

## Eco-Surfers: Political Dormancy to Activism and Legal Action

Surfing necessitates adequate water quality, shoreline accessibility, and break preservation, implicating surfers in environmental issues. As Surfrider Foundation lawyer, environmentalist, and surfer Matt Massara proclaims, “Surfers are environmentalists whether they want to be or not.”<sup>1</sup> A study conducted by Oregon State researchers in 2009 showed that surfers ingest ten times more seawater than swimmers or divers, elevating surfers’ risk of contracting gastrointestinal illnesses from ocean contamination.<sup>2</sup> Catalyzed by the 1969 Santa Barbara oil spill, the 1980s Malibu water quality crisis, and ongoing coastal development threats, West Coast surfers embraced civic engagement to protect the future of the sport. By establishing advocacy groups and leveraging their unique relationship to public lands, surfer activists won monumental Clean Water Act and Public Trust cases, propelled citizen science initiatives, and successfully lobbied for state legislation.

The destruction of Killer Dana, a premiere surf break in Dana Point, planted the seeds of environmental action in surfing culture. In 1966, the Army Corps of Engineers began constructing the Dana Point Harbor’s breakwaters, decimating the wave.<sup>3</sup> By the time canoe surfer Ron Drummond organized a small group of surfers to oppose the already-in-progress development in 1966, the harbor plan was over a decade old. The City of Dana Point approved an initial feasibility study for the harbor in 1949, and Congress passed Public Law 87-874 in

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<sup>1</sup> Matt Warshaw, *Encyclopedia of Surfing*, Chronicle Books, 2005, 367

<sup>2</sup> David Stone, Anna Harding, Bruce Hope, and Samantha Slaughter-Mason, “Exposure Assessment and Risk of Gastrointestinal Illness Among Surfers,” *Journal of toxicology and environmental health*, Part A, 71, 1603-15, 2008.

<sup>3</sup> Brian N. Tissot, “Lessons from Killer Dana,” *Brian N. Tissot* (blog), January 15, 2018.  
<https://briantissot.com/2018/01/15/lessons-from-killer-dana/>.

1962, authorizing the development of the Dana Point harbor.<sup>4</sup> The Dana Point Chamber of Commerce held a three-day celebration after the announcement of a million-dollar allotment for the first phase of construction in 1965.<sup>5</sup> The immense economic growth the harbor promised for the city of Dana Point rendered the sentiments of the fringe opposition obsolete. In a 1967 interview with *Surfer*, Drummond aptly predicted that only “when the majority of our government officials are surfers, will the tragic loss of Dana Cove be fully realized.”<sup>6</sup> The loss of Killer Dana forced surfers to confront the sport’s dependence on coastal development decisions.

Five and a half miles off the Santa Barbara shoreline, Union Oil Company’s well blowout on January 28, 1969 galvanized local and national environmental action. The 1969 Santa Barbara oil spill was the first televised oil spill, and international newspapers circulated pictures of dead sea birds covered in oil washed up on the beaches. The catastrophe filled residents with “moral outrage.”<sup>7</sup> The day after the spill, concerned Santa Barbara residents established the grassroots advocacy group GOO! (Get Oil Out) to oppose offshore drilling. The oil spill particularly impacted local surfers. Bud Bottoms, co-founder of GOO!, recalls the spill’s aftermath at Hendry’s Beach: “there was no noise of the waves breaking. Just … slop, slop, slop, slop. And people just stood there and cried. All our beaches were black. You’d see surfers standing there with their boards, and their boards are covered in black.”<sup>8</sup> Taking an explicit political and environmental stance, surf magazines published pieces in support of GOO!, encouraging surfers

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<sup>4</sup> “Dana Point Harbor Revitalization Project, Program Environmental Impact Report,” Dana Point Boaters Association. January, 2006.

[https://danapointboaters.org/documents/feir/feir/Section\\_XI\\_EIR/Sec%203.00%20-%20ProjectDescription.pdf](https://danapointboaters.org/documents/feir/feir/Section_XI_EIR/Sec%203.00%20-%20ProjectDescription.pdf)

<sup>5</sup> Chris Ahrens, “The Breaking of Killer Dana,” Encyclopedia of Surfing, original article from *Surfing Magazine*, August 1967 issue. <https://www.eos.surf/feature/the-breaking-of-killer-dana-by-chris-ahrens>.

<sup>6</sup> “Killer Dana,” Surfline, October 23, 2000. <https://www.surfline.com/surf-news/killer-dana/90550>.

<sup>7</sup> Kate Wheeling and Max Ufberg, “‘The Ocean Is Boiling’: The Complete Oral History of the 1969 Santa Barbara Oil Spill,” *Pacific Standard*, April 18, 2017.

<https://psmag.com/news/the-ocean-is-boiling-the-complete-oral-history-of-the-1969-santa-barbara-oil-spill/>.

<sup>8</sup> Wheeling and Ufberg, “‘The Ocean Is Boiling’: The Complete Oral History of the 1969 Santa Barbara Oil Spill.”

everywhere to join the cause.<sup>9</sup> In an editorial dedicated to GOO!, *Surfer* published a template letter addressed to President Nixon, intended for readers to sign off on and mail, that demanded the removal of offshore channel oil installations and the cessation of all oil operations in the channel.<sup>10</sup> The editorial featured an economic argument against the Santa Barbara offshore drilling operations from UCSB Professor and natural resource economics expert Walter J. Mead.<sup>11</sup> By engaging with the issue of offshore drilling on an economic front, *Surfer* appealed to the values of a mainstream audience, recognizing that diversifying their arguments would strengthen the political potency of surfers. *Surfer*'s 1969 editorial embraced appealing to economically concerned politicians.

In their Spring issue of 1969, *Surfer* cemented environmentalism into the publication by establishing the column "Our Mother Ocean," which promoted activism and raised awareness for environmental issues pertinent to surfers.<sup>12</sup> In the same issue, *Surfer* addressed the destruction of Killer Dana. Margo Godfrey, a world champion surfer, wrote an article documenting surfing in Santa Barbara during the weeks and months after the oil spill in the 1969 annual issue of *Surfer*. Godfrey testified that "so many good days of surfing were ruined for me by the oil. The sea, my playground and temple, was destroyed for the sake of a few people trying to make some money."<sup>13</sup> Godfrey conveys the nature of the connection many surfers have with the ocean. *Surfer* simultaneously capitalized on spiritual sentiments, appeals to economics, and aesthetic values to engage surfers in environmental activism.

After a decade of waning surfer involvement in environmental advocacy, poor water quality and dredging at Malibu's Surfrider Beach brought environmental issues back to surfers'

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<sup>9</sup> Wheeling and Ufberg, "'The Ocean Is Boiling': The Complete Oral History of the 1969 Santa Barbara Oil Spill."

<sup>10</sup> *Surfer*, editorial, May 1969.

<sup>11</sup> *Surfer*, editorial, May 1969.

<sup>12</sup> *Surfer*, editorial, May 1969.

<sup>13</sup> Warshaw, *Encyclopedia of Surfing*, 186

attention. In 1983, the State began bulldozing a channel to connect Malibu Lagoon to the Pacific, which caused a transport of sediment that diminished Malibu's wave quality and allowed agricultural and suburban runoff to flow into the ocean.<sup>14</sup> Surfers at Malibu began getting rashes and ear infections from the contaminated water. At the beach, on the front line of development, surfers attempted to impede the channeling by laying down in front of bulldozers and futilely replacing the sand once bulldozers left for the day. Similar to surfers' resistance to the destruction of Killer Dana, disorganized, transient beachfront protests proved ineffective. In response, surfers Glenn Hening, Lance Carson, and Tom Pratte created the Surfrider Foundation in 1984.<sup>15</sup> The three surfers testified to a panel of California State Parks Officials, who rerouted the channel by the following year, restoring the surf.<sup>16</sup> The State neglected concerns about Malibu's poor water quality. The Surfrider Foundation pursued an alternative means of environmental justice, enlisting surfers to collect water samples at Surfrider Beach to monitor the water quality by testing the samples for viruses harmful to fish and ocean recreationists.<sup>17</sup>

The Surfrider Foundation's legal victory in the early 1990s against two Humboldt County pulp mills established the foundation as a reputable advocacy organization. Under Section 402 of the Clean Water Act, wastewater discharges into regulated waterways must apply for National Pollutant Discharge Elimination System (NPDES) permits and adhere to effluent limitation standards.<sup>18</sup> In 1987, Simpson Paper Company and the Louisiana Pacific Corporation, holders of NPDES permits, requested exceptions to standards imposed by the Water Quality Control Plan for the Ocean Waters of California. The Control Board deferred the decision regarding the light

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<sup>14</sup> Matt Warshaw, *History of Surfing*, Chronicle Books, 2010, 395

<sup>15</sup> Surfrider Foundation, "Surfrider's Origin Story," *Surfrider News*, August 2, 2024, <https://www.surfrider.org/news/surfriders-origin-story>

<sup>16</sup> Warshaw, *Encyclopedia of Surfing*, 613

<sup>17</sup> "Scientists: Malibu waves polluted," *San Bernardino Sun*, July 23, 1990.

<sup>18</sup> "Clean Water Act, Section 402: National Pollutant Discharge Elimination System," Environmental Protection Agency, Accessed May 5, 2025. <https://www.epa.gov/cwa-404/clean-water-act-section-402-national-pollutant-discharge-elimination-system>

transmittance standard exception and approved the firms' exemption from the standard that "Dischargers shall, as a 30-day average, remove 75 percent of suspended solids from the influent stream before discharging wastewaters to the ocean."<sup>19</sup> The two mills dumped 40 million gallons of untreated wastewater directly offshore daily, causing skin rashes, eye irritation, and nausea among water recreationists, including surfers and divers, in the area.<sup>20</sup> In 1989, the Surfrider Foundation filed a citizen suit against the Louisiana-Pacific Corporation and Simpson Paper Company, accusing the two mills of over 40,000 violations of the Clean Water Act. The Environmental Protection Agency (EPA) filed a suit shortly after, and the case was consolidated with that of the Surfrider Foundation. In the EPA's initial decision, the Region IX Administrative Law Judge Thomas B. Yost pointed out that a subsection of the Clean Water Act applied to Simpson and Louisiana Pacific and no other pulp mills, evidencing a "rather vigorous lobbying effort."<sup>21</sup> The two pulp mills settled with the EPA and the Surfrider Foundation in 1991.<sup>22</sup> To protect surfers from dangerous toxins, the Surfrider Foundation necessitated that Louisiana-Pacific extend their mill's wastewater outfall "to the length necessary to keep the nearby surf zone (where water recreation occurs) effluent-free."<sup>23</sup> The settlement required the mills to conduct laboratory tests to ensure that sea urchins, sand dollars, abalone, and kelp would survive in the wastewater dumping sites. EPA Attorney Christopher Sproul asserted that the case "represents the first time in the country that there has been any direct requirement placed on a discharger to reduce toxicity as measured by its effects on organisms."<sup>24</sup> Simpson Paper Company ultimately closed its Humboldt County pulp mill, and Louisiana-Pacific Corporation

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<sup>19</sup> Resolution No. 87-0103, California State Water Resources Control Board, November 17, 1987.

<sup>20</sup> Louisiana Pacific Corp., No. NPDES-09- 87-0005, 1992 EPA ALJ

[https://yosemite.epa.gov/oarm/ALJ/ALJ\\_Web\\_Docket.nsf/Dockets%20by%20Year%20Filed/99AC66F896F33ABB85257FBC00702290/\\$File/louisiana\\_pacific\\_and\\_simpson\\_paper\\_npdes\\_yost\\_072792.pdf](https://yosemite.epa.gov/oarm/ALJ/ALJ_Web_Docket.nsf/Dockets%20by%20Year%20Filed/99AC66F896F33ABB85257FBC00702290/$File/louisiana_pacific_and_simpson_paper_npdes_yost_072792.pdf)

<sup>21</sup> Louisiana Pacific Corp., No. NPDES-09- 87-0005, 1992 EPA ALJ

<sup>22</sup> Louisiana Pacific Corp., No. NPDES-09- 87-0005, 1992 EPA ALJ

<sup>23</sup> Louisiana Pacific Corp., No. NPDES-09- 87-0005, 1992 EPA ALJ.

<sup>24</sup> Richard C. Paddock, "Surfers Force Pulp Mills to Halt Ocean Pollution," *Los Angeles Times*, Sep 10, 1991.

became the first pulp mill in the United States to eliminate chlorine from its bleaching process entirely.

The Surfrider Foundation and their 1991 Clean Water Act lawsuit victory helped reshape the public perception and identity of surfers as coastal stewards.<sup>25</sup> William K. Reilly, administrator of the EPA from 1989 until 1993, recognized the value of surfing to enforcing environmental policy: “The EPA likes surfers. We consider them the new indicator species.”<sup>26</sup> The Surfrider Foundation’s victory evidenced that forming regional chapters of organizations and coalitions with other aquatic recreationists extended the influence of surfer activism, overcoming surfers’ propensity to avoid advocacy in the absence of urgent, hyper-local threats. While the litigation reveals the negligence and corruption of California’s State Water Resources Control Board and the broader challenge of enforcing the Clean Water Act’s standards, Surfrider’s ultimate success demonstrates the efficacy of organizing aquatic recreationists to hold violators accountable to the public.

Surfrider’s involvement in the contention over land use at Trestles in San Clemente, California, reflects challenges surfers and recreationists face in coastal access and preservation advocacy and the broader issue of conflicting state and federal policies in litigating water law in the American West. Trestles, one of few popular surf breaks along an undeveloped portion of the Southern California coast, is one of California’s most famous surfing locations and is home to some of Southern California’s best, most consistent waves.<sup>27</sup> The breaks at trestles scatter the shoreline along the northwest corner of Camp Pendleton, the 125,000 acres of Department of

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<sup>25</sup> “Revolt on the Beach: Surfers established as major environmental player,” *Los Angeles Times*, Sep 12, 1991.

<sup>26</sup> David Reyes, “O.C. Group Rides a Wave of Environmental Activism Ecology: Over 10 years, Surfrider has grown into a nationally respected beach conservation organization,” *Los Angeles Times*, Mar 30, 1994. Orange County Edition.

<sup>27</sup> Dashed Pierson, “Trestles Officially Confirmed for Olympic Surfing at LA28,” *Surfer*, April 15, 2025, <https://www.surfer.com/news/lower-trestles-confirmed-olympic-surfing-la28>.

Defense land home to the West Coast's major United States Marine Corps (USMC) base.<sup>28</sup> Before 1972, surfers trespassed through USMC land to surf Trestles, resulting in military police confiscating boards and kicking surfers out. While the creation of San Onofre State Beach in 1972 secured legal public access to Trestles, the land remains federally owned; the USMC agreed to a 50-year lease of the 2,019 acres comprising San Onofre State Beach to the California Department of Parks and Recreation. The conflicting interests of public officials, members of the Acjachemen tribe, private developers, recreationists, and the military manifested in decades of land-use battles over Trestles.

In 1992, the initial proposal of a six-lane toll road extension through San Onofre State Park united the Marines and Trestles surfers against the Transportation Corridor Authority (TCA). In May 1992, local surfers organized the "No Toll Road Trestles Surf Classic," a two-day competition to raise money and awareness among beach-goers for the fight against the toll road.<sup>29</sup> Testifying to the multi-faceted importance of protecting Trestles to surfers, a competitor from Laguna Niguel asserted that surfers "care about the environment... We want to keep it this way. And we want people to know we're good citizens."<sup>30</sup> Lawsuits postponed TCA's plans to begin construction in 2004. The Surfrider Foundation joined the cause, advocating for preserving "the last remaining undeveloped watershed in southern California, the five surf breaks, multiple endangered species, and sacred Indigenous sites."<sup>31</sup> Surfrider rallied support from the international surfing community. In 2005, twelve national and regional environmental groups, including the Surfrider Foundation, the Sierra Club, and the California Audubon Society, formed

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<sup>28</sup> "Base Information," Marine Corps Base Camp Pendleton, Accessed April 27, 2025. <https://www.pendleton.marines.mil/Main-Menu/Base-Information/>.

<sup>29</sup> Greg Hernandez, "SAN CLEMENTE Surfers to Raise Money to Fight Road," *Los Angeles Times*, April 28, 1992.

<sup>30</sup> Andrew Horan, "ENVIRONMENT - Surfers help shore up toll-road fight - Trestles contest raises about \$5,000," *Orange County Register*, May 11, 1992.

<sup>31</sup> "What Does It Take To Save Trestles?" Surfrider Foundation, Accessed April 27, 2025. <https://www.surfrider.org/what-does-it-take-to-save-trestles>.

the Save San Onofre Coalition (SSOC) to oppose the toll road. In 2008, the coalition organized the largest public hearing turnout in the history of the California Coastal Commission.<sup>32</sup> At the hearing, the California Coastal Commission voted unanimously to deny TCA's permit. Although the Coastal Commission rejected the TCA's proposal, the possibility of future rehearings remained until 2020, when the California State Legislature responded to the SSOC's continued lobbying efforts, passing a bill preventing road development within the boundaries of San Onofre State Beach. The coalition's successful defeat of the toll road enjoined the destruction of Panhe, the Acjachemen's most sacred location, trails, and campsites.<sup>33</sup> The victory prevented the alteration of the San Mateo Creek's sediment transport system vital to the survival of the world-class surfing waves at Trestles. By bridging the gap between surfers and preeminent recreationist-activist organizations, the Surfrider Foundation further legitimized surfer activism.

Camp Pendleton's federal land status constrained the efficacy of surfer activism to causes aligned with the interests of the USMC. Because the federal ownership of State Park land limits the State's jurisdiction, the 2020 bill banning road development explicitly states that it does not impose on the USMC's ability to build roads in Camp Pendleton. After receiving a proposal from the Surfrider Foundation and a record-setting quantity of letters of support, the California State Historical Resources Commission voted to nominate Trestles to the National Register of Historic Places as "Trestles Historic District" in 2013. Although the proposal stated that the historic designation would not introduce new restrictions on military land use, the Department of the Navy did not certify the application due to concerns over the enforceability of such assurances.<sup>34</sup> Despite effective organization and coalition forming between environmentalist groups and

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<sup>32</sup> "What Does It Take To Save Trestles?" Surfrider Foundation. <https://www.surfrider.org/what-does-it-take-to-save-trestles>.

<sup>33</sup> Dina Gilio-Whitaker, *As Long as Grass Grows: The Indigenous Fight for Environmental Justice, From Colonization to Standing Rock*, 2019, 132-135.

<sup>34</sup> Edwin C. Kisiel, "A Southern California Surfer's Perspective on Marine Spatial Planning," *Villanova Environmental Law Journal* 31, (2019): 225.

surfers, the success of Surfrider’s advocacy efforts for access and preservation of federally owned coastal zones are contingent on the cooperation of the agencies who own the land.

Martin’s Beach, a secluded pair of shallow coves along the San Mateo County coastline, is ten miles south of the world-famous big wave surf spot Mavericks. In 2008, Martins Beach 1, LLC and Martins Beach 2, LLC, two of venture capitalist Vinod Khosla’s companies, purchased Martins Beach and the property directly inland that contains the beach’s only access route, Martins Beach Road. Friends of Martin’s Beach filed a lawsuit against Khosla’s two companies in 2012, arguing that the historic public use of the property implied an offer of common law public dedication and the public’s acceptance of said offer. In 2016, the California Court of Appeals reaffirmed the San Mateo County Superior Court’s finding that the property was subject to no public easement.<sup>35</sup> Surfrider filed a distinct suit in 2013 with a stronger legal argument. In *Surfrider Foundation v. Martin’s Beach 1, LLC*, Surfrider alleged that the defendants violated the California Coastal Act of 1976 by failing to apply for a coastal development permit. The trial and appeals courts ruled in favor of Surfrider, affirming that the defendants closing the gate to Martin’s Beach Road, stationing security guards, and positing a “BEACH CLOSED KEEP OUT” sign constituted development under the provisions of the Coastal Act.<sup>36</sup> Although Khosla relentlessly appealed the decision, the Supreme Court refused to review the California Court of Appeal decision in 2018. Because of the Surfrider Foundation’s extensive experience and expertise in shoreline access litigation, the organization is particularly skilled at identifying potent legal arguments.

While surfers often are a constructive force for environmental advocacy, their political strength relies on the sport’s economic production. The surfing industry that gives the sport

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<sup>35</sup>Paul Balmer, “Martin’s Beach Litigation and Eroding Public Access Rights to the California Coast,” *Ecology Law Quarterly* 45, no. 2 (2018): 427. <https://doi.org/10.15779/Z380Z70X0K>.

<sup>36</sup>Surfrider Foundation v. Martin’s Beach 1, LLC, 14 Cal.App.5th 238 (2017).

economic significance often partakes in environmentally irresponsible manufacturing processes, contradicting the values of their consumer base. Surfing competitions and surf tourism contribute to substantial tourism revenue, giving government officials impetus to support surf break preservation while potentially supporting events that may have high environmental impact. Trestles brings San Clemente and neighboring cities millions in tourism revenue annually and will host the surfing event at the 2028 Los Angeles Olympic Games. The Olympic surfing event at Trestles will draw large crowds and require the development of facilities, which may threaten the endangered species residing in the wetlands. Additionally, engaging surfers in non-local advocacy and environmental activism beyond urgent threats to the sport remains a challenge; Surfrider Foundation lawyer Matt Massara compared organizing surfers to “herding cats.”<sup>37</sup> The Surfrider Foundation’s organizational structure and educational work mitigates some of these challenges; by establishing local chapters internationally Surfrider harnesses surfers’ passion for hyper-local issues while creating an environmentally conscious global network. Due to anthropogenic climate change and prevailing administrative threats to environmental regulations in the United States, mobilizing non-traditional groups is increasingly important. The Surfrider Foundation and longer history of surfer environmentalism demonstrates the advantages and difficulties of transforming apolitical recreationists into environmental activists.

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<sup>37</sup> Warshaw, *History of Surfing*, 396.

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