

MONTEREY BAY
NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL MEETING

Friday, July 28, 1995
Hudson House
Pt. Lobos State Reserve

Agenda

- 8:30 Coffee and Sign-in
- 9:00 Welcome, Roll Call, Approval of June Meeting Minutes
- 9:15 Swearing in of New Coast Guard Representative
- 9:30 Public Comments on Items not on the Agenda
- 9:45 Update on Marketing Program for Sanctuary License Plate
- 10:15 Reports from the Working Groups:- Conservation
- Research
- 10:45 Report on Sanctuary Education Projects
- 11:45 Report on Waste Disposal and Former Dump Sites along California's Coast
- 12:00 Break for Lunch
- 1:00 Discussion of Noise Pollution in the Sanctuary
- 1:30 Status of the CMC Contract to Develop a Sanctuary Foundation
- 2:00 Introduction of the BAYNET Program
- 2:30 Hearst Corporation Presentation RE: the proposed Piedras Blancas
Elephant Seal Viewing Area
- 3:00 CALTRANS Presentation: Management Plan for Maintenance of
the Big Sur Coastal Highway
- 3:30 Discussion: Use of the Sanctuary name to Solicit Funds for Non-Profits
- 3:45 Sanctuary Manager's Progress Report
- 4:00 Report from the Task Forces:
 - Economic Development
 - Alternative Funding
- 4:15 Announcements and Comments from Council Members
- 4:30 Adjourn

MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL

Meeting Minutes

Friday, July 28, 1995

Hudson House, Pt. Lobos State Reserve
Carmel, CA

The Monterey Bay National Marine Sanctuary Advisory Council met on Friday, July 28, 1995 in the Hudson House at Pt. Lobos State Reserve in Carmel, CA. Public categories and government agencies present and representing a quorum were as indicated:

AMBAG: Ruth Vreeland	NOAA Enforcement: Not Present
CA Resources: Brian Baird	Research: Greg Cailliet
Agriculture: Richard Nutter	Business & Industry: Steve Abbott
At Large: Karin Strasser Kauffman	Coastal Commission: Les Strnad
At Large: Not Present	CA EPA: Marc Del Piero
At Large: Jo Stallard	Recreation: Thomas La Hue
Coast Guard: Dean Lee	Fishing: Not Represented
Conservation: Rachel Saunders	Tourism: Ed Brown
Diving: Not Represented	US EPA: Not Represented
Education: Dorris Welch-Burman	Harbors: Joe Townsend

The following non-voting members were present as indicated:

Monterey Bay NMS: Terry Jackson	CB/GF NMS: Ed Ueber
Channel Islands NMS: Not Represented	Elkhorn Slough NERR: Steve Kimple

I. WELCOME, CALL TO ORDER, APPROVAL OF JUNE 30, 1995 MEETING
MINUTES

The meeting was called to order by the Chair, Karin Strasser Kauffman, at 9:30 a.m.

The draft minutes from the June 30, 1995 meeting were approved as amended with two abstentions.

Council members requested that the draft minutes be produced and mailed out by the Friday of the week following the meeting.

Welcome and announcements from the Chair included:

- € A request that an update from the Strategic Planning Committee be placed on the agenda for either August or September, time permitting;
- € The new enforcement officer for the Sanctuary can be expected at the August meeting;
- € The Chair requested that the Sanctuary office make a recommendation for a replacement of the Federal EPA vacancy at the August meeting

II. PUBLIC COMMENTS

1) Mr. David Clayton -- expressed concern about the San Carlos Beach design proposed by the city of Monterey. Mr. Clayton foresees multiple problems with the design,

including the need to obtain permits from the Sanctuary office. He requested the Sanctuary Advisory Council's assistance in making changes to the plan that would result in a diver friendly park.

2) Bill Schramm -- announced his retirement from NOAA and his plans to teach at California State University -Monterey Bay (CSU-MB). His course entitled "The Monterey Bay: A case study in Marine Policy" will be divided into three parts -- science, the impacts of human activity, and interagency efforts to manage the sanctuary. Bill will be asking members of the Council to speak to the class. In addition, Bill would like to place some of the students as interns in Council member offices.

3) Ellen Faurot-Daniels -- reported on the recent deaths of the sea otters. A total of 12 otters, mostly females, have died from unexplained causes. The otters are being tested by the National Wildlife Health Center in Wisconsin. Thus far, the tests have proved negative for death from poisons used to kill birds, but more studies will be conducted.

III. SWEARING-IN OF THE NEW COAST GUARD REPRESENTATIVE

Terry Jackson swore in Lieutenant Commander Dean Lee of the United States Coast Guard as the newest member of the Sanctuary Advisory Council. He was officially welcomed by the Chair.

IV. UPDATE ON THE MARKETING PROGRAM FOR THE SANCTUARY LICENSE PLATE

Nick Papadakis from AMBAG provided an update on marketing efforts for the license plate program. To date, 540 applications are paid, averaging between 12 to 14 per day. More than 60% of the responses have been from outside the Monterey and Santa Cruz area. Nick indicated that Council member participation in efforts to sell the plates is very important.

Council members are asked to send their ideas for marketing and the names of individuals with talent and experience in marketing to Terry or Nick.

The Council discussed capitalizing on President Clinton's September 4 visit to promote the plates. Council members directed that an invitation be sent to President Clinton and Chief of Staff Panetta inviting them to meet with the Advisory Council to highlight the Sanctuary as an example of successful conversion. The President and the Chief of Staff would be presented with a mock-up of the Sanctuary license plate.

AMBAG's update included mention of the following:

- € An article in the San Francisco Chronicle generated 200 phone calls;
- € There are new brochures in all of the California DMV locations and in the northern California offices of AAA;
- € There have been, and continue to be, announcements of the plates on various radio and t.v. stations, and coverage in newspapers and newsletters;
- € AMBAG has sent out preliminary inquiries for someone to do public service announcements on radio and television education channels;

€ AMBAG is looking for additional sponsors to provide incentives similar to the Santa Cruz Boardwalk tickets;

€ Phase two of the marketing plan is being implemented which includes the placing of posters around the area.

The report concluded with a brief break for Council members to complete the application and write a check for their personal license plate.

V. REPORTS FROM THE WORKING GROUPS

Conservation Working Group (CWG) -- Rachel Saunders provided highlights of the group's activities which included:

€ a discussion of the clean water act, the Senate "dirty water bill", the Endangered Species Act (ESA), and the Coastal Zone Management Act (CZMA);

€ a discussion of enforcement issues in the Sanctuary and the lack of enforcement personnel as well as an enforcement plan. The working group defined enforcement as a key element of public relations and recommended that the issue be considered a priority for the Sanctuary office.

* Terry responded that he will write to the CA Resources Agency and ask how the Sanctuary can work with them toward improving the circumstances. He mentioned that he has already informally contacted the relevant organizations. Terry suggested that a written enforcement plan with a possible Memorandum of Understanding might be more effective in gaining favorable responses.

* Discussion ensued concerning the coordination of efforts and the sharing of responsibilities for enforcement in the sanctuary. Council members were reminded that enforcement isn't merely handing out tickets, but also interacting with the public on a daily basis. It should be a positive method for educating the public about the Sanctuary, its jurisdiction, and its rules and regulations.

* Council members requested that there be a more complete report about the enforcement situation and the problems associated with it. A subcommittee composed of representatives from Harbors, the Coast Guard, the Sanctuary office, the California Coastal Commission, the CA Resources Agency, and CA EPA was suggested as an appropriate group to begin investigating the options for a formal enforcement plan. The Council requested that city enforcement officials also be included.

* Karin Strasser Kauffman asked the Coast Guard representative to be responsible for organizing the subcommittee meetings and coordinating the project. She directed that an initial outline of procedures be presented at the August meeting.

* Ed Ueber cautioned that someone must come from NOAA headquarters to assist in the plan as NMS managers do not have the authority to sign a cooperative agreement on law enforcement.

€ Rachel concluded her report by stating that the Conservation Working Group remains enthusiastic.

The next meeting of the CWG is scheduled for Tuesday, August 22 from 10:00 a.m. - 12:30 p.m. at the Moss Landing Harbor District Office.

Research Activity Panel (RAP) -- Greg Cailliet provided highlights of the June meeting which included:

• a discussion of the draft of the RFP for Marine Mammal research in the three northern California Sanctuaries. The research activity panel will compose a Selection Evaluation Board made up of participants from the three Sanctuaries to review the proposals;

• a detailed discussion of the Cambria desalination plant was delayed because of efforts from the project coordinators to re-scope their plans;

• a report from Jennifer Dugan, from the Channel Islands NMS, on their research program;

• an update on the status of the search for a Research Coordinator revealed that the Selection Evaluation Board has chosen a list of three finalists who will be interviewed by Mark Pickett, the Assistant Manager at the sanctuary office. Greg mentioned that five members of the research panel participated in the process and that he felt it was a sound and good procedure. It is expected that the position will be filled within the next couple of weeks;

• the marine researchers guide is well along and will be available electronically;

• a discussion of the institutional permit status reflected the working group's concern that some current problems might have been alleviated had the process been in place.

Greg conveyed the research community's frustration with the response from Charles Wahle at the Sanctuaries and Reserves Division's Technical Branch for the lack of closure on the subject. He suggested that the process be implemented as a pilot program at the local level until a federal program is instituted. Although there was support for the idea from Council members, it was noted that National Marine Sanctuary managers do not have the authority to carry out this request;

• the date for the Research Symposium has been changed to Feb. 9-10, 1996. White House Chief of Staff Leon Panetta was suggested as a keynote speaker;

• the Army has agreed to contribute \$149,000 for various research projects in the restricted zone in the coastal waters along Fort Ord;

• there was a discussion of the final resolution of ATOC;

• the Research Activity Panel (RAP) requested a concrete proposal from Mussel Watch and formed a committee to write a report on what the program's objectives are and what is needed to achieve its goals. The report will be presented at the August meeting of the RAP;

• there was a 15-minute presentation on BAYNET to the RAP;

• Panel members talked about the underwater park proposal and also formed a committee to investigate the project. The RAP indicated that they were not opposed to the park, but were concerned that the research element hasn't been properly addressed.

The research panel recommended the Conservation Working Group (CWG) as the

most appropriate organization to investigate the issue. The RAP will assist with polices concerning research interests. Rachel agreed to keep the Council informed about the working group's review of the park's progress;

The National Undersea Research Program (NURP) representative, Geoff Wheat, was voted in as the newest member of the Research Activity Panel;

The RAP discussed options for organizing a symposium in conjunction with the American Association for the Advancement of Science (AAAS) Conference for the Pacific region scheduled for June 1996. It was suggested that this would be an ideal project for the new Research Coordinator. Greg will keep the Council informed as more details become available;

A cruise report from the McArthur will be available soon. The RAP is writing guidelines for ship time next year;

The RAP endorsed the idea of presenting community service awards and would be happy to participate when directed by the Council. The Chair thanked the Research Activity Panel for their cooperation and requested that the committee responsible for the community service awards give a report at the next meeting.

The next meeting of the RAP is Friday, August 18 from 1:00 p.m. - 5:00 p.m. at the new MBARI facility in Moss Landing.

VI. EDUCATION PROJECTS IN THE SANCTUARY

At the request of the Alternative Funding Task Force, Dorris Welch-Burman provided a detailed synopsis of education programs in the Sanctuary. Please see attached for details of the report. Highlights included:

A definition of education goals (see attachment) and the four target audiences for Sanctuary education programs. Joe Townsend suggested that tour group operators also be targeted as an audience for some of the programs;

A presentation of the print media that the working group is involved with producing. Council members questioned the validity of written material about the Sanctuary and requested that the Sanctuary provide a written explanation of the review process

A slide show illustrating the two-day Middle School Outreach program implemented in Santa Cruz this past Spring;

A description of the plans for a 20-minute public information video about the Sanctuary to be used for multiple purposes.

Following Dorris' presentation, Council members suggested that there be samples of the work and curricula kept at the Sanctuary office, not only as a resource for educators in the area, but also to serve as an education library and an archive of the work that has been accomplished. Terry noted that this is probably already being done informally by Liz Love.

Dorris concluded that there is a continuing need to network with all of the groups in the area and that the Sanctuary Education Panel will remain highly involved in acting as a facilitator of the training curricula for volunteer programs, such as BAYNET and SOS.

Moreover, the group will continue to look for ways to use the available resources in the field to the highest potential.

The next meeting of the SEP is Thursday, August 17 from 2:30 p.m. - 5:30 p.m. at the Moss Landing MBARI Conference Room. The working groups has also arranged for a strategic planning Retreat on September 27 at Elkhorn Slough Reserve. Council members are invited to attend.

VII. REPORT ON WASTE DISPOSAL AND FORMER DUMP SITES ALONG CALIFORNIA'S COAST

Gary Tate, Manager of the Monterey Peninsula Regional Parks District, reported on the exposed shoreline land-fill in Sand City. Mr. Tate requested Advisory Council support for implementing the only affordable solution to the problem, which involves recovering the existing land-fill. In essence, the proposal includes some recycling, provides for dune restoration, and will not reduce the view sheds. However, all waste remains on site and if no shore protection is provided, waste will be exposed again in 50+ years. Gary presented alternative solutions, but commented that cost constraints would not allow their implementation at this time. After a brief discussion, Council members concurred that, although the preferred solution was not ideal, it was better than nothing.

Gary requested a letter of support from the Advisory Council. A motion to provide the letter was seconded and carried with abstentions from the regulatory agencies. The Chair requested that Gary Tate provide draft language for the letter.

VIII. ANNOUNCEMENTS AND COMMENTS FROM COUNCIL MEMBERS

1) Ruth Vreeland suggested that the Council send a thank you letter to Sam Farr thanking him for his efforts regarding the National Marine Sanctuaries' (NMS) budget restoration in the House of Representatives. Council members agreed that thank you letters should be sent but stipulated that a letter be sent to all of the Congressional Representatives who voted positively.

Council members also requested that a thank you letter be sent to the Pacific Coast Federation of Fishermen's Associations for their instrumental role in restoring the NMS budget

2) Marc Del Piero expressed concern over bond funding for the San Joaquin Drain project. He explained two bills that were pending which, if passed, would result in devastating economic impacts for agriculture in the central coast and the biological health of the sanctuary.

Marc recommended that Council members keep informed about the status of the bills -- the Doolittle Bill and the Costa Bill (SB500) -- and cautioned against complacency. He suggested that Senators Feinstein and Boxer be contacted immediately and reminded Council members that the Doolittle Bill was already passed out of the House, therefore making the timing on this issue critical. For more information contact Brian Baird, Tom La Hue, or Marc Del Piero. The Chair requested that they keep the Council up to date on the situation.

3) Steve Kimple announced that Elkhorn Slough just graduated a new docent class of 30 people from a nine-week training course bringing the docent force up to 140 people.

4) Ed Brown announced plans for an Economic Seminar on September 20 in Carmel Valley. A broad representation of the tourist industry from throughout the area will be participating to share perspectives about the Sanctuary and discuss methods for improving communications.

5) Brian Baird introduced his report "California's Resources Plan: An Agenda for the Future." He reminded Council members that the document is still in draft form and indicated that the final version will be done after the public meeting period is over. Brian encouraged Council members to attend the public meeting on August 24 at 7:00 p.m. at the Seaside City Hall and to testify on behalf of the plan. The Chair directed that there be a formal presentation of the plan at the August meeting so that the Council may take an official position.

6) Les Strnad commented on two areas where the work of the Sanctuary Advisory Council has made a positive difference: 1) the cities of Santa Cruz and Monterey have submitted a request for a grant under the Section 319 framework to coordinate stormwater management facilities for non-point source pollution, even though there are no regulations for communities with populations under 100,000 to develop such a program; and, 2) in June, the California Coastal Commission approved a beach management plan program for Santa Cruz -- the most comprehensive management plan for water quality management issues in the state. This plan will be used as an example for others and is an outgrowth of the resource/recreational conflicts that we are accustomed to seeing along the sanctuary coast.

7) Thomas La Hue -- Good news. A small waste water treatment plant in Davenport is going to become a tertiary treatment plant.

8) Steve Abbott -- The Moss Landing Annual Flee Market is Sunday, July 30. All are invited to attend. Lots of fun.

IX. NOISE IN THE SANCTUARY

Rachel Saunders formally introduced a memorandum, endorsed by all three of the working groups, requesting that more information be sought on the possible impacts of human-made noise on marine wild-life in the Sanctuary. In addition, she handed-out a memo outlining actions that the Council may wish to consider. (see attached)

Rachel suggested that the Council invite Dr. Khosrow Lashkari from MBARI, to explain his research on sound. The Chair agreed to invite him to a future meeting.

A motion to accept the memorandum was seconded and carried unanimously after discussion. Comments included the following:

€ This issue should not be the main priority for the Sanctuary;

€ References to vessels in the sanctuary should be clarified;

€ After the data on human-made noise is collected, what will be done with it? Members cautioned that there are certain provisions in the Sanctuary act that stipulate exemptions for commercial fishing vessels and recreational boating uses;

€ suggest that the word "pollution" be excluded from all references to the issue;

€ the research will be valuable in finding and developing baseline data for future

references;

Council members suggested that the Sanctuary investigate the possibility of using some of the marine mammal research funds to look at human-made noise impacts on mammals. Also contact agencies such as the Navy and ask them if they have research on the effects of human-made noise that they can provide.

The Council directed the Sanctuary office to produce an outline for how to incorporate the issue into the overall sanctuary program and to present a report by the end of the year.

X. CMC CONTRACT TO DEVELOP A SANCTUARY FOUNDATION

At the request of the Alternative Funding Task Force, Warner Chabot was invited to report on the status of the contract with the Center for Marine Conservation (CMC) to establish a cooperating association that would serve one or more of the Marine Sanctuaries. A complete written report was given to Karin and Terry and an Executive Summary was given to Council members.

Mr. Chabot indicated that the Foundation could be in place as early as September 1995.

Mr. Chabot recommended the following actions:

- 1) ask NOAA for guidelines on how to solicit for the foundation;
- 2) increase the license plate sales -- ask DMV if the plates can be sold in retail stores and work with other groups to sell the plate in return for economic incentives.
- 3) Finally, Mr. Chabot strongly urged the Council, AMBAG, and NOAA to discuss the license plate marketing program and to clarify the distribution of the funds as early as possible.

Following Mr. Chabot's presentation, Les Strnad suggested that Council members read the Executive Summary and return to the discussion in August. Council members requested that an attorney be present to explain the process.

Council members further directed that a thank you letter be sent to the Center for Marine Conservation and to Michael DeLapa for their efforts in the foundation establishment process and the license plate program.

XI. HEARST CORPORATION PRESENTATION

Roger Lyon, an attorney representing the Hearst Corporation, provided the corporation's perspectives concerning the proposed Piedras Blancas elephant seal viewing area. In essence, the Hearst Corporation is not supportive of donating 70 acres of property to construct a parking lot, a kiosk, viewing stations, and docent-led trails bi-secting the property to the elephant seal beaches. However, they are willing to work with CALTRANS and the State Parks and Recreation Department to consider an exchange of land between the Hearst Corporation and the State to provide an alternate turn-out site to the south of the originally proposed land. The exchange of land between CALTRANS and the Hearst Corporation would be pursuant to a controlled docent-led program giving access to the beach. The Hearst Corporation stipulated that there be controlled access to the property and that recreational users be managed.

Problems with the compromise revolve around the concern that the new site does not have the space for a kiosk or viewing stations. Moreover, without income from the sightseers, the resources would not be available to maintain controlled access to the site as is required by the Hearst Corporation. Nevertheless, Brian Baird indicated that State Parks would consider the trade if all parties involved agreed to it, and a management entity could be identified.

Roger Lyon encouraged the Council to contact the stakeholders -- CALTRANS, the County of San Luis Obispo, State Parks and Recreation, and the Federal land users in the area --to gain a larger perspective of the issue.

Mr. Lyon reminded Council members that the issue is a CALTRANS problem and that if a compromise is not reached, a definite and viable alternative will be to erect a fence along the coastal side of the Highway so that the beach and the mammals can't be seen at all.

XII. INTRODUCTION OF THE BAYNET PROGRAM

Rachel Saunders introduced the newest volunteer program, BAYNET (see attached). She provided a brief history of the program, its goals, and its strategy for implementation, stressing that the main goal of the program will be to raise public awareness and understanding of the Sanctuary. The aims of the program will be to:

- € improve networking efforts between various organizations in the area;
- € to enhance volunteer training programs; and,

When questioned about the difference between BAYNET and the Save Our Shores (SOS) Sanctuary Steward Program, Rachel commented that BAYNET volunteers will be a more visible presence on the beach and around the sanctuary conducting shoreline interpretation, whereas the SOS Sanctuary Steward's will concentrate in the classroom and in more formal presentations

BAYNET is sponsored by the Center for Marine Conservation (CMC) under contract with the Friends of the Sea Otter. The CMC has contracted out to Milos Radakovich. Milos presented an outline of the initial strategies and time tables for the program. He explained that an important element of the BAYNET program will be the high visibility of the volunteers and a recognizable jacket consistent throughout the Sanctuary. Milos displayed an example of the blue jacket with the BAYNET logo. Council members were assured that the program will work closely with the Sanctuary office in the development of its training program and materials for public distribution.

XIII. CALTRANS PRESENTATION: MANAGEMENT PLAN FOR MAINTENANCE OF THE BIG SUR COASTAL HIGHWAY

In an effort to be more pro-active about what to do to protect the ocean when and if slides occur, Gary Ruggerone and Lisa Schicker from the CALTRANS Environmental Planning Branch, are working to gain input from cities and agencies along the California coast about their Highway One Master Plan. A more complete explanation of the master plan is attached (please refer to the hand-out).

Questionnaires were provided for Council members to complete and return. The questionnaire is attached. Council feedback and support is needed for the continuation of the program.

The Chair offered the Advisory Council's commendation to CALTRANS for its foresight in developing the master

plan and bringing it to the Council's attention. A final document describing the plan will be finished in late fall 1995.

XIV. DISCUSSION: JADE COVE

Terry reported that the Advanced Notice of Proposed Rule Making (ANPR) is awaiting clearance by NOAA. Once the announcement is approved, there will be a preliminary hearing and comments can then go into the proposed rule making process. A motion was made to send a letter to Sanctuaries and Reserves Division Acting Chief, Jim Lawless, asking for swift movement on the issue.

Discussion of the motion included concerns about policies regarding other minerals that can be found along the coast line. It was suggested that a select group of Council members meet with Charles Wahle when he visits Monterey and to discuss this along with other questions the Council may have. The invitation for a meeting will be part of the Council's response to the letter from Wahle addressing the Institutional Permit status. Council members would also like to meet with Debra Malek.

The motion was approved unanimously. Terry will extend the invitation to Debra Malek and Charles Wahle and encourage them to meet with select members of the Advisory Council during their next visit to Monterey.

XV. SANCTUARY MANAGER'S REPORT

Due to time constraints, Terry was unable to present the Sanctuary Manager's Report at the meeting. A written report is attached.

The meeting adjourned at 4:30 p.m.

Respectfully submitted,

Jane M. DeLay
Sanctuary Advisory Council Coordinator

enc: Meeting Agenda
Sanctuary Education Report
Memo on proposed actions regarding human-made noise in the Sanctuary
BAYNET program description
CALTRANS master plan outline and questionnaire
Sanctuary Manager's Report
Meeting Guest and Speaker Sign-in Sheets

Sanctuary Advisory Council Meeting Minutes
FINAL