

**SUMMARY AND MEETING ACTIONS  
MONTEREY BAY NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL**

**DRAFT  
April 1, 2005  
Embassy Suites  
Seaside, CA**

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, April 1, 2005, in Seaside, California. Public categories and government agencies were present as indicated:

Agriculture: Kirk Schmidt-ABSENT  
AMBAG: Libby Downey  
At Large: Robert Frischmuth  
At Large: Mike Laffen  
At Large: Deborah Streeter  
Business & Industry: Nancy Black  
CA Coastal Commission: Tami Grove

CA Dept. of Fish and Game: Paul Reilly  
CA EPA: Russ Jeffries  
CA Resources Agency: Brian Baird-ABSENT  
CA State Parks: Dave Vincent

Conservation: Kaitilin Gaffney  
Diving: Frank Degnan  
Education: Steve Clark  
Commercial Fishing: Thomas Canale  
Ports & Harbors: Brian Foss  
Recreation: Dan Haifley  
Recreational Fishing: Howard Egan-  
ABSENT  
Research: Steve Moore  
Tourism: Michael Bekker  
U.S. Coast Guard: LTJG Jacob Gustafson

The following non-voting members were present as indicated:

Channel Islands NMS: Mike Murray  
Gulf of the Farallones NMS: Maria Brown  
Cordell Bank NMS: Dan Howard-ABSENT  
Elkhorn Slough NERR: Becky Christensen-ABSENT  
Monterey Bay NMS: William Douros

Alternates present in audience:

Steve Shimek-Conservation  
Harriet Mitteldorf-At-large  
Anjanette Adams-Business/Industry  
Kris Reyes-Tourism  
Randy Herz-Diving  
Julie Barrow-GFNMS

**I. CALL TO ORDER, ROLL CALL, SWEAR IN OF NEW MEMBERS, APPROVAL OF MINUTES**

**WELCOME FROM CITY OF SEASIDE MAYOR RALPH RUBIO**

Mayor Ralph Rubio welcomed the Advisory Council to the City of Seaside.

### **SWEAR IN OF NEW MEMBERS**

Bill Douros swore in the following new members: Kris Reyes, Tourism alternate; Randy Herz, Diving alternate; LTJG Jacob Gustafson, US Coast Guard; Libby Downey, AMBAG alternate; and Steve Moore, Research alternate.

Each new member provided a brief history about their background and why they were interested in being a member of the Advisory Council.

### **APPROVAL OF 2/4/05 DRAFT MEETING NOTES**

#### **MOTION: (Passed)**

**The Advisory Council adopted the minutes from the February 4, 2005 Sanctuary Advisory Council meeting with the following changes:**

Page 2, Public comments, para 1, line 1: insert “stated” before “that”.

para 2, line 1: change “Councils” to “Council’s”.

para 2, line 2: change “on” to “one”

para 2, line 3: add “the MBNMS to include” after “expansion of”.

Page 3, para 1, line 3: change “into” to “in”

para 2, line 2: add “their formal affiliation relevant to the MBNMS and their employer(s).” after “identified”

para 4, line 4: add “and in the water column below 3,000 feet” after “seamount”

para 4, line 4: add “where fishing presently occurs” after “surface”

Page 4, para 1, line 1: add “to” before “the Assembly”.

para 1, line 4: change “two new bills” to “one new bill and existing legislation”

Page 5, para 1, line 2: change “MBNMS for what he” to “MBNMS staff for what they”

para 2, line 1: change “limitless” to “a lot of”

para 2, line 2: add comma after “touch pool”.

para 5, line 3: add “representative” after University of California Santa Cruz”.

para 6 line 3: change “with moving forward” to “of moving ahead”.

Page 6, para 7 (= Section IX), line 4: add “that” before “this”

Page 7, para 2, line 6: change “try and” to “try to”

para 2, line 8: add “the” before “advisory council”

para 3, line 1: add “stated that the panel” before “is currently...”

last para, line 5: change “try and” to “try to”

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Section XI, para 2, line 3: change “the in” to “in the “

para 4, line 3: add “from the Sanctuary” after “permit”

para 4, line 3: add “(permits from other agencies may be required)” after “would not”

Page 9, para 1, line 1: add after “(to receive public comment on the location of the central coast study region)”

Line 3: add “of the latter meeting” after “agenda”

next-to-last para, line 2: change “Went” to “Wendt”

last para, line 2 ; change “use” to “used”

Motion introduced by Russ Jeffries, seconded by Dave Vincent

(Vote: 15 in favor, 0 opposed, 1 abstention)

## **II. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Alec Arago, District Director for Congressman Sam Farr’s office, announced that Bonnie VanHise will be attending Advisory Council meetings as his alternate. He provided an update on various items Congressman Farr has been working on related to the MBNMS, including the Clean Cruise Ship Bill, Sea Otter Bill, Fisheries Science and Management Act, and Oceans 21.

Frank Emerson, President of the Fisherman’s Alliance of California, the Carmel River Steelhead Association and the Alliance of Communities for Sustainable Fisheries said that the fishing community felt the MBNMS designation document promised that fisheries management will not be a function of the MBNMS. He said the industry believes the MBNMS will only assist agencies that have authority to regulate fisheries. He does not agree that Davidson Seamount needs to be included into the boundaries of the MBNMS to enjoy protection, other agencies can give it the protection it needs.

Dave Zaches, asked if anyone could give information on the release of the white shark. Deborah Streeter, Advisory Council chair, is a guide at the Monterey Bay Aquarium and was updated on the release by Aquarium employees. She stated that the public was disappointed in not being able to see the white shark. She suggested everyone to go to Monterey Bay Aquarium website for more information.

Sean VanSommeran, Pelagic Shark Research Foundation, stated that they used to share a long standing policy with the Aquarium that certain species of shark show a slow decline if not failure, in captivity. He congratulated the Aquarium for releasing the shark. Sean stated that this year is the Foundation’s 15<sup>th</sup> anniversary and they have had a perfect safety record in that time, except for one unresolved occurrence.

Steve Shimek, The Otter Project, expressed concern about offshore oil drilling off the coast of California. He stated anything that happens outside of sanctuary boundaries could possibly drift into the sanctuary. He stated that there is a proposed amendment to the President’s energy bill that would end moratoriums on offshore oil drilling along coastal states.

Bill Douros, MBNMS Superintendent, announced that Nicole Capps, Advisory Council Coordinator, will be emailing a request for advisory council member information for the economic disclosure statements that the Advisory Council agreed at its last meeting to provide. MBNMS staff would like to have that information posted on the website by May 1<sup>st</sup>.

### **III. JOINT MANGEMENT PLAN REVIEW UPDATE**

#### **- TIMELINE/DRAFT MANAGEMENT PLAN UPDATE**

Sean Morton, Management Plan Coordinator, gave a review of the Joint Management Plan Review (JMPR) process up to this point. He discussed the Section 303 (b)(2) consultations that took place. Section 303(b)(2) letters were sent to 73 different agencies. These consultations apply to new sanctuaries and any change to a designation document, such as boundary modifications or scope of regulations. He commented that staff has heard back from many organizations. The Pacific Fishery Management Council (PFMC) requested an extension of time to comment. Their comments, due April 22, 2005, will be related to the Davidson Seamount and introduced species.

Tom Canale, Commercial fishing primary, stated that it was his understanding that the designation documents did not need to be changed to add Davidson Seamount. Sean commented that anytime you make a change to a boundary, you need to make a change in the designation documents. Bill stated that the Advisory Council determined that inclusion of the Davidson Seamount could be forwarded on for review, but didn't say whether they wanted it added to the MBNMS or not. He also stated that a future Advisory Council recommendation could support both inclusion of the Davidson Seamount and regulation changes, to restrict harmful fishing or support inclusion of the seamount, but not the regulation changes.

Sean also discussed the 304 (a)(5) consultation letters, which apply to regulations that may affect fishing. This will provide the PFMC an opportunity to prepare draft fishing regulations. Their next meeting will be April 7<sup>th</sup> in Tacoma, WA and the MBNMS will be providing comments at that time. Sean can send out links and more information about the meeting to the Advisory Council. Bill commented that currently there is no fishing taking place on the seamount today, but within the very top water column. The concern is that someone may begin to fish there or someone would try to harvest the corals and sponges; in either case it would cause serious, long term harm to the coral and sponge communities.

Kaitilin Gaffney, stated that she had attended the last PFMC meeting and it wasn't clear to her that the PFMC had the authority under their regulatory protection, to protect the Davidson Seamount in a manner that met the NMSP goals. It also wasn't clear what tools they would use to protect the seamount. She stated that hopefully the specifics will come forth soon to get to the outcome that the Advisory Council wants.

#### **- REGULATORY CHANGES**

Sean handed out a summary sheet on the substantive, proposed regulatory changes. Some of the comments/questions on the various regulatory changes included:

**Introduced Species**

**Q.** What about unintended discharges of introduced species? **A.** It will still be prohibited, but MBNMS staff will not necessarily be able to track them back to any particular person. **Q.** What if something is attached to the hull and the operator didn't mean to introduce anything? **A.** MBNMS staff would probably educate them and it probably wouldn't be an enforceable action.

**Ecosystem Protection**

**Q.** Is there an oil spill response team if a spill occurs? **A.** In the event of an oil spill, the Coast Guard and the State's Office of Spill Prevention and Response (OSPR) would be the primary leads, in regards to human safety and the oil.

**Wildlife Disturbance**

White shark attraction will be prohibited throughout the MBNMS, not just in state waters.

**Motorized Personal Watercraft (MPWC)**

Use of MPWC's would be prohibited at the Maverick's surf spot, but would still allow for the four zones outside of the harbors. MBNMS staff is looking into possibly developing a special use permit for Maverick's. In regards to search and rescue, there already is an exception for agencies that are well marked.

**Dredge Disposal/SF-12**

Sean commented that the Army Corps and the Environmental Protection Agency (EPA) is moving forward with possibly moving the SF-12 dredge disposal site in Moss Landing.

Russ Jeffries, CA EPA primary, commented that the Moss Landing Harbor Commission was in opposition of moving SF-12. MBNMS staff stated that there has been discussion with the Moss Landing Harbor District's office for over a year and they are in support of moving SF-12. Russ Jeffries also commented that Moss Landing Harbor District was not invited to the dredge disposal working group until the end. Not all of the information was supplied to them and they didn't have an opportunity to be involved.

**Krill Harvesting**

The National Marine Sanctuary Program is no longer pursuing an NMSP regulation to ban krill harvesting, and is assisting with the funding of an analysis for a regulatory proposal. A regulation on krill harvesting under the Magnuson-Stevens Act is expected in September of 2006.

**-ROLE OF ADVISORY COUNCIL & WORKING GROUPS IN OUTREACH**

Sean announced that there will be a total of four documents released in August 2005 (3 site management plans and the Draft EIS) and there will be at least a 60-day public comment period. The MBNMS will be conducting five to eight public hearings in early September.

After some discussion, it was decided that ten days after the draft management plan is released in August, MBNMS staff will hold two public workshops, in Monterey and Santa Cruz, to re-orient

the public to the items in the draft management plan. Ten days before the October 7<sup>th</sup> Advisory Council meeting, Advisory Council members will get their comments on activities, strategies and regulations to Sean Morton who will compile them for the October 7<sup>th</sup> meeting. At that meeting, the Advisory Council will review all of the comments and use a consensus model to move forward on these items. Any items within the draft management plan that were not brought forward by an Advisory Council member will be forwarded on without change.

The Advisory Council tentatively set another hearing date on October 21 to consider actions and comments on the draft management plan. The Advisory Council decided that they will comment on the draft management plan as an Advisory Council instead of individually. They decided to act in their role as an Advisory Council member and reach out to their constituencies in a way that works for them. MBNMS staff stated that they could provide copies of the JMPR newsletter, the Issue/Action Plan Fact Sheets and any MBNMS brochures to Advisory Council members to pass out to their constituencies. They also stated that they could provide presentations on the sanctuary and the JMPR to any constituent groups if needed.

#### **IV. ADVISORY COUNCIL AUGUST PLANNING RETREAT**

The Advisory Council decided not to have a retreat in August due to the possibility of having a second meeting in October for the draft management plan.

#### **V. MARINE LIFE PROTECTION ACT UPDATE**

Paul Reilly, CA Department of Fish and Game, provided an update on the Marine Life Protection Act (MLPA) Initiative. Some of the highlights include:

- The next meeting of the Task Force will be April 11-12 in Pasadena.
- The first item of business will be the selection of the Central Coast study region. Shortly thereafter the Department of Fish and Game will begin seeking nominations for the Central Coast Regional Stakeholder Working Group.
- Each meeting will be professionally facilitated and the Department of Fish and Game will provide staff support in the form of Paul Reilly as Regional Coordinator and a GIS technician.
- Michael DeLapa has been appointed to serve as the Central Coast Project Director.
- The Science Team will formally select a Central Coast Subteam once the Central Coast study region has been determined; subteam members will be comprised of most or all of the following individuals: Rick Starr, Linwood Pendleton, Laura Rogers-Bennett, Steve Palumbi, Mark Carr, Dean Wendt, Doyle Hanan, Steve Gaines, Mary Yoklavich, Loo Botsford, and Steve Murray. At least one member of the subteam will attend each Regional Working Group meeting.
- The second public comment period for the draft Master Plan Framework (MPF) ended on March 29. This version will be reviewed at the Task Force meeting on April 11-12.
- The Fish and Game Commission will announce the availability of the MPF, which will then begin a formal process lasting several months in which opportunities for public testimony will occur. On May 23 in Sacramento, the Commission will convene a joint, public hearing with the Task Force to discuss the MPF.

- A new webpage has been created on the MLPA website for public comments submitted to the MLPA Initiative. The web site is <http://www.dfg.ca.gov/mrd/mlpa/publiccomments.html>. The site is still under construction and about half of the links are not yet active. New files are being added so that the list will be complete by the end of the week.

## **WORKING LUNCH**

### **VI. ADVISORY COUNCIL CHAIRS/COORDINATORS MEETING**

#### **-ADVISORY COUNCIL CHAIRS LETTER TO SECRETARY GUTIERREZ**

Maria Brown, GFNMS Manager, announced that the GFNMS Advisory Council has expressed some concerns about the letter to Secretary Gutierrez. The GFNMS Advisory Council will formally discuss this item at their April 18<sup>th</sup> meeting. Bob Wilson, GFNMS liaison to the MBNMS Advisory Council, stated that the concern is the mention of support for the reauthorization of the National Marine Sanctuaries Act. The general feeling is with the current tenor of Congress, not to push for reauthorization unless the NMSP had to. He anticipates that the GFNMS Advisory Council will recommend that the references of reauthorization be deleted from the letter.

After brief discussion, the MBNMS Advisory Council passed the following motion.

#### **Motion: (passed)**

**Deborah Streeter will sign the joint letter to Secretary Gutierrez on behalf of the Monterey Bay National Marine Sanctuary Advisory Council.**

Motion introduced by Dan Haifley, seconded by Brian Foss  
(Vote: 17 in favor, 0 opposed)

### **VII. NOAA OFFICE OF PROTECTED RESOURCES**

#### **-ACOUSTIC IMPACTS ON MARINE MAMMALS**

Deirdre Hall, MBNMS Permit Coordinator, provided background for the Advisory Council on the Federal Register (FR) Notice from the Office of Protected Resources regarding acoustic impacts on marine mammals. This Federal Register Notice had been distributed at the Advisory Council Chairs/Coordinators meeting.

The FR Notice was announcing scoping meetings on the intent to prepare an environmental impact statement (EIS). This EIS will analyze potential impacts of noise exposure criteria in guidelines to determine what constitutes "take" of a marine mammal under the Marine Mammal Protection Act and the Endangered Species Act. The original deadline for comments has been extended to April 15<sup>th</sup>. Deborah suggested that the chairs of the standing working groups take this information back to their working groups. Steve Moore, Research alternate, commented that he will take it back to the Research Activities Panel.

After some discussion, the Advisory Council agreed not to provide comments to NOAA's Office of Protected Resources at this time. They realized that they will have opportunity to comment once the Draft EIS is available.

### **VIII. MUNICIPAL STORM WATER PERMIT PRESENTATION**

Chris Coburn, Water Quality Protection Program Coordinator, provided a presentation on the National Pollutant and Discharge and Elimination System Municipal Permit and the Areas of Special Biological Significance discharge issues. He covered the many different regulations, the timeline for the municipal permits, an outline of the stormwater management program and the involvement of the MBNMS.

Questions and comments include: **Q.** has there been an effort to secure federal funding? **A.** Chris commented that he did not think there was any effort to secure funding. **Q.** Has there been an effort to map the areas outside of the ASBS' and has all of the non-point source discharges been mapped? **A.** No, neither of these have been done. The only areas to be mapped by the Regional Water Quality Control Boards are the ASBS'.

Diana Moss, a resident of Santa Cruz, provided a couple of ideas for ongoing funding. Certain products that we use are toxic, so a cleanup tax should be associated with those products. Also, a waste water treatment plant in Arcata has become a tourist attraction. They have an attractive facility that is full of wildlife.

### **IX. DRAFT EIR/EIS FOR MBARI'S MONTEREY ACCELERATED RESEARCH CABLED OBSERVATORY**

Deirdre Hall provided a thorough presentation on the draft EIR/EIS for MBARI's Monterey Accelerated Research Cabled Observatory. The purpose of this project is to provide a remote, continuous, long-term, high power, large-band-width infrastructure for multidisciplinary exploration, observation and experimentation in the deep sea. The cable, which will be approximately 32 miles long, is designed to last for up to 25 years. The cable will extend from Moss Landing, north of Monterey Canyon, and along the continental margin to the southeastern part of Smooth Ridge.

On April 7<sup>th</sup> at 4 p.m. and 6:30 p.m., at Moss Landing Marine Laboratories, there will be a public hearing on the EIR/EIS. After this meeting, the MBNMS will respond to comments and edit the document accordingly. The Final Environmental Impact Statement will be released in July 2005. Proposed installation of the cable and node is expected September 1 through November 15, 2005.

Questions and comments included: **Q.** does the EIR/EIS account for the removal of the cable after its effective life? **A.** Yes, the document does account for removal of the plan. **Q.** Will there be monitoring to ensure that the cable does not come exposed? **A.** Yes, after the cable has been buried a review will be done and there will be a requirement that monitoring is done at a set interval. **Q.** Do mitigation measures take place with MBARI or the sanctuary? **A.** If a



fisherman gets gear stuck on cable, than they will work with MBARI on some kind of reimbursement schedule. **Q.** Was there any consideration on choosing a route that did not affect fishing? **A.** Rerouting was not discussed due to fishing. Sediment suitability was the main factor for where the cable would lie. The closer you get to the canyon, the less suitable the substrate is. **Q.** Has there been talk about excluding fishing around the cable? **A.** Nothing of that nature has been discussed.

Kathy Fosmark commented that the fishing community hasn't sat down with MBARI and hopes no permits be put forth until that discussion takes place. A committee has been established within the last week and she encourages there be agreement before moving forward with the installation of the cable. Deirdre commented that the CA Coastal Commission has in the past been the lead on matters such as the fishermen's agreements. The MBNMS will leave the discussion to happen between the applicant and the fishing community. No MBNMS permits would be issued until at least August 2005.

## **X. VISITOR CENTER UPDATE**

Dawn Hayes, Education Coordinator, gave an update on the Santa Cruz Visitor Center. She presented artist renderings of the Visitor Center. Currently the building is approximately going to be 15,300 square feet with a projected cost of over \$14 million. She provided a very rough timeline for the completion of the Visitor Center. The Santa Cruz City Council approved the Redevelopment Agency's request to explore a variety of funding vehicles to initiate conceptual design. The Redevelopment Agency will be meeting with elected officials to try and secure funds for FY06 and FY07.

## **XI. NORTHERN MANGEMENT AREA**

### **-LIAISON REPORT**

Steve Shimek, MBNMS liaison to the GFNMS Advisory Council, announced that he would be unable to attend April 18<sup>th</sup> meeting of the GFNMS Advisory Council and was looking for a replacement. Bill commented that he would be attending the meeting and could provide a liaison report at the June 3<sup>rd</sup> meeting. Steve commented that he is concerned about his ability to attend all of the meetings and suggested possibly finding someone to replace him.

He commented that there seems to be a disconnect between the two Advisory Council's on how the issue of MPWC's is perceived. It seems the two Advisory Councils' have a difference in how important this issue is.

Steve commented that Dan Haifley, Gary Pezzi and himself had recommended to the GFNMS Advisory Council that they add a recreation seat to their Advisory Council because of Mavericks. He reiterated that recommendation.

### **-MAVERICK'S CONTEST**

Julie Barrow, GFNMS Advisory Council Coordinator, announced that the recent Maverick's surf competition brought out an estimated 20,000 to 50,000 observers. The behavior of the observers was good. No one damaged the tidepool areas although many people were climbing up on top of the bluffs. The Half Moon Bay Brewing Company was one of vendors at the end of bluff and did a great job cleaning up. There were a number of watercraft out on the water, but it was hard to tell what kind of craft from the shoreline. The event was a paddle in event and only had MPWC's for rescue purposes. There was a member of the public who submitted a letter to the San Mateo County Board of Supervisors, who in turn wrote to the MBNMS. Bill did a good job of responding to this letter and the concerns of the individual.

Doug Epstein, one of the producers of the Maverick's surf competition, explained that it was their objective to cooperate with the sanctuaries and be sure everything they do is acceptable to all parties involved. He announced that the competition would be a paddle in competition from now on. They would like the competition to be the surfer against nature. They would like the contest to be a source of pride for everyone. They work with a couple of other environmental organizations to hand out their literature at the event and would be willing to do the same with the sanctuaries. He noted that their website is [www.maverickssurf.com](http://www.maverickssurf.com) and they would be pleased to have information regarding the sanctuaries on their website. He announced that the competition will be aired on NBC Sports on April 24<sup>th</sup> if anyone would like to see it.

Maria Brown commented that Irina Kogan, GFNMS Resource Protection Specialist, is very interested, as a geologist as to why Maverick's is such a big wave site. She participated on an MBNMS-MBARI research cruise to map the area (part of ATOC Cable monitoring). She can provide Doug with video and mapping of the area. The San Francisco Chronicle had a diagram last year to show how those waves are created.

## **XII. UPDATES FROM ADVISORY COUNCIL STANDING WORKING GROUPS**

Kaitilin Gaffney, Chair of the Conservation Working Group (CWG), commented that the CWG had decided to prepare for the review of the draft management plan and do all of the outreach that they need to do.

Steve Moore, Vice chair of the Research Activities Panel (RAP), commented that the RAP had started making the organizational and operational transition, as outlined by Chris Harrold at the last Advisory Council meeting, and subsequently approved by the Advisory Council.

Steve Clark, Vice chair of the Sanctuary Education Panel, commented that they met in Santa Cruz because of the Visitor Center and they combined all of their expertise to help Dawn with the planning of the Visitor Center.

## **XIII. ADVISORY COUNCIL MEMBER ANNOUNCEMENTS**

Brian Foss, Harbors primary, announced that he dedicated the interpretive sign for the Sanctuary Scenic Trail. This is the main element of the Santa Cruz portion of the trail. He also suggested having the next Advisory Council meeting in Santa Cruz be held at the yacht club.

Kaitlin Gaffney announced that the 6<sup>th</sup> Annual Snapshot Day will take place on May 7<sup>th</sup>.

Tom Canale, Commercial Fishing primary, announced that the 2005 salmon fishing season will be decided at the April 7<sup>th</sup> PFMC meeting. It will be the most restricted season to date, due to the deaths in the Klamath River. He also announced that he has sold his boat, but that he still has a license and will continue to fish.

Mike Murray, CINMS alternate, brought the latest CINMS newsletter highlighting the *R/V Shearwater*. Also, the CINMS weather kiosk is going national and will be seen at other sanctuaries. He is excited that SIMoN will be starting at the CINMS soon and MERITO has been in the works for the past year. Their water quality plan is developing thanks to Donna Meyers.

Bill Douros commented that he attends many of the CINMS Advisory Council meetings. He announced that if some Advisory Council members would like to attend a CINMS meeting, the MBNMS will pay for their travel. If interested, members should contact Bill directly.

**NEXT MEETING: JUNE 3, 2005, Big Sur**

The meeting adjourned at 4:23 p.m.

Tape ended at 4:16

Submitted by Nicole Capps