

# Channel Islands National Marine Sanctuary Sanctuary Advisory Council 2004 Annual Report<sup>1</sup>

## Sanctuary Advisory Council Profile

The Channel Islands National Marine Sanctuary Advisory Council (Advisory Council or Council) was established in 1998 to enhance opportunities for public involvement in Sanctuary management and to support the process of management plan revision. The Council has twenty-one voting members, ten representing various local, state, and federal government partners and eleven representing a variety of community interests (conservation, education, research, recreational fishing, commercial fishing, tourism, non-consumptive recreation, business, Chumash community and the public at-large). The Council meets bi-monthly and has formed a number of active working groups, including those focused on conservation, commercial fishing, recreational fishing, education and research.

## Major Achievements and Milestones

In 2004 the Council unanimously adopted a set of recommendations put forth by the Conservation Working Group that call for CINMS to begin addressing potential Sanctuary marine life impacts from anthropogenic noise sources such as large vessel traffic. Development of a comprehensive report on the subject (available on line here: <http://www.channelislands.noaa.gov/sac/pdf/7-12-04.pdf>) and an associated educational process that the Council and Sanctuary staff experienced evolved over the course of a year and culminated in the Council's unanimous support for asking that CINMS, in conjunction with partners, take progressive steps with regard to scientific and policy-based research and inquiries. The Council's recommendations call for increased research on noise sources and associated effects on marine life, investigation of partnership development between CINMS and other agencies and industries, and consideration of policy options for mitigating threats from noise sources such as large vessel traffic.

Also in 2004 the Council made a number of important recommendations that helped shape the Sanctuary's approach to consideration of establishing marine reserves (no-take zones) and/or marine conservation areas (limited-take areas) to complement the existing network of twelve protected areas established by the State of California in 2003 within CINMS (also referred to as the "Phase 2" process to consider additional protected areas).

## Council Recommendations and Sanctuary Decisions

### *Recommendations on Addressing Anthropogenic Noise*

Throughout the year, the Conservation Working Group led efforts to research the issue of anthropogenic noise as a potential threat to Sanctuary marine life. Several discussions of their findings were raised at Council meetings. In July a panel of experts provided presentations to the Advisory Council on various aspects of marine acoustic science, impacts and regulation. Then, at the September 2004 meeting, the Council voted unanimously (13-0-0) to forward to the Sanctuary Manager the Conservation Working Group's final report, *Anthropogenic Noise and the Channel Islands National Marine Sanctuary*, which includes a suite of research-based recommendations. The Council's approved motion also included a request that Sanctuary staff report back to the Council on steps that can be taken to implement the recommendations. The report includes two sets of recommendations. The first is focused on sources and impacts of noise and targets the lack of quantitative physical and ecological data on noise and its impacts on CINMS resources. The second set of recommendations deals with taking initial steps to investigate possible policy options for addressing threats from noise, and the development of Sanctuary partnerships with agencies and the shipping industry. Specific recommendations are as follows:

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<sup>1</sup> Adopted by the Sanctuary Advisory Council on March 18, 2005.

Research Recommendations on Noise Sources and Impacts:

- Initiate Sanctuary-wide noise monitoring, including a hydrophonic monitoring program to gauge ambient sound levels within CINMS, identify what sound sources are significant and at what levels they occur in the Sanctuary, and track changes in these values over time.
- Study hearing capabilities of Sanctuary wildlife, including further study of received sound level impact thresholds (e.g., frequency, amplitude and exposure durations that induce behavioral response, physical trauma, cumulative impact, etc.) for individual species resident in the Sanctuary.
- Study anthropogenic noise impacts on Sanctuary ecology, including examination of effects from particular noise sources (e.g., large vessel traffic) on specific biological communities.
- Research indirect anthropogenic noise impacts to Sanctuary ecology, including a more detailed understanding of the secondary ecological impacts of noise pollution (e.g., ecological consequences of possible cetacean avoidance of waters near shipping lanes, and effects of ambient noise levels on recruitment of Sanctuary fish species and their predators).

Recommendations on Policy and Partnerships:

- Establishment of a vessel traffic-monitoring program to log and quantify vessel traffic through the Sanctuary.
- Develop partnerships that establish CINMS as a partner in regional and national noise pollution monitoring, research and management.
- Engage the shipping industry to foster collaboration between CINMS and the shipping companies whose fleets or member companies regularly pass through the Sanctuary.
- Research international policy and regulation to understand the potential for securing international cooperation (e.g., the International Convention for the Prevention of Pollution from Ships and the International Maritime Organization). Assess the costs, benefits and feasibility of regulatory options available within these international frameworks, such as modification of the southern California Vessel Traffic Separation Scheme (VTSS) and establishment of CINMS as an internationally recognized marine protected area.
- Create a role for the Advisory Council's Research Activities Panel (RAP), including reviewing and reporting to the Advisory Council on any scientific, commercial or non-classified military activities with significant acoustic emissions proposed to be conducted within range of influencing CINMS ecology.

Since receiving these recommendations in September, CINMS has thus far taken two specific steps. First, a graduate student Sanctuary internship was created to support the study and development of a report on policy alternatives for mitigating noise pollution from commercial shipping in the Sanctuary. This report is expected within the first half of 2005, and the Sanctuary Advisory Council will receive one or more related presentations. Secondly, CINMS has held initial discussions with the NOAA Fisheries Office of Protected Resources which suggest the possibility of a partnership-based inquiry into many of the Council's recommendations. Although it is still too early to know if each of the recommendations will be implemented by CINMS and partners, In 2005 sanctuary staff plan to continue exploring options for attracting the necessary cooperation and expertise from outside parties that would be needed in order to address the Council's recommendations, and reporting back to the Council with progress reports.

*Comments on Preliminary Documentation for Phase 2 Marine Reserves/Conservation Areas Process*

In the summer of 2004, the Advisory Council was a key participant in helping to shape a forthcoming CINMS draft environmental impact statement on consideration of establishment of marine reserves and/or conservation areas within the Sanctuary to complement the existing network of State-designated protected areas. After an orientation presentation provided at the July 2004 Council meeting, five of the Council's working groups (Commercial Fishing, Recreational Fishing, Sanctuary Education Team, Conservation and Research Activities Panel) organized meetings and discussions to collect comments on the preliminary documentation (available on line here: [http://www.channelislands.noaa.gov/marineres/PDF/6\\_2\\_04.pdf](http://www.channelislands.noaa.gov/marineres/PDF/6_2_04.pdf)). At the

September meeting, the entire Advisory Council provided input to CINMS in an exercise that generated a lengthy list of substantive comments that were agreed to by a consensus of all seats in attendance. These important comments were focused on improvement of the preliminary document to assist staff in developing it into a full fledged draft environmental impact statement, and included such ideas as:

- Improving the focus and clarity of the document's Purpose and Need section;
- Improving language on the rationale for establishing reserves;
- Explaining the origins of proposed alternatives;
- Improving discussions and analysis of the "no project" alternative;
- Expanding the comparative analysis of alternatives;
- Considering an alternative that would go beyond the current Sanctuary boundaries;
- Consolidating multiple alternatives being proposed by the fishing communities;
- Adding a cumulative impacts analysis section;
- Clarifying data availability limitation within and adjacent to the Sanctuary;
- Improving the analysis of impacts to endangered and threatened species;
- Analyzing displaced effort from proposed actions and existing regulations;
- Addressing marine reserve/conservation area effects on ecotourism;
- Expanding fisheries data comparisons to a 5 to 10 year time frame;
- Adding an appendix referencing and analyzing effects of other marine reserves; and
- Incorporating the Advisory Council's previously recommended actions for providing specific education and outreach services targeted at priority audiences.

Additionally, any comments not agreed to by consensus were also forwarded to the Sanctuary Manager and attached to the Council's letter. The statements of comments and recommendations generated by five working groups were also attached to the Council's letter as part of the collection of advice provided. These working group submissions can be briefly characterized as follows:

- Commercial Fishing Working Group and Recreational Fishing Working Group: In addition to several comments about the need for marine reserves and a concern that, if designated, the Sanctuary's authority should not be used, these groups endorsed a set of mapped marine reserve/conservation area alternatives created by a variety of fishermen and submitted to CINMS.
- Sanctuary Education Team: This working group resubmitted a prior work product they had produced (and the Advisory Council had endorsed) that recommended a prioritized list of audiences and communication tools for raising awareness of marine reserves and conservation areas established within the CINMS.
- Conservation Working Group: This group commented on the major sections of the preliminary documentation provided to the Advisory Council, offering many suggestions for improvement of the document and commenting on the range of alternatives presented, including the group's preferences.
- Research Activities Panel: This group commented extensively on multiple sections of the preliminary documentation provided to the Advisory Council, offering specific assistance with regard to the scientific accuracy, clarity and completeness of the document.

Upon receipt of these written comments, CINMS staff shared them with NMSP leadership and the Pacific Fishery Management Council. Staff have since been working to incorporate the Advisory Council's advice into the draft environmental impact statement and will continue to provide the Council with progress reports on this work.

#### *Other Council Actions*

In November 2003, the Council voted 14-2-0 to send a letter to the newly elected California Governor Arnold Schwarzenegger with regard to concerns about state budget uncertainties and the potential for impacts to providing adequate monitoring and enforcement of the state marine reserves established within CINMS. In the January 23, 2004 letter, the Council asked the Governor to "please support the California Department of Fish and Game so that they may continue to provide an active on-the-water and in-the-air

enforcement presence.” While no response to the letter was received from the State of California, the Department of Fish and Game has continued to focus increased marine enforcement resources on the Channel Islands region, an effort that CINMS has also contributed to through direct funding assistance and multi-agency coordinated planning.

Based on work done by the Conservation Working Group to understand and highlight a need for improved tracking of the nearly 6,500 large shipping vessels annually transiting within and adjacent to the Sanctuary, the Advisory Council voted 15-1-0 in March to send a letter to the Marine Exchange of Southern California to express support for installation of an Automated Secure Vessel Traffic System that could extend monitoring of vessels to the Channel Islands region. Although no reply was received and the proposed system has yet to be installed, CINMS staff arranged for a presentation in September on new developments and federal legal requirements in vessel tracking that have the potential to improve such tracking near and within the CINMS. CINMS will keep the Advisory Council apprised of these new efforts.

### **Educational Topics and Other Issues Considered but Not Resulting in Recommendations**

In addition to the Council actions described above, several topics were explored in 2004 through a series of presentations, discussions, and/or focused efforts by working groups. Some of these issues were requested by or brought to the Council for informational purposes only, while for other issues the Council discussions have either not yet progressed beyond information gathering stages or have otherwise not yet resulted in recommendations. These issues and topics included:

- Informational updates from John Ugoretz with the California Department of Fish and Game provided at nearly every Council meeting reporting on the status of monitoring programs and enforcement services for the 2003 State designated marine reserves and conservation areas within CINMS;
- An educational presentation by Dirk Rosen on remotely operated vehicle (ROV) baseline surveys of conducted at the Channel Islands MPAs;
- Presentation of results from a graduate student master’s project by Helene Scalliet and Kris Herrington proposing a monitoring protocol for recreational non-consumptive use applied to the CINMS;
- An educational presentation by Jim Sullivan with the NMSP on offshore aquaculture technology, environmental risks, associated NOAA policies, and related NMSP policy development;
- An educational presentation by Jim Humphrys with the Marine Stewardship Council on their program to certify fisheries as sustainable;
- An informational overview by Executive Producer Susan Sember of “Jewels of the Pacific: The Channel Islands,” an in progress non-profit docufeature film project about the CINMS and Channel Islands National Park;
- An educational presentation by Todd Jacobs with the NMSP about cutting edge surveillance technologies being investigated by the NMSP;
- An informational overview of initial plans for celebration of the 2005 25th anniversary of the CINMS and Channel Islands National Park;
- An educational presentation by Columbine Culberg with the NMSP about an emerging CINMS and NMSP partnership with the Aquarium of the Pacific in Long Beach, CA;
- An educational presentation by Rocio Lozano about an emerging CINMS education program: Multicultural Education for Resource Issues Threatening Oceans (MERITO);
- Informational Conservation Working Group reports on efforts to draft a needs assessment for addressing water quality threats to the CINMS; and
- Informational updates on development of a program by the Sanctuary Education Team (a Council working group) aimed at providing speaker training to others (including Advisory Council members) that could assist in providing presentations about the CINMS.

The Council also received regular updates on the management plan revision process, which was characterized in 2004 by staff work to finalize suggested edits to draft documents in preparation for agency clearance and public release. These progress reports also included regular updates on a biogeographic assessment of marine resources within and surrounding the CINMS, a study being conducted by NOAA's National Centers for Coastal and Ocean Sciences to provide analysis of Sanctuary boundary expansion options to be considered in a future supplemental public process following completion of the management plan revision. The Council awaits their next opportunity to provide recommendations on the draft management plan in early 2005.

## **Major Administrative Changes**

### *Membership*

Several important administrative changes were made in 2004. Nine appointments to non-governmental seats were made throughout the year (Tourism member, Recreational Fishing and alternate, Commercial Fishing alternate, Public-At-Large member and alternate, Research member, and Chumash Community member and alternate) and two new government seat representatives joined (Minerals Management Service member and NOAA Fisheries alternate). Among these appointments, a major change for the Advisory Council was the introduction of two new seats: Recreational Fishing and Chumash Community. The Chumash Community seat came together after a year of outreach effort to that community which culminated in a field trip to the Sanctuary that helped secure interest and generate the necessary applications to fill the seat. The Recreational Fishing seat was created for purposes of diversifying the formerly singular "fishing" seat on the Council, resulting in separate seats for recreational and commercial fishing, and also necessitating that the former "recreation" seat on the Council be renamed to "non-consumptive recreation" so as not to overlap with the recreational fishing seat. At the close of 2004, eight positions on the Sanctuary Advisory Council were opening up as many members were reaching the end of their terms. Over fifty applications were submitted by the public, attesting to the importance and popularity of the Advisory Council within the community. 2005 will begin with several new representatives joining, and elections will be held in January for the Chair, Vice-Chair and Secretary officer positions.

### *Working Groups*

Earlier in the year a Recreational Fishing Working Group was formed and subsequently met jointly with the Commercial Fishing Working Group three times, resulting in very productive work on the CINMS environmental process to consider establishment of marine reserves and conservation areas (as previously mentioned). The Chumash Community seat representatives joined late in the year, but have already taken steps toward formation of a Chumash Community Working Group (approved by the Council in September) that is expected to convene in early 2005. Another new working group formed in 2004 was the Research Activities Panel, which held a very productive meeting in September that resulted in the development of extensive comments on the staff working draft preliminary documentation on consideration of CINMS marine reserves and conservation areas. The Conservation Working Group had a very productive year, meeting several times and producing an extensive report and set of recommendations on marine acoustics that was adopted by the Advisory Council (as previously mentioned). This work, as well as a great deal of progress toward drafting a CINMS water quality protection needs assessment report, was made possible in large part by the Conservation Working Group's enlisting of two highly motivated interns: Shiva Polefka and Sara Polgar. The Sanctuary Education Team (SET) spent time in 2004 recruiting new members and seeking a new, inspirational direction for their work together. As the year closed, the SET had successfully made good progress toward refining two educational presentations about the Sanctuary and had held two training workshops designed to teach others how to effectively provide these presentations to outside audiences. Meanwhile, the Business Working Group stopped holding meetings due to low participation, and switched to an "inactive" status. Also switching to an "inactive" status (meaning the group is not officially disbanded but not currently holding meetings) were the Military Activities Working Group, the Ports and Harbors Working Group and the Ad Hoc Committee on Enforcement.

*Protocols*

In November, the Advisory Council expressed general support for staff increasing efforts to notify the Council when CINMS intends to write a letter to another agency regarding a proposed or considered action, especially if the issue at hand is likely to be of interest to the Council or certain members and is directly relevant to the Sanctuary. Similarly, there was support expressed for agency members of the Council to help other members know in advance when proposed actions or decisions are coming up, and how the public and possibly the Council might get involved in commenting. While not representing an official administrative change to Council protocols, the Sanctuary Manager expressed support for implementing these ideas, while noting there will sometimes need to be exceptions.