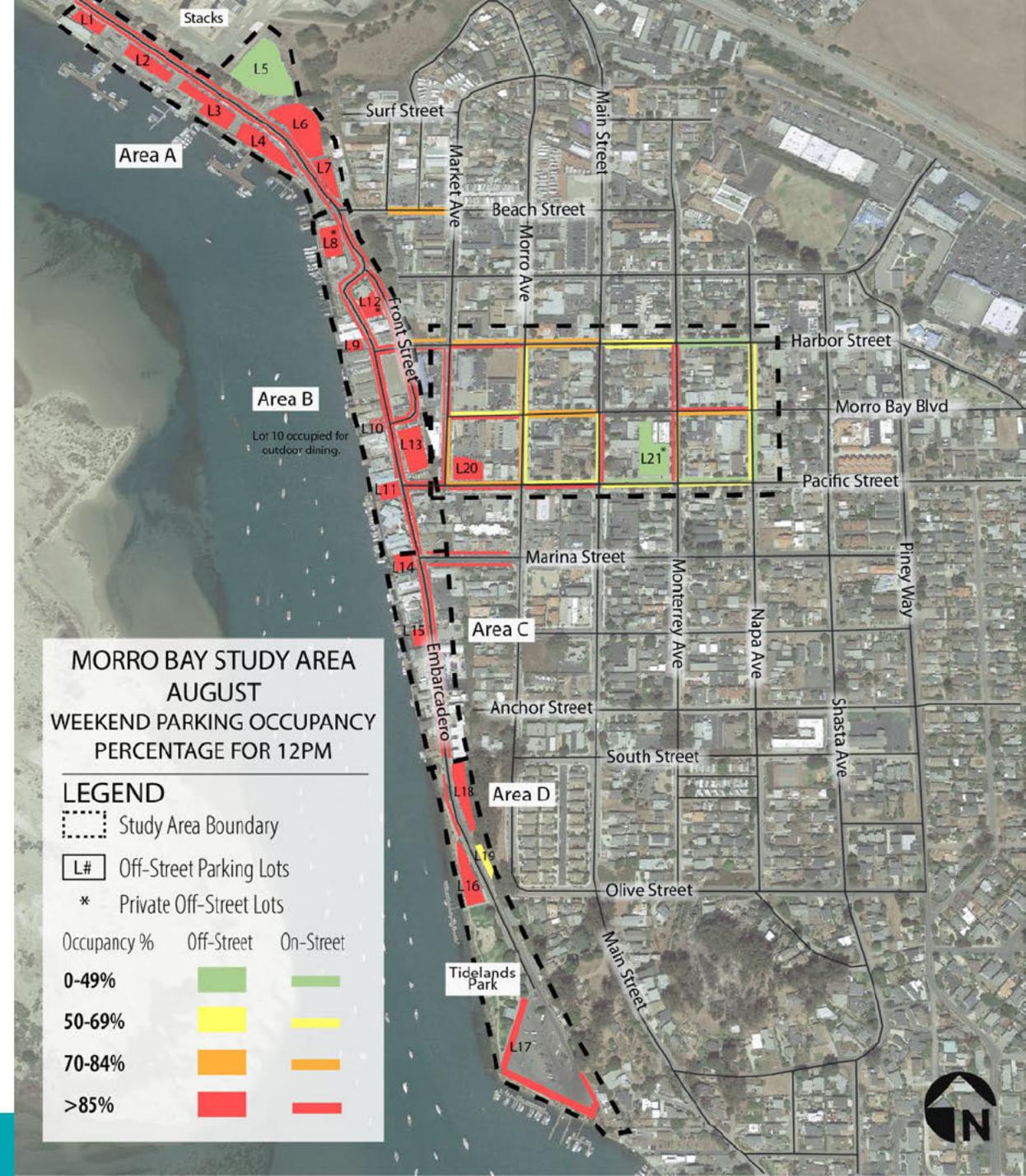
OFF-SEASON WEEKEND - DESIGN DAY

- **Peak demand:** lunchtime
- **Embarcadero**
 - 67% of spaces utilized
 - Significantly more availability than during the summer
 - Most highly utilized areas:
 - Core area between Beach St & Marina St experience the highest utilization
 - Lots north of Beach St, west side of Embarcadero (L1, 2, & 3 of the map)



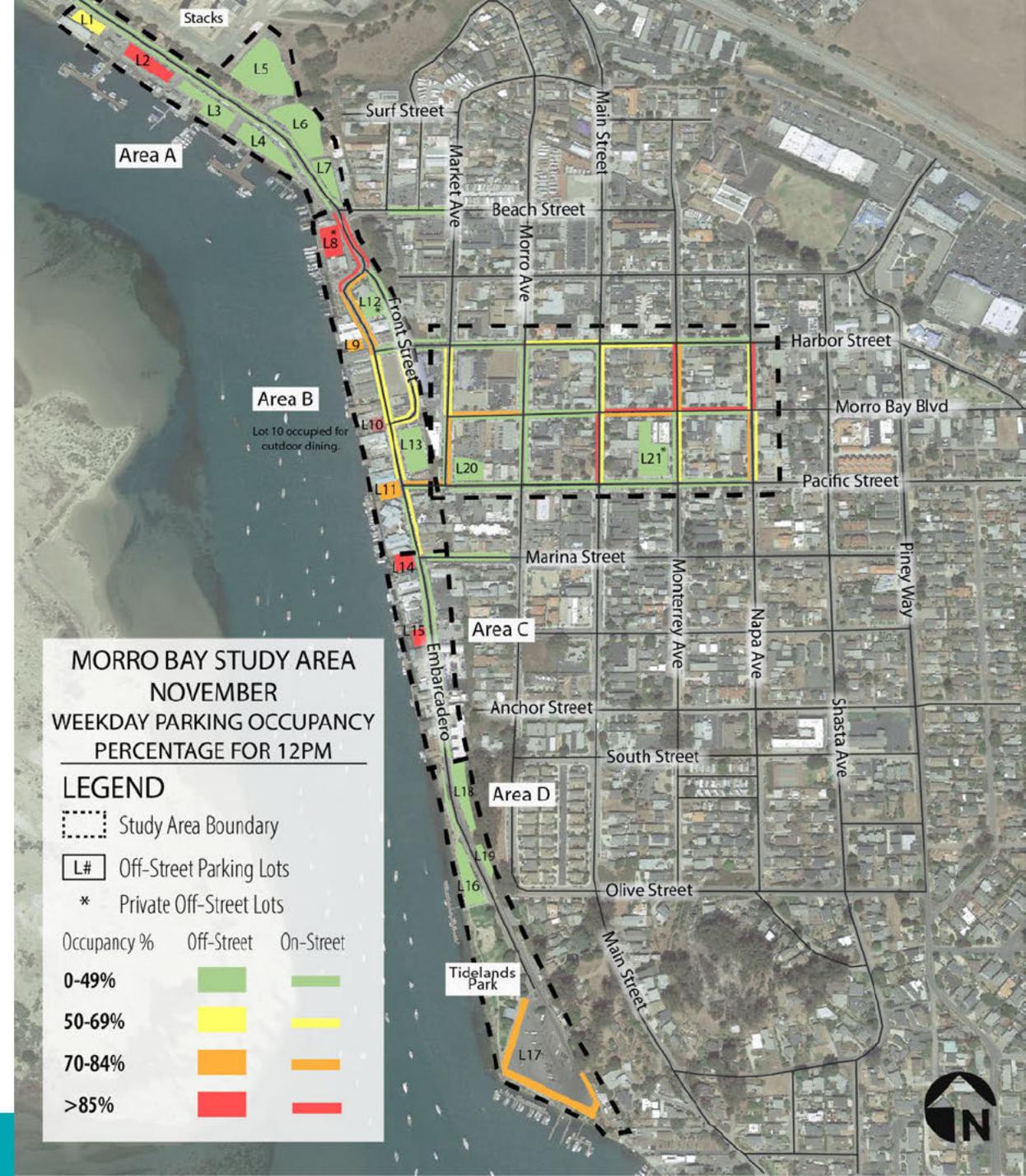
SUMMER – WEEKEND

- **Peak demand:** lunchtime
- **Embarcadero**
 - 86% of spaces utilized
 - Most highly utilized areas:
 - All public and private parking along the Embarcadero was highly utilized during a busy summer weekend
 - The unpaved just south of “the Stacks” is the only parking area that always experiences low occupancies
- **Downtown**
 - 72% of spaces utilized
 - Segments of high utilization on some blocks; generally higher utilization overall



OFF-SEASON - WEEKDAY

- **Peak demand:** lunchtime
- **Embarcadero**
 - 42% of spaces utilized
 - Significantly more availability than during the summer
 - Core area between Beach St & Marina St continue to be the busiest & some lots north of Beach St (L2 on map)
- **Downtown**
 - 38% of spaces utilized
 - Segments of high utilization on some blocks
 - Overall lower utilization than summer





3 | Paid and Free Parking Proposed Locations

PROPOSED LOCATIONS FOR PAID PARKING



PROPOSED LOCATIONS PAID* AND FREE PARKING

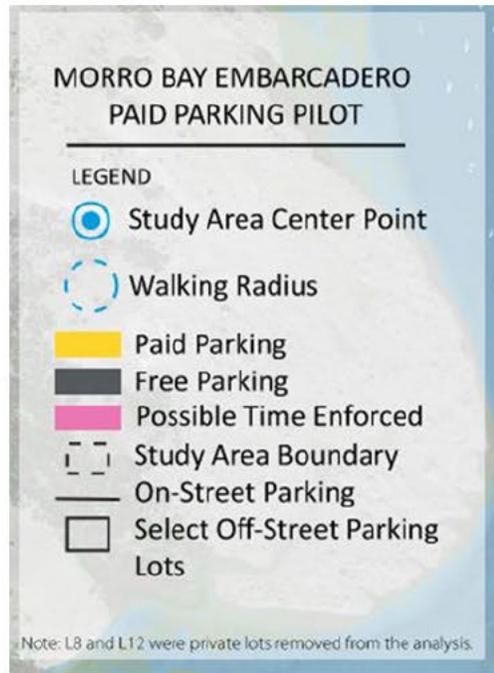
NORTHERN PORTION OF STUDY AREA

*Proposed paid
locations in orange

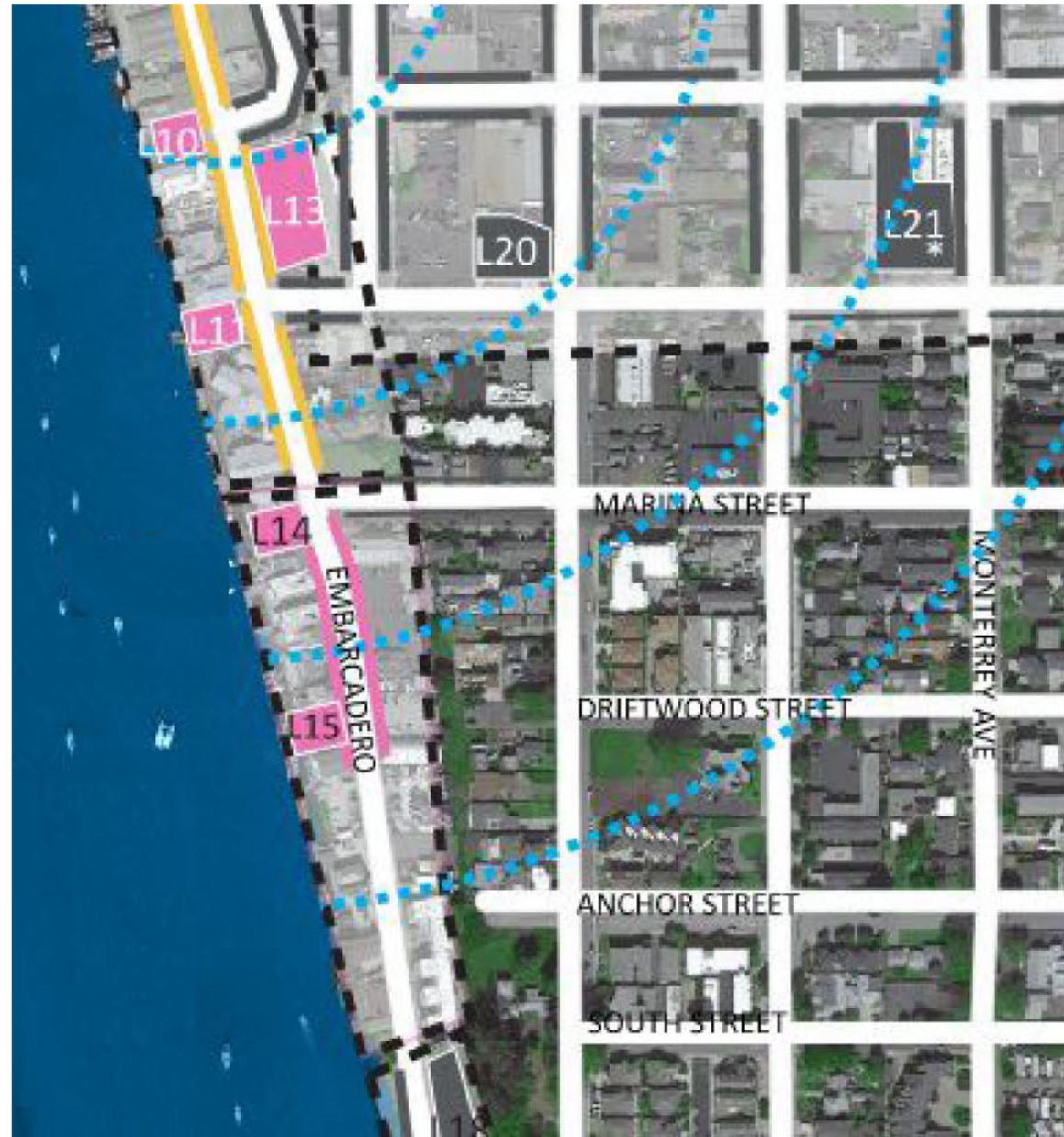


PROPOSED LOCATIONS PAID* AND FREE PARKING

SOUTHERN PORTION OF STUDY AREA



*Proposed paid
locations in orange



GROSS REVENUE PROJECTIONS AND ASSUMPTIONS

Walker projected year one annual revenue projections based on multiple assumptions including:

- 103 on-street spaces along the Embarcadero and 149 off-street spaces in lots north of the Embarcadero requiring payment.
- 359 days per year meters in effect excluding six major holidays, 10 hours of enforcement daily from 9:00 am to 7:00 pm.
- \$3.00 per hour rates for 174 days per year, \$1.00 per hour rates for all non-summer weekdays (a total of 185 days).
- Approximately \$500,000 to \$600,000 projected *gross* annual revenue from on-street parking spaces upon program stabilization after Year 1.*
- Program break even projected by Year 2.*
- Approximately \$150,000 to \$200,000 *net* revenue by Year 3.*

*Financial projections are for policy and planning purposes only and are not intended to be used in financing or other third-party documents.

CONCLUSION: MANAGING PARKING HAS REAL BENEFITS BUT EFFORT IS REQUIRED TO EARN THE BENEFITS

- City staff implementation and oversight effort are necessary.
- Can generate meaningful revenue to support City services but requires some initial outlay for start up costs.
- Third party firms or entities can assist with upfront outlays, but at a cost.
- New parking payment technologies can help, but there is no “set it and forget it.” Human attention is key.



Thank you.

Discussion and Questions



WALKER
CONSULTANTS



Resubmitted October 22, 2023
City Council Meeting Oct 24, 2024 Item C-1

September 2021 Parking Management Plan

Dear Advisory Boards, Commissions, and Members of Council:

Success is such a royal pain in the side. We have just too many people parking on the Embarcadero during lunch hour on the weekends. Putting in parking meters or time restrictions is not going to free up one of those parking spaces at lunch time! The only option is to close half the restaurants on the Embarcadero if you want those spaces available 😊

“As a visitor destination, the City recognizes that the peaks, valleys, and relatively small area experiencing a parking impact may mean that active efforts to manage parking throughout the year may not warrant the investment in time and resources for limited periods and locations.”

That is about the only true and useful statement in the whole Parking Management Plan.

It is the time-honored complaint that if I can't park at the door of the place I want to go, then there is a parking problem.

If business owners and their employees take up too many parking spaces (as noted in the report), the business community should deal with that issue, not the city. That should be why they have several business organizations down there. The visitors and local patrons of the Embarcadero should not be forced to pay for parking year-round because of a few poorly managed business operators.

I understand the desire to have more parking available on the Embarcadero. Paid parking is just going to squeeze out the middle- and lower-income patrons that have made the Embarcadero a success for decades. I also realize that that is what some people want, a higher/wealthier class of people that will spend more while they are here. This has been made very evident with the ridiculous desire to redevelop the Hungry Tiger location with a 5-star hotel and a faddish entertainment center smack in the middle of the Embarcadero. Can you say Carmelization? Those plans, of course, will wipe out a significant number of existing parking spaces (not addressed in this report).

An aside from the parking plan, the City has been going down the wrong path with the plan to develop an entertainment center at the Centennial Stairway. That should be uptown or someplace else, not in the center of an already impacted and successful business area. You already have a problem with too many people on the Embarcadero. You want to draw them to the other business areas of town. There will still be plenty of them patronizing the Embarcadero. Also, that does not fit the fishing village image we pretend to be at that location. Nor is it environmentally “sound” to be projecting that onto the water. Stop trying to copy other places and recognize our unique assets.

For decades the citizens have been emphatic that the Rock parking area stay as “rustic” as possible. That has been one of the primary reasons, besides cost, why locals don't want it paved. The addition of bumpers and barriers was a good idea but the idea of paid parking, just like allowing camping at the Rock, is atrocious.

Before you fall for the scheme of paid parking, look closely at the usage figures. There is no parking problem mid-week and off-season. Why inflict this expense on everyone year-round just because of Saturday lunch hour?

If, heaven forbid, you do install paid parking, why make this assumption?

"5.Assumes paid parking seven days a week except for 12 holidays per year." (2023 report makes that just 6 holidays)

Hello! The biggest parking issues are on the holidays so why would you exempt them? This isn't like downtown SLO where most businesses are closed on holidays. This is when parking on the Embarcadero is most impacted!

Shelve this plan with extreme prejudice and look to add new lots near by possibly with shuttles for weekend lunch hour. Please, don't put your foot in the door with a "2-year pilot program". It will be a huge waste of time, money, and goodwill and we will probably lose people to Cayucos and Cambria.

Thank you for your time and consideration of these comments.
Ric Deschler

New comments for October 22, 2023.

It is good that the updated study does not encourage paid parking at the Rock or uptown and side streets "at this time". The additional barriers at the Rock were a good improvement for flow, control, and safety. Let the *"Staff consulted with the California Coastal Commission with an unfavorable response regarding deployment of paid parking at the Rock (which could change with new information)."* be the end of the idea of paid parking at the Rock.

Paid parking on the Embarcadero will do nothing to increase or improve parking as stated in my previous letter above. You need to be honest with everyone. This is only about changing the cliental of tourist and raising money. Be careful of what you wish for. I no longer shop or dine in downtown SLO, not because I can't find a place to park, but because of the complexity and cost is not worth it.

Most all consulting firms tend to push the expensive, high-tech solutions with huge benefits as the best way to go. They will show you their success for other communities as examples and give inflated net results. The problem is, do you really want to visit or live in those communities instead of Morro Bay? We have financial problem in Morro Bay but don't be a sucker for a slick fix.

Thank you,
Ric Deschler

Heather Goodwin

From: Jeffrey Heller [REDACTED]
Sent: Sunday, October 22, 2023 1:23 PM
To: Council
Subject: Agenda Correspondence - Item C-1, Reg. CC Mtg 10/24/23

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear Council and staff

Thank you for bringing this item forward. It has important cultural and financial components.

Culturally, many residents believe Morro Bay should not have any paid parking, *"This is not what Morro Bay is or should be"*,

Some residents think paid parking at the Rock might be OK, as long as locals would have the access they want at no or reduced cost.

Financially, many business owners believe paid parking will hurt their businesses; The City needs revenue and is currently paying for all maintenance of parking lots, streets, etc. with the "Parking In lieu Fund" which is probably adequate.

Here are my questions:

1. What is the balance of our current "Parking In Lieu Fund"?
2. What are the annual costs to maintain our parking areas including the Rock, the Triangle Lot, etc.?
3. Do we or have we supplemented these funds with Harbor Funds or General Fund monies?
4. Since we have specific recommendations from Walker for the Embarcadero and Downtown parking areas, why aren't we making decisions about possible implementation (e.g. Embarcadero Pilot Program from Beach to Pacific) instead of the Rock areas which are likely to require more extensive review with the Coastal Commission?
5. Most importantly, why is the powerpoint presentation for the 10/24/23 council meeting attached to the agenda?

I will not be able to attend the meeting---and I depend on the agenda to contain all the information that will be presented at the meeting in order to submit fully informed questions in my "agenda correspondence".

This is a "best practice" and commonly used by many public agencies. Please consider implementing this best practice in Morro Bay.

Thank you all for your time and efforts in leading our City.

Jeff Heller
[REDACTED]



AGENDA NO: C-2

MEETING DATE: October 24, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: Barry Ginny and Angela Garelick <[REDACTED]>
Sent: Tuesday, October 24, 2023 1:45 PM
To: Dana Swanson
Cc: Carla Wixom; Laurel Barton; Jennifer Ford; Cyndee Edwards; Zara Landrum
Subject: Agenda Item C-2: Potential Chumash Heritage National Marine Sanctuary
Attachments: Attachment 1_Garelick comments on proposed rule NOAA NOS 2021 00800.pdf

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Hi Dana,

Regarding tonight's City Council meeting, please include this email and attachment with the C-2 agenda correspondence. I urge the current City Council to support the potential Chumash Heritage National Marine Sanctuary and to request an extension of the comment period for NOAA's proposed rule (NOAA-NOS-2021-00800).

Thank you.

Ginny Garelick

October 22, 2023

Mr. Paul Michel
Regional Policy Coordinator
National Oceanic and Atmospheric Administration
99 Pacific Street, Suite 100F
Monterey, CA 93940

Dear Mr. Michel:

Subject: Comments on Chumash Heritage National Marine Sanctuary proposed rule
(NOAA-NOS-2021-00800)

My name is Mary ("Ginny") Garelick and I live in Morro Bay, California. I was one of the individuals who signed a petition to support the nomination of the Chumash Heritage National Marine Sanctuary in 2015. The petition that I signed encouraged the National Oceanic and Atmospheric Administration (NOAA) to designate a new national marine sanctuary (NMS) that would start where the Monterey Bay NMS ends at Cambria and stretch down to Point Conception close to the start of the Channel Islands NMS. Thus, I was very disappointed to learn that NOAA has proposed to change these boundaries by cutting out the waters off Cambria, the Harmony Coast, Cayucos, Morro Bay, the Morro Bay Estuary, and Morro Rock thereby creating a gap in the sanctuary's protections.

I strongly urge NOAA to reconsider its current position (e.g., proposed Alternative 2 and Sub-Alternative 5B) and reinstate the original boundaries for the Chumash National Heritage Marine Sanctuary plus the Gaviota Coast Extension (Sub-Alternative 5B) for the following reasons:

- The gap in the sanctuary's protection leaves San Luis Obispo County as a target for new offshore oil and gas drilling.
- NOAA's current preferred alternative excludes an area that is a flyover for more than 20 species of birds and a pass through for species including white sharks, Bluefin tuna, sea lions, elephant seals, leatherback turtles, whales, sea otters, and black-footed albatross.
- The newly excluded areas are former Core Area Six (Pecho Coast Marine Environment) and former Core Area Seven (Cayucos Creek to Santa Rosa Creek). The unique coastline and ocean waters of this region is a biodiversity hotspot visited by people from all over the world.
 - "Core Area Six includes the shoreline of the Pecho Coast, located between Point San Luis and the Morro Bay Sandspit, the Morro Bay Sandspit to the north flank of Morro Rock, and the nearshore waters out to the 200-meter bathymetric line. The Pecho Coast marine environment consists of a 13-mile stretch of intertidal rocky reef beginning at Point San Luis north to Hazard Canyon. The shoreline is characterized by sheer, wave-eroded cliffs, jutting headlands, and massive offshore submerged and exposed rocks. Above shoreline the narrow coastal bench is flanked by hills. The tidal zone is generally narrow and may terminate

abruptly where protection from wave shock is minimal and deposition is reduced or absent. These topographical features form a highly irregular coastline. The coast provides many different exposed and protected habitats that extend or control the abundance and composition of marine plants and animals. The Pecho Coast Marine Environment contains two state marine protected areas (MPAs) and is adjacent to the Morro Bay National Estuary.”

- “Core Area Seven is from Cayucos Creek to Santa Rosa Creek. At its northern end, the Sanctuary would protect the North Estero Bay Intertidal Zone, extending from the Chumash village site of Cayucos and other large sites found in the area to a mile north of Pt. Estero. Comprised of rocky intertidal zones associated with dense kelp forests and other algae populations, the area supports a wide diversity of life. One of the largest southern sea otter population clusters resides within this zone. Offshore rocks provide rookeries and roosting sites for birds and haulouts for pinnipeds. 500 to 600 harbor seals are found here. Whales other than gray whales occasionally visit within this zone. Gray whales stack at Point Estero during migrations. Onshore are found Cayucos State Beach, White Rock, and Cambria MPAs.” (Source: Application for the nomination of Chumash National Heritage Marine Sanctuary submitted by Fred Collins, Northern Chumash Tribal Council, 2015.)

I understand that NOAA’s decision to change the boundaries for the Chumash National Heritage Marine Sanctuary was due in large part to the *potential* installation of subsea electrical transmission cables and floating offshore substations associated with the *potential* Morro Bay Wind Energy project. This project is in the very early planning stage and its implementation is far from certain. Even if this project were built, I believe it would not be incompatible with NOAA’s NMS policies because solutions will be found to mitigate any environmental impacts associated with it.

Designating the Chumash National Heritage Marine Sanctuary based on the original proposed boundary would create a contiguous string of protected ocean from Point Arena in Northern California to the Channel Islands in Southern California. This action would protect innumerable historical and cultural sites (including Morro Rock State Landmark); protect and preserve important marine ecosystems, biodiversity and critical habitat for future generations; support ocean-dependent Central Coast economies; increase ecotourism and recreational opportunities; and create employment opportunities for marine researchers in San Luis Obispo County. Therefore, including the waters off Cambria, the Harmony Coast, Cayucos, and Morro Bay in the Chumash Heritage National Marine Sanctuary is critical.

I appreciate your consideration of my comments and I look forward to the day when the Chumash Heritage National Marine Sanctuary is designated.

Sincerely,

Ginny Garelick
Morro Bay, CA

Dana Swanson

From: Yvonne Kimball
Sent: Friday, October 20, 2023 6:50 PM
Cc: Ted Schiafone; Dana Swanson
Subject: FW: Congressman Carbajal previous comment letters re: Chumash Heritage National Marine Sanctuary
Attachments: CHNMS ltr to Sec. Raimondo 8.31.21.pdf; 2.4.22 Chumash w.sigs.docx

Council (by BCC),

Please see the attached. My request of someone from Carbajal's office can attend Tuesday's meeting was declined. So I requested letters of official positions from Cong. Carbajal's office. This info is not in our Tuesday meeting packet. You might have already seen the letters.

Yvonne Kimball
City Manager
City of Morro Bay

From: Haas, Greg <Greg.Haas@mail.house.gov>
Sent: Thursday, October 19, 2023 2:56 PM
To: Yvonne Kimball <ykimball@morrobayca.gov>
Subject: Congressman Carbajal previous comment letters re: Chumash Heritage National Marine Sanctuary

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Hello Yvonne,

Sorry this took me so long to get to you.

Here are two letters from Congressman Carbajal and a delegation of California members in support of the creation of the sanctuary.

If you have any questions, please feel free to contact me anytime.

Greg Haas
Senior District Representative
Congressman Salud Carbajal
805-546-8348o
805-699-1442m
805-439-3574f
Greg.Haas@mail.house.gov

Congress of the United States
Washington, DC 20510

August 31, 2021

The Honorable Gina Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Richard W. Spinrad
Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue N.W., Room 5128
Washington, D.C. 20230

Dear Secretary Raimondo and Administrator Spinrad:

We write in support of the proposed Chumash Heritage National Marine Sanctuary and ask that you initiate the designation process to move this nomination forward. This nomination has continued to gather wide community support since the National Oceanic and Atmospheric Administration (NOAA) approved the proposal in 2015 and most recently during NOAA's most recent review in 2020. Located between Monterey Bay and Channel Islands marine sanctuaries, the proposed Chumash Heritage National Marine Sanctuary is the result of a robust and inclusive public process. Final designation would protect invaluable and diverse marine resources off the Central Coast of California, essential to California's \$1.7 trillion coastal economy.

In the August 10, 2021 *Readout of White House America the Beautiful Interagency Working Group*, members of the federal interagency working group articulated goals for President Biden's initiative to conserve and restore at least 30 percent of our nation's lands and waters by 2030. As excerpted from the readout, NOAA's Assistant Administrator Nicole LeBeouf stated, "NOAA's continuing efforts [also] include expanding the National Marine Sanctuary System, with a focus on designating new sanctuaries that align with the Administration's goals to address nature loss, climate change, and equity, including through enhanced engagement with underserved and tribal communities." The Chumash Heritage National Marine Sanctuary meets all of the Administration's goals.

The waters off the Central Coast of California are some of the most biologically diverse and ecologically productive regions in the world. This spectacular marine environment includes feeding grounds for numerous species of whales and dolphins, sea otter populations, kelp forests, and is home to vital commercial and recreational fisheries. Designating this area as a marine sanctuary would ensure we continue to be good stewards of these natural resources, while maintaining sustainable access for commercial and recreational fishing. The designation would also provide much-needed assistance in conserving California's kelp forests and rehabilitating other endangered marine life, including abalone.

Additionally, as outlined in the nomination submitted by the Northern Chumash Tribal Council, these waters are essential to the heritage of the Chumash, one of the few ocean-going bands among the First People of the Pacific Coast. Indigenous communities have always been a part of the marine ecosystem, and the Chumash people's historical memories and knowledge are

key to conservation moving forward. This designation would also protect submerged historical and cultural resources, including 40 known historic shipwrecks in the region. The area contains the Navy's worst peacetime loss shipwrecks, the gold-laden steamship S.S. Yankee Blade and the oil tanker, S.S. Montebello. A sanctuary designation will ensure we preserve these distinctive natural treasures that are of special historic, cultural, and archaeological significance.

Right now, our oceans and our communities are facing unprecedented challenges from a changing marine environment. From warming ocean waters, to increased threats of new offshore oil drilling, it is clear we need to act to protect these valuable resources that help grow our economy. NOAA's own studies show California's coastal waters warming at a faster rate than the global average, and severe threat to marine ecosystems due to ocean acidification and habitat loss. Designating this region as a national marine sanctuary would enshrine protections against oil drilling for a region that has first-hand experience of devastation from oil spills off the Santa Barbara coast in both 1969 and again in 2015.

Thank you for your consideration of our request. Once again, we urge you to move the Chumash Heritage National Marine Sanctuary nomination and advance it through NOAA's designation process. Please do not hesitate to contact us or have your staff reach out to ours should you have any questions. We look forward to continuing to work with you on this and many other marine issues.

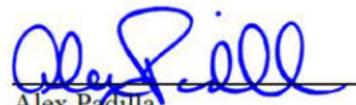
Sincerely,



Salud Carbajal
Member of Congress



Dianne Feinstein
United States Senator



Alex Padilla
United States Senator



Alan Lowenthal
Member of Congress



Barbara Lee
Member of Congress



Julia Brownley
Member of Congress



Jimmy Panetta
Member of Congress

Congress of the United States
Washington, DC 20515

February 8, 2022

The Honorable Gina Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, D.C. 20230

Richard W. Spinrad
Administrator
National Oceanic and Atmospheric Administration
1401 Constitution Avenue N.W., Room 5128
Washington, D.C. 2023

Dear Secretary Raimondo and Administrator Spinrad:

We write in support of Chumash Heritage National Marine Sanctuary designation as the National Oceanic and Atmospheric Administration (NOAA) seeks public comment for the initial designation scoping process. The proposed Chumash Heritage National Marine Sanctuary represents decades of work by the people of the Central Coast of California culminating with the initial proposal in 2015 and the recent decision in 2021 to move the nomination forward.

Designating the Chumash Heritage National Marine Sanctuary will advance President Biden's America the Beautiful campaign to conserve and restore at least 30 percent of our nation's lands and waters by 2030. Located between Monterey Bay and Channel Islands marine sanctuaries, the Chumash Heritage National Marine Sanctuary will establish protections for a biologically diverse and ecologically productive region. This spectacular marine environment includes feeding grounds for numerous species of whales and dolphins, sea otter populations, kelp forests, and is home to vital commercial and recreational fisheries. Designating this area as a marine sanctuary would ensure we continue to be good stewards of these natural resources, while maintaining sustainable access for commercial and recreational fishing. The designation would also provide much-needed assistance in conserving California's kelp forests and rehabilitating other endangered marine life, including abalone.

Recognizing these abundant waters are essential to the heritage of ocean-going bands among the First People of the Pacific Coast, we support designating the Chumash Heritage National Marine Sanctuary in name. In doing so, we urge NOAA to implement policies consistent with the joint Secretarial order issued by the Secretaries of the Department of the Interior and the Department of Agriculture and embrace the goal of "managing Federal lands and waters in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes." Additionally, we recognize that NOAA is authorized under 15 CFR 22 to "[d]evelop and implement coordinated plans for the protection and management of these areas" with "any American Indian tribe, band, group, or community recognized as such by the Secretary of the Interior," and urge you to exercise this authority when considering designation of the Chumash Heritage National Marine Sanctuary. We request NOAA to adopt a co-management approach with the indigenous community who have always been a part of the marine ecosystem. Creating a unique relationship between the management of the sanctuary with NOAA and the historical and cultural knowledge and practices of the indigenous community will strengthen the conservation of this one-of-a-kind place on the California coastline. Through the

Congress of the United States
Washington, DC 20515

application of traditional ecological knowledge, we can better understand climate change and build resilience to protect the biodiversity and economy of the Central Coast of California.

We also request NOAA pay close attention to the role of the Chumash Heritage National Marine Sanctuary's protection of marine resources off the Central Coast that contributes to California's \$1.7 trillion coastal economy. The long-standing relationship of coastal communities with these waters extends to the present with a sustainable commercial and recreational fishery and a vibrant tourism industry recognized nationally as a destination vacation. We encourage NOAA to incorporate these assets as resources worthy of protection and promotion.

The waters within the proposed boundaries of the Chumash Heritage National Marine Sanctuary are no different than other oceans and coastal communities facing the impacts of climate change. We need to protect these historical, cultural, ecological and economic resources even more today than we have in the past. Besides the threat of warming ocean waters and sea-level rise, designating this sanctuary will permanently protect this unique section of the coastline against oil drilling, where the ecological and economic devastation from oil spills is all too familiar.

Thank you for considering our comments and requests. We look forward to working with NOAA and the Office of National Marine Sanctuaries on the opportunity to develop a unique sanctuary to protect the past, present and future of California's waters off the Central Coast. Please do not hesitate to contact our offices should you have any questions.

Sincerely,



Salud Carbajal
Member of Congress

Dianne Feinstein
U.S. Senator



Alex Padilla
U.S. Senator



Jimmy Panetta
Member of Congress



Jared Huffman
Member of Congress



Julia Brownley
Member of Congress

Heather Goodwin

From: patticake801 <[REDACTED]>
Sent: Monday, October 23, 2023 8:58 AM
To: Council
Subject: Add on to earlier email

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Now that I have been educated on the history of the city's view on the marine sanctuary, I realize what a very difficult decision you have. My last concern is that if we are NOT a part of it, we could open ourselves to oil exploration, being the area not protected by the sanctuary. Eventually, IMO, it will be discovered that these so called "green" energy projects won't work and we will go back to oil. Thanks for reading my many emails, good luck, Patti Anderson

[Sent from the all new AOL app for iOS](#)

Heather Goodwin

From: Tom and Sheri Hafer <[REDACTED]>
Sent: Sunday, October 22, 2023 7:36 PM
To: Council
Subject: Issues with Chumash tribe and CHNMS
Attachments: Haley_NOAA_Proposed_CHNMS_Public_Comment.pdf

October 14, 2023

Mr. Paul Michel
NOAA Office of National Marine Sanctuaries
99 Pacific Street, Suite 100F
Monterey, CA 93940

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

Dear Mr. Michel:

My contribution to the public comments phase on the Proposed Chumash Heritage National Marine Sanctuary seeks to correct factual errors which appear repeatedly in public statements and documents of the proposal. These errors all concern who is considered indigenous by NOAA in these plans. These errors are not trivial. Failure to correct them will ensure that the stated goals of honoring, respecting, and co-managing with indigenous communities cannot and will not be met. Luckily, the errors can be corrected, and the proposal's admirable goals can still be attained.

I am a professional scholar who has been asked to comment by members of yak tityu tityu yak tilhini Northern Chumash Tribe (YTT), Xolon Salinan Tribe, Santa Ynez Band of Chumash Indians, and Barbareño Chumash Council. I am Professor of Anthropology at the State University of New York, Oneonta. I am a Woodrow Wilson National Fellow, a Fellow (elected) of the Society for Applied Anthropology, and recipient of the SUNY Chancellor's Award for Scholarship. I am an internationally recognized authority on neo-indigenous identity (claims of indigenous identity by persons lacking indigenous ancestry and social affiliation), and I am one of, if not the, leading scholar of neo-Chumash identity.

The Problem

Unfortunately for NOAA, it has proposed an indigenously focused project in a region characterized by rampant neo-Indianism. Neo-Indianism is a mass movement resting on inaccurate claims of indigenous ancestry and affiliation. In the United States, neo-Indians started

becoming numerous in the 1960s. Census Bureau researchers found that 0.65 million people changed their racial/ethnic identities to Native American between 1960 and 1990.¹⁵ By 2000, 1.25 million American Indians in the census were neo-Indians.¹² The figure may exceed 2 million today. Other studies support these findings. A study of 103,000 volunteers in California found that only 14.4% of persons claiming Native American race/ethnicity carry genetic markers for Native American ancestry.²⁰ Media exposure of neo-Indianism, which is warranted by its neo-colonial and often fraudulent nature, caused political damage to Senator Elizabeth Warren, helped force the retirement of University of California, Riverside professor Andrea Smith, and has exposed the neo-Chumash shaman Mati Waiya.

The Southeast,^{16, 18} Vermont,⁶ and the Chumash region of California are home to well documented cases of neo-Indianism.^{4, 8, 9, 13, 17} Neo-Chumash began organizing in the 1970s-1980s. Throughout its documents for this project, NOAA has misrepresented as “Chumash” and “tribes” organizations formed by and representing neo-Chumash. These are the Northern Chumash Tribal Council, Coastal Band of the Chumash Nation, and Wishtoyo Chumash Foundation.^{2, 8, 9, 13, 17} The Northern Chumash Bear Clan has a long affiliation with the Quabajai Coastal Chumash and Coastal Band of the Chumash Nation. Like those, it lacks the Chumash ancestry it claims, but it does have well documented Salinan ancestry and historical affiliation.⁵

Neo-Indians engage in neo-colonial and appropriative activities when they obtain outside recognition from government or academic institutions.^{2, 3, 8, 9, 13, 14, 17} Within the Chumash region, these appropriations include displacing Chumash groups from decision-making about and receiving repatriated remains, displacing Chumash from educational and public presentations of Chumash heritage, displacing Chumash from grants and employment opportunities.^{2, 8, 13, 14}

The only recognition needed to facilitate these neo-colonial appropriations is an agency’s acceptance of self-identification as the basis for structuring a working relationship. NOAA’s recognition of neo-Chumash organizations as “Chumash” and “Tribes” or “tribal organizations” is demonstrated throughout the proposed sanctuary’s documents and national press’s coverage. Similar behavior in the past by California state and local governments and academic institutions has had lasting damaging effects.^{8, 13, 14, 17} Similar consequences can be anticipated in this instance.

Evidence

The identification of neo-Indian individuals and organizations utilizes publicly available evidence which avoids legal and ethical concerns about violations of privacy. Violet Sage Walker, chair of the Northern Chumash Tribal Council, is featured in all of NOAA’s claims regarding the indigenous origin of the proposal and its vision for co-management. Ms. Walker claims Chumash through her late father, Fred Harvey Collins, III (1929-2021), who claimed Chumash ancestry and identity through his mother. Attachment 1 provides documentation of his ancestry. It can easily be verified. His mother’s paternal grandparents immigrated from Sonora, Mexico in the 1860s. His mother’s maternal grandfather came from Sonora, Mexico before 1852, but her grandmother on this side was born in California to parents who immigrated from Mexico prior to 1849. Fred Collins, therefore, had no Chumash or indigenous California ancestry, and neither does Violet Sage Walker.

Fred’s second cousins do have Chumash ancestry, are members of YTT, and rejected Fred’s claim of being Chumash. Fred began identifying as Chumash around 1979 after his

mother's cousin, who was not fluent in the family's genealogy, suggested he was Chumash. His cousins' rejection led him to create the Northern Chumash Tribal Council with his daughters. When he tried to defend his claim of Chumash identity in a lawsuit against the Salinan Heritage Preservation Association, his evidence was ruled to be hearsay.¹

The other neo-Chumash that NOAA has designated as Chumash also have readily documented histories at odds with their claims. The *Los Angeles Times* verified that Wishtoyo Chumash Foundation's founder, Mati Waiya, lacks Chumash ancestry and affiliation.² The organization includes other self-identifying Chumash who share his ancestry. A very few members have distant Chumash ancestors who married and assimilated into the Spanish colonial community and only began claiming Chumash identity late last century.

The Coastal Band of the Chumash Nation was formed out of the original neo-Chumash organization, the Quabajai Chumash Association, which recently reformed as the Quabajai Coastal Chumash. Coastal Band's and Quabajai's founders lacked Chumash ancestry and affiliation. They are united instead by Spanish colonial ancestry through the Santa Barbara Presidio.^{4, 8, 9, 13, 17} Coastal Band membership became a path to resources, which attracted a few members with distant Chumash ancestry who had married and assimilated into the Spanish colonial community, severing ties to Chumash communities seven or more generations ago.

In contrast to the neo-Chumash organizations, if asked, the Salinan organizations, YTT, Santa Ynez Band, Barbareño Chumash Council, and the Barbareño/Ventureño Band can provide documentation of ancestry, affiliation, and continuity of identity as local indigenous people for their members. (There is no need for the Santa Ynez Band to provide such information to fill the appropriately proposed government-to-government role in the project since it is a federally recognized tribe.)

DEIS Problems:

Neo-Indians routinely misrepresent the cultural history and heritage of the Native communities whose identities they appropriate.^{6, 8, 10, 18} The DEIS falls victim to these misrepresentations. Portions of the DEIS rely on two neo-Chumash sources: Violet Sage Walker and Roberta Reyes Cordero.

Ms. Cordero claims Chumash identity through her father, Robert Cordero (1919-1964). I will not burden this comment with a full genealogy; that information is available upon request by NOAA. Ms. Cordero began to identify as Chumash in the 1990s, using this claim to secure grants to create the Chumash Maritime Association and its *tomol* (plank canoe) projects. She later joined the Coastal Band of the Chumash Nation. Like Ms. Walker, Ms. Cordero has no Chumash ancestry or history of family affiliation.

Neo-Chumash emerged recently from non-indigenous backgrounds. As a result, they do not possess the indigenous cultural heritage, indigenous cultural knowledge, or indigenous ecological knowledge that are essential elements of the proposed Action Plans in the DEIS. Their versions of Chumash heritage consist of a mix of borrowings from diverse sources filtered through their own romanticism and mysticism.⁸

By relying heavily on neo-Chumash sources, the Native American Cultural Resources section of the DEIS makes fundamental errors. For example, although they have become important in the heritage practices of legitimate Chumash communities, the emphasis on *tomols*

(plank canoes) stems from neo-Chumash dominance of the first *tomol* reconstruction in 1976 and the Chumash Maritime Association's reconstructions in 1997. The 1976 *tomol* event hastened neo-Chumash ethnogenesis in the 1970s.^{8, 9, 13, 17} The later *tomol* events reinforced and expanded that ethnogenesis. Some Chumash participated in these later events because they were the only venues for reprising this traditional technology. Some Chumash did so in an under-reported effort to "take back" what neo-Chumash had appropriated.

A key difference between Chumash and neo-Chumash heritage in the proposed project area is illustrated with Point Conception. The Santa Ynez Band and Barbareño communities have documented histories associating Point Conception with their last native speakers and stories of the soul's journey to the land of the dead. For them, Point Conception qualifies and has been nominated as a Traditional Cultural Property. Point Conception was not significant to other Chumash communities, such as Ventureños and YTT, where other locations held similar value.^{7, 8, 19}

In sharp contrast, for neo-Chumash, Point Conception became the "Western Gate" in 1978 during the last stage of their ethnogenesis from Spanish/Californios. Their concept of the Western Gate incorporates pan-Indian and non-Native influences foreign to historical Chumash culture. Because their sense of identity did not include Point Conception at an earlier time, Point Conception cannot qualify as a Traditional Cultural Property for them until 2028, when the federal requirement for fifty years of a place's significant association with identity will have passed.^{7, 8, 9, 13, 17, 19}

Recommendations:

NOAA's misrepresentation of its current and anticipated partners in the proposed marine sanctuary risks defrauding the American public and hastening the appropriation of legitimate Chumash communities' indigenous identity and control of their heritage. NOAA has featured the goals of "commitment to honoring Tribal Nations, respecting Indigenous knowledge, and advancing co-stewardship" (project homepage). If NOAA proceeds as planned with the partners it lists, it will not achieve its stated goals and will cause lasting harm to indigenous communities. To avoid this catastrophe, NOAA must modify its proposal, DEIS, and plans in the following ways:

- a. NOAA must cease engaging with or promoting the Northern Chumash Tribal Council, Coastal Band of the Chumash Nation, and Wishtoyo Chumash Foundation as "Chumash," "Tribes," or "tribal organizations," and remove the names of those organizations and members from its listings of local indigenous entities. It must not replace them with other neo-Chumash entities or individuals.
- b. NOAA must notify the Secretary of Commerce, the California Governor, the White House, and the public that the proposed marine sanctuary was not "indigenous proposed," as has publicly been stated. NOAA may claim to have been duped, but NOAA must accept responsibility for not being better informed.
- c. NOAA may continue to consult with the neo-Chumash organizations and individuals as it would any other interested members of the public. But it must not do so in any capacity or context specially reserved for indigenous communities.

- d. If references to neo-Chumash organizations or individuals must be retained in the documents and statements to the public and press, they should not be referred to without accurate qualifiers such as “neo-” or “self-identifying” before “Chumash.”
- e. NOAA must revise who can participate in the Indigenous Cultural Engagement Action Plan planning units it envisions: the Sanctuary Advisory Council and Indigenous Cultures Advisory Panel. It must be made clear that the Northern Chumash Tribal Council, Coastal Band of the Chumash Nation, Wishtoyo Chumash Association members, and those of other neo-Chumash organizations are not eligible because they are not indigenous organizations.
- f. The DEIS’s sections on Chumash history and heritage must be rewritten by a qualified professional using the extensive available scholarship and sources with a valid connection to the actual Chumash communities.

I am available if NOAA has questions regarding any aspect of this commentary.

Sincerely,



Brian D. Haley, Ph.D.
Department of Anthropology
State University of New York, Oneonta
Oneonta, NY 13820
Office: (607) 436-2001
Email: brian.haley@oneonta.edu

Attachment 1: Ancestry of Fred Harvey Collins, III

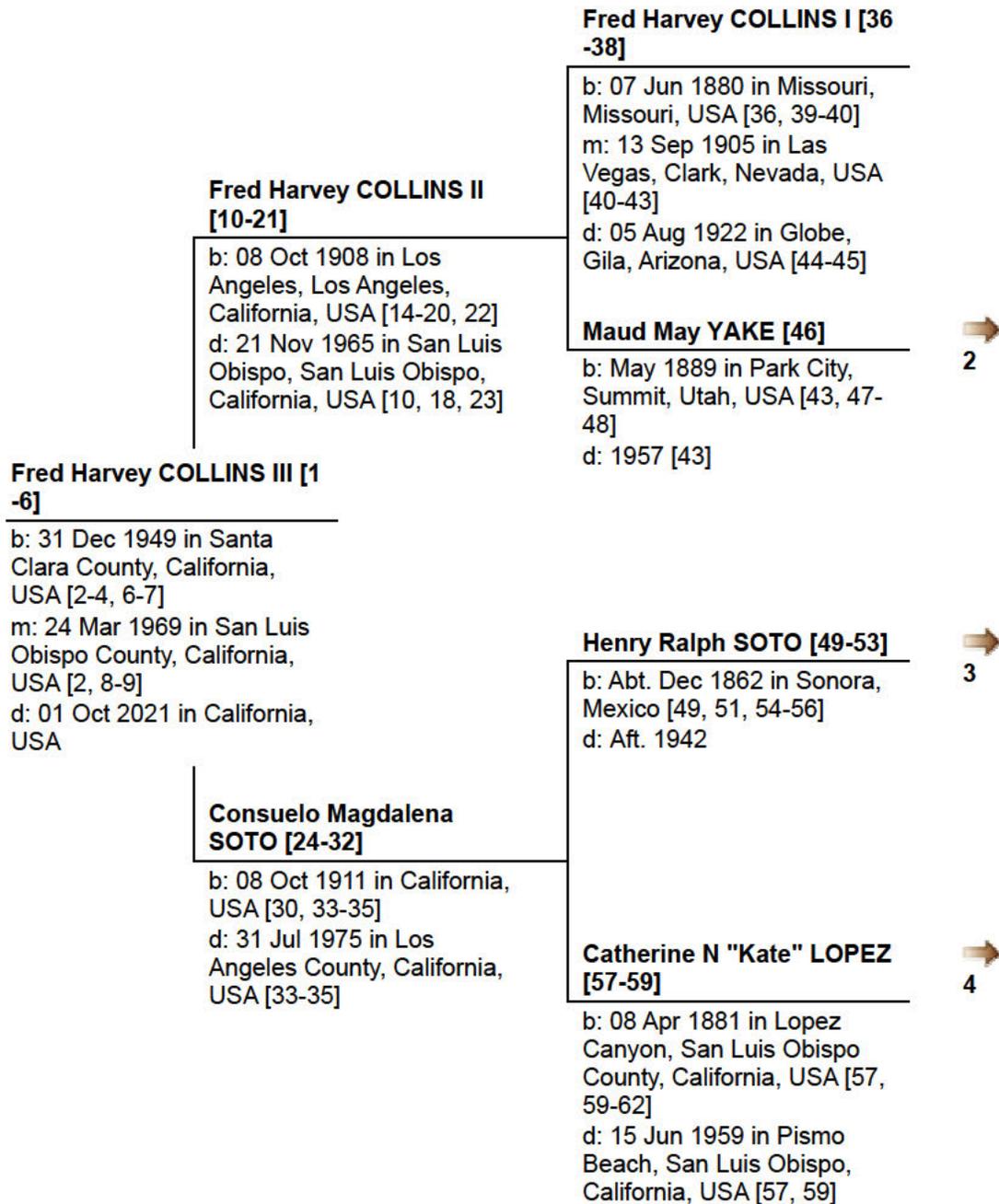
cc: William Douros, NOAA

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Attachment 1: Ancestry of Fred Harvey Collins, III



John YAKE [75]

b: 13 Oct 1813 in Stuttgart, Stadtkreis Stuttgart, Baden-Württemberg, Germany [75-77]

d: 22 Jun 1891 in Delaware Township, Mercer County, Pennsylvania, USA [75]

Barbara BASH [78]

b: Abt. 1819 in Pennsylvania, USA [79-84]

d: 24 Apr 1890 [78]

Daniel F. YAKE [65-67]

b: Apr 1849 in Pennsylvania, USA [65]
m: 20 Dec 1887 in Park City, Summit, Utah, USA [68-69]

d: 20 Jun 1911 in Marion, Marion, Ohio, USA; Do not trust, since obit doesn't match well. [67, 70]

Maud May YAKE [46]

b: May 1889 in Park City, Summit, Utah, USA [43, 47-48]

m: 17 Dec 1918 in Seattle, King, Washington, USA [63-64]

d: 1957 [43]

Gottlieb ABEGGLEN Sr [85]

b: 08 May 1825 in Gundlischwand, Berne, Switzerland [85-86]

d: 08 Feb 1891 in Midway, Wasatch, Utah, USA [85]

Anna GERTSCH

b: 20 Dec 1824 in Wengen, Verwaltungskreis Interlaken-Oberhasli, Bern, Switzerland [87]

d: 12 Oct 1888 in Midway, Wasatch, Utah, USA [87]

Anna ABEGGLEN [69, 71-72]

b: 01 Sep 1863 in Switzerland [73-74]

d: 31 Jan 1905 in Park City, Summit, Utah, USA [74]



1

Jose Maria SOTO Sr [88-93]

b: 28 Nov 1820 in Sonora, Mexico [88, 90, 93-94]
m: 1846 [88, 95]
d: 17 Apr 1903 in San Luis Obispo County, California, USA [96]

Henry Ralph SOTO [49-53]

b: Abt. Dec 1862 in Sonora, Mexico [49, 51, 54-56]
d: Aft. 1942

←
1

Josefa ALVAREZ [97-98]

b: Dec 1825 in Sonora, Mexico [95]
d: 25 Apr 1906 in San Luis Obispo County, California, USA [97]

**Jesus Guadalupe LOPEZ
Sr [99]**

b: Abt. 1831 in Sonora,
Mexico [100]
d: 02 Mar 1899 in Santa
Barbara County, California,
USA

**Catherine N "Kate" LOPEZ
[57-59]**

b: 08 Apr 1881 in Lopez
Canyon, San Luis Obispo
County, California, USA [57,
59-62]

d: 15 Jun 1959 in Pismo
Beach, San Luis Obispo,
California, USA [57, 59]

←
1

**Maria CatarinaCatalina
BIELMAS [101]**

b: 30 Apr 1853 in California,
USA [101-102]
d: 21 Oct 1890 in San Luis
Obispo County, California,
USA [101]

Francisco BIELMAS [103]

b: Abt. 1830 in Mexico [103]
m: Bef. 1850
d: California, USA

Ruperta GARCIA

b: Abt. 1832 in Mexico [104]

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Heather Goodwin

From: Jeffrey Heller [REDACTED]
Sent: Sunday, October 22, 2023 1:38 PM
To: Council
Subject: Agenda Correspondence - Item C-2 Council mtg 10/24/23

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

C-2 - Chumash National Marine Sanctuary

I fully support the City's prior position of opposing the proposed marine sanctuary.

Thousands of square miles of environmentally protected ocean areas currently exist off the coast of California. There are many ways to honor indigenous peoples; creation of another huge National Marine Sanctuary should not be one of them. The negative impacts to our west coast fishing industry could be devastating.

Respectfully

Jeff Heller
MB City Council 2018-2022
[REDACTED]



AGENDA NO: C-3

MEETING DATE: October 24, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Monday, October 23, 2023 10:24 PM
To: Carla Wixom; Laurel Barton; Jennifer Ford; Zara Landrum; Cyndee Edwards
Cc: Greg Kwolek; Dana Swanson
Subject: agenda item c-3

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear City Council,

This is a disturbing project on several levels.

1. This intertie concept has been suggested as a possibility several times at public meetings in Morro Bay, including advisory meetings and city council. However, it was never picked up any advisory body or city council meeting as something the City should pursue.
2. Mr. Heimel receives pay for water projects from both the City and Los Osos. How can he looking out for the City's and Los Osos District's best interest at the same time?
3. The environmental impact is downplayed by using a Mitigated Negative Declaration (MND) rather than EIR when this project goes through or adjacent to several ESH areas.
4. Horizontal drilling at Willow Camp Creek worked miserably during the pipeline alignment for the City's sewer hookup. Horizontal drilling under Chorro Creek or Los Osos Creek could be devastating.
5. Some of what is under S. Bay Blvd has to be known in light of the fiber optics undergrounded in the last year. Is there really room for this pipeline?
6. The tie-in to the City's state water pipeline has been mentioned as an issue both in terms of size and pressure. Where is the evidence of resolution?
7. Money for the state water pipeline has been mentioned also as an issue. Where is the evidence of resolution?
8. Where are the possible alternatives, i.e. other routes, other water sources?
9. Do not agree to a consolidated permit; the City will lose all control over what happens inside City limits.

Please submit comments of concern. Do not support this MND; do not be a party to environmental degradation. Raise red flags about unanswered questions, including technical ones. Do not let Los Osos make their problem our problem. Protect our City.

Sincerely,
Betty Winholtz

Heather Goodwin

From: Jeffrey Heller [REDACTED]
Sent: Monday, October 23, 2023 8:34 AM
To: Council
Subject: Agenda Correspondence Item C-3 - Proposed Intertie with Los Osos.

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear Council

Maybe I missed something---but did staff or council know that Los Osos has prepared an Initial Study and Mitigated Negative Declaration proposing a connection to the State water line that runs through Morro Bay? Have our staff members or consultants participated in the preparation of these documents?

This agenda item concerns me as the concept is obviously a very sensitive issue for Morro Bayans and other agencies who have spent years paying off our loans for the cost of the water line infrastructure. And is the water allocation we have from the state in jeopardy of being reduced if Los Osos demands are added to the system?

And aren't we in the middle of spending millions of dollars for a recycled water project because the state water system is "unreliable"?

I think our staff, council, and Los Osos have some explaining to do.

Thank you

Jeff Heller
[REDACTED]



AGENDA NO: C-4

MEETING DATE: October 24, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Monday, October 23, 2023 12:29 AM
To: Carla Wixom; Laurel Barton; Jennifer Ford; Zara Landrum; Cyndee Edwards
Cc: Yvonne Kimball; Dana Swanson
Subject: agenda item c-4

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear City Council,

With a slight adjustment, Council could offer funds to every group that is offering a service to the City. In truth, there are only 2 organizations requesting that are not being acknowledged, yet they offer unique benefits to Morro Bay City and residents.

How this could happen:

There are 2 groups receiving money from the General Fund at \$8,000, more than any other group except Senior Nutrition which is coming out of a different fund. These 2 groups, Morro Bay in Bloom and Estero Bay Kindness Coalition, could receive half the funding, \$4,000 each. This amount is not out of line with what other groups are receiving.

Then split the balance of \$8,000 in half giving Ecologistics Air Monitoring and Honor Flight each \$4,000. What is the justification? (1) With industrialization potentially coming to Morro Bay, the Air Monitoring project gives baseline data from which the City could requirement mitigation. (2) I participated in the Honor Flight program last month, October, as a guardian or helper. This program is such a meaningful way to honor our City's veterans, primarily elders, for a few dollars considering the life sacrifices they have made for all of us in this country. Both these organizations are worthy of City attention.

Alternatively, divide the \$35,000 equally among the 10 requesting groups.

Sincerely,
Betty Winholtz