The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, February 4, 2000 at the Seymour Center at UCSC's Long Marine Laboratory. Public categories and government agencies were present as indicated:

Agriculture: Richard Nutter
Diving: David Clayton
AMBAG: Stephanie Harlan
Education: Rachel Saunders
At Large: Steve Webster
Enforcement: Doug Huckins – ABSENT
At Large: Karin Strasser Kauffman
Fishing: Dave Danbom
At Large: Chet Forrest
Ports & Harbors: James Stilwell
Business & Industry: Steve Abbott
Recreation: Sally Smith
CA Coastal Commission: Tami Grove
Research: Gregor Cailliet
CA EPA: Craig J. Wilson
Tourism: Ed Brown
CA Resources Agency: Melissa Miller-Henson
U.S. Coast Guard: LCDR Phyllis Blanton – ABSENT
Conservation: Vicki Nichols

The following non-voting members were present as indicated:

Channel Islands NMS: Ed Cassano – ABSENT
Gulf of the Farallones NMS and Cordell Bank NMS: Ed Ueber – ABSENT
Elkhorn Slough NERR: Becky Christensen
Monterey Bay NMS: William Douros

I. CALL TO ORDER, ROLL CALL, APPROVAL OF DECEMBER 3, 1999 DRAFT MEETING MINUTES, REVIEW OF CORRESPONDENCE

A) Call to Order and Roll Call

The meeting was called to order by the Chair, Steve Webster, at 9:00 a.m. Ed Brown conducted the roll call – a quorum was present.

B) Approval of Meeting Minutes

The minutes from the December 3, 1999 Advisory Council meeting were approved as presented.
C) Review of Correspondence

The Chair passed around the sign-up folder for Advisory Council correspondence written since the last Council meeting.

II. WELCOME FROM THE SEYMOUR CENTER

Julie Barrett Heffington, Director of the Seymour Marine Discovery Center, welcomed the Advisory Council to the newly completed educational center at Long Marine Laboratory. Ms. Heffington provided a brief overview of the Seymour Center and invited the Council to explore the displays during their lunch break.

III. FAREWELL TO OUTGOING MEMBER
      SWARING-IN OF NEW MEMBERS
      NEW MEMBER INTRODUCTIONS

The Chair thanked outgoing member Steve Scheiblauer for his service as Harbors representative and presented him with a plaque in recognition for his work on the Council.

William Douros, Sanctuary Superintendent, conducted the swearing-in of the following new members:

Craig J. Wilson - CA EPA
Peter Grenell - alternate Harbors representative
Kirk Schmidt - alternate Agriculture representative

The three new Council members, along with Jim Stilwell, who replaced Steve Scheiblauer as the primary Harbors representative, provided brief overviews about themselves.

IV. ANNOUNCEMENTS

Bill Douros provided a report on three organizational changes which were not provided in the Sanctuary Office Report mailed to Council members several weeks earlier:

- As a result of increased interest in the National Marine Sanctuaries Program (NMSP), the Marine Sanctuaries Division (MSD) is being elevated within NOAA; the program will no longer operate within the Office of Coastal Resource Management (OCRM), but will remain within the National Ocean Service (NOS). Stephanie Thornton, current Chief of MSD, has been reassigned to conduct special projects and Dan Basta will serve as the interim Chief.
- NOAA Corps Officer Ed Cassano, current Manager of CINMS, will be rotating to a new assignment at sea. Matt Picket will serve as Acting Manager of CINMS.
- Lisa de Marignac is leaving the MBNMS office to travel for a year. As a result, MBNMS is creating a new position that includes part of Lisa's duties—Advisory Council coordination and business community outreach—as well as other duties in the office—public relations coordination and the Sanctuary Foundation liaison. Brady Phillips, from the MSD headquarters in Silver Spring, MD, is filling this position on a one-year detail.

Tami Grove expressed concern on behalf of Peter Douglas, Executive Director of the California Coastal Commission, regarding the elevation of MSD within NOAA. In particular, the Coastal Commission is concerned that the resulting split from other coastal and ocean management programs will be counterproductive. Tami also expressed concern that this move was made without consultation with constituent groups and other stakeholders involved in coastal zone management. The Coastal Commission would prefer to see OCRM elevated within NOAA, therefore keeping MSD together with other coastal zone management programs.

Bill Douros explained that the recent changes within NOS are beneficial to coastal zone management and will make it easier for the sanctuaries program to get work done within NOAA. Bill believes that the changes will not negatively impact the Sanctuary’s relationship with other coastal zone management programs, and that he intends to work together with these other programs as MBNMS has done in the past.

Discussion ensued among Council members regarding the potential pros and cons of the recent reorganization of MSD. Council members expressed interest in discussing the issue further and therefore suggested putting the topic on a future Advisory Council meeting agenda.

Bill announced that the new Acting Chief of MSD, Dan Basta, will be in Monterey in a couple of weeks, and that he is willing to ask Mr. Basta to meet with the Council during his visit to discuss the organizational changes.

Karin Strasser Kauffman made a motion that the Council take advantage of Dan Basta’s visit to Monterey and meet with him, if he is available, to discuss the recent organizational changes affecting the sanctuaries program. Rachel Saunders seconded and the motion passed unanimously.
Karin also requested that the Council be provided with a new organizational chart as soon as possible.

V. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Dave Ebert, US Abalone, requested clarification regarding whether or not protocols existed to address potential economic conflicts of interest Advisory Council members may have in serving as Council members. Bill Douros confirmed that the Council's charter and protocols address the issue.

VI. WORKSHOP: MBNMS KELP MANAGEMENT PLAN

Aaron King, MBNMS staff, reviewed the history of the kelp conflict off Cannery Row and explained that though the Sanctuary is authorized to regulate kelp, at this time, it is opting to submit recommendations to the California Department of Fish and Game (CDFG) who regulates the harvest of kelp within State waters. CDFG is in the process of reviewing its kelp management plan and the Sanctuary's recommendations will be submitted as part of this process. Aaron provided an overview of the Sanctuary's process to develop its kelp management plan to submit to CDFG.

The purpose of the Sanctuary's kelp management plan is:

1. To fulfill the MBNMS legal mandate requiring protection and management of the MBNMS kelp resources -- without resorting to federal regulations.
2. To help put an end to any kelp use-conflicts that have arisen over the last few years.

3. To develop a reasonable position for the MBNMS on kelp that utilizes the best science, protects MBNMS kelp forests, and takes the needs of all users into account.
4. To create a set of recommendations on kelp management in the MBNMS for CDFG's 2001-2005 kelp management regime, utilizing as full a public process as possible.

Several Council members expressed interest in obtaining CDFG's current regulations on kelp. Aaron directed them to CDFG's web site.

Aaron provided an outline of the MBNMS kelp management plan:

1st Release: Background and Environmental Settings
  - Introduction/Purpose of kelp plan
  - Background section that contains information on the natural environment
  - History of kelp as a multiple-use resource
  - Analysis of user conflicts that presently exist
- Analysis of current research on the resource

2nd Release: Background and Environmental Settings with Draft Recommendations
- Revised background and environmental settings sections
- Draft "preferred management alternative"
- Other "management alternatives"
- Discussion of non-traditional management alternatives (e.g., artificial reefs)
- Draft general responses to comments

Final MBNMS Kelp Management Plan
- Final "preferred management alternative"
- Review of the current resources (funding, staff, etc.) and activities
- Final section re: "management alternatives"
- Final general response to comments

The timeline for completion of the plan, as of February 4, 2000, is as follows (timeline is subject to changes):

- January 14: release first draft MBNMS kelp management plan
- Public forums to solicit comment on the plan include: RAP meetings on January 14 and February 11; CWG meetings on January 18 and February 15; SEP meeting on January 20; BTAP meeting on January 26; Advisory Council meeting on February 4; special public forums on the kelp plan on February 15 in Cambria and February 17 in El Granada.
- February 23: close comment period on first draft MBNMS kelp management plan
- March 11: release second draft kelp management plan
- Public forums to solicit comment on the plan include: RAP meeting on April 14; CWG meeting on April 11; Advisory Council meeting on April 7; special public forums in Cambria and Half Moon Bay (date to be announced)
- April 14: close comment period on second draft kelp management plan
- May 2000: release final MBNMS kelp management plan and deliver to CDFG
- May–June, 2000: staff discussions with CDFG on issues of concern raised in the MBNMS kelp management plan (CDFG finishes drafting CA kelp management plan for 2001–2005)
- July 2000: CDFG submits new CA kelp management plan to the Fish and Game Commission which contains solutions to issues of concern to the Sanctuary

The Chair opened the floor to Council member comments. Comments included the following:

- hold several Sanctuary-sponsored special public forums in the Monterey Bay area, in the evening after business hours
- hold special forums on the Sanctuary kelp management plan hosted by others, such as Save Our Shores (SOS)
- maintain cooperative relationship with other agencies and stakeholders while developing the kelp management recommendations, i.e. kelp harvesters cooperative and CDFG
- withdraw the diver disturbance report from the kelp management plan
- include kelp management focus on the entire Sanctuary
- include history on City of Monterey's decision to assert authority over the kelp beds of Monterey's coastline

Several Council members—David Clayton, Steve Abbott (on behalf of Art Seavey, Joe Cavanaugh, Gary Russell, Phyllis Grillo-Weinbrenner) requested that the written comments they submitted individually on the Sanctuary's kelp management be recorded as submitted in the February 4, 2000 Council meeting minutes.

The Chair opened the floor to public comments on the kelp management plan. Public comment included the following:

- existing study on kelp harvesting is too limited and does not provide answers to questions about impacts to kelp from harvesting
- hold several Sanctuary-sponsored special public forums in the Monterey Bay area, in the evening after business hours
- public notification of these meetings needs to be improved and expanded—include meeting location address and directions
- hold special forums on the Sanctuary kelp management plan hosted by others, such as Save Our Shores (SOS)
- diver disturbance report should not be included in kelp management plan
- it is appropriate to include diver disturbance report in the literature review section of the kelp management plan
- work to ensure viability of kelp harvesters cooperative and address potential problems with mechanical harvesters coming to Monterey Bay to harvest in kelp bed #220
- kelp harvests within Carmel Bay is an issue that needs to be addressed; concerns regarding invertebrate by-catch in an invertebrate no-take reserve
- support for increased no-take reserves
- issue of confidentiality for leased beds inhibits proper collection of data on kelp harvesting
- abalone farming is limited to a few businesses because of the difficulty of successfully establishing farms along the central California coast; existing number of businesses in operation has declined over the years
- use best available science in determining kelp management recommendations
- problem with the CDFG regulation allowing take kelp plant down to four feet below the surface—several feet of kelp canopy may lie on the surface of the water at high tide, allowing harvesters to take more than the top four feet of the plant
- concerns about the validity of the rate of kelp growth cited in the kelp management plan
- need to advertise CDFG dates for public comment on their plan
- the present level of harvest in the Pacific Grove section of bed #220 is unsustainable;
  Council should request that CDFG close this section of the bed for one year

VII. ACTION ITEM: SAC FY99 ANNUAL REPORT

Steve Webster directed the Council to the revised draft Advisory Council Annual Report prepared by Lisa de Marignac and asked for any other comments and edits to the report.
Dick Nutter requested that the report include the Council’s involvement in the WQPP Agriculture and Rural Lands Plan.

Greg Cailliet made a motion to approve the draft Advisory Council Annual Report with amendments. Ed Brown seconded and the motion passed unanimously.

VIII. UPDATE: FIBER OPTIC CABLES

Bill Douros reported on the two proposed fiber optic projects within the Sanctuary’s boundaries. The Sanctuary office is still waiting for MCI’s alternate routes and is expecting their draft EIS. Global Photon continues to request that the Sanctuary rely on the state EIR while the Sanctuary continues to relay to Global Photon its concerns with the EIR and emphasize the need for Global Photon to submit an EIS.

Discussion ensued among Council members regarding the proposed projects and NOAA’s efforts to develop a policy on fiber optic cables in sanctuaries.

IX. REPORT: CA’S BUDGET & COASTAL RESOURCE MANAGEMENT PROGRAMS

Melissa Miller-Henson provide an oral and written report on significant state budget adjustments related to coastal resource management programs. The following 2000-2001 budget adjustments were highlighted:

Resources Agency:
- $.362 million and 3 positions for Proactive Stewardship of California’s Natural and Cultural Resources
- $51.5 million for grants pursuant to the Bay-Delta Restoration Account of Prop 204

Sea Grant:
- $681,000 bringing the amount available for grants to $1 million—a tripling of the
funding currently available

CALFED
- $136.1 million to begin the implementation ($46.2 million GF). This includes:
  - $20 million to continue the integrated storage investigations
  - $10 million to purchase water rights options

North Coast Watershed Assessment:
- $11.373 million - This includes:
  - $1.998 million for analyses of limiting factors-DFG
  - $2.133 million for Salmon and Steelhead recovery-DFG
  - $2.661 million for landslide mapping & geomorphology maps-DOC
  - $2.384 million for grants to RCDs-DOC
  - $1.279 million for cumulative effects analyses-CDF
  - $.337 million for stream flow effects and trends-DWR
  - $.581 million for basin water quality assessments-SWRCB

Wetlands:
- $46.5 million for wetlands restoration and acquisitions. This includes:
  - $25 Million for WCB for opportunity purchases
  - $4 million for Coastal Conservancy for Carmel River
  - $4 million for Coastal Conservancy for Elkhorn Slough
  - $13.5 million for Hamilton Wetlands

Lake Tahoe:
- $19.5 million to continue California's multi-year commitment to improve and enhance
  the environmental quality of Lake Tahoe. This includes funding for all state agencies.

Natural Heritage Preservation Tax Credit:
- $100 million set aside for a new conservation tax credit program (This will appear in the
  budget as a tax expenditure so it will not be in a budget for one of our organizations)

Ballast Water Management Program:
- $2.1 million to implement the provision of the recently enacted Ch. 849, Statutes of 199
  (AB 703), the Ballast Water Management Program. Funding reflects support for all
  agencies involved in this effort.

Alternative Fuels:
- $32 million initiative to promote the use of alternative fuels for power motor vehicles.
  This initiative involves the establishment of a fueling infrastructure as well as incentives
  to purchase alternative fuel state vehicles. The participating agencies are: the Energy
  Commission, the Air Resources Board, and the Department of General Services.

Department of Forestry and Fire Protection:
- Total proposed budget (state operations and local assistance): $553.8 million; 5,109
personnel years
- $2.2 million to begin a multi-year upgrade and improvement of CDF's Command and Control System
- $2.4 million for road maintenance, timber stand improvement and vegetation management projects on CDF's State Demonstration Forests
- $35 million to increase CDF's fire Emergency Fund from $20 million to $55 million. This represents the average annual amount expended for the last ten years
- $62.4 million for infrastructure improvements
- See the North Coast Watershed Assessment

Department of Conservation:
- $3.2 million in the current year and $5.6 million in the budget year to implement recently enacted legislation[(Ch. 815/99 (SB 332) and Ch. 817/99 (AB 1244))], which substantially increases the number and type of beverage containers included in the State's recycling program and make more recycling options available to the public
- See the North Coast Watershed Assessment

Department of Fish and Game:
- Total budget proposes $228.3 million and 2,376 personnel years
- $18.2 million to continue and expand restoration, planning and monitoring efforts in conjunction with CALFED
- $1.7 million for infrastructure improvements
- See the Ballast Water Management Program
- See the North Coast Watershed Assessment

State Coastal Conservancy:
- $5 million to continue the Southern California Wetlands Recovery Program
- $3.8 million to continue public access projects along the coast
- See the Wetlands section

Department of Parks and Recreation:
- Total proposed budget (state operations and local assistance): $231.1 million; 2,818 personnel years
- $3 million augment DPR's baseline ongoing maintenance budget ($8.8 million). This represents a 33 percent increase
- $1.7 million to recruit and train new rangers and lifeguards
- $19.7 million for various capital outlay improvements

Department of Water Resources:
- $.806 million to meet increase workload demands to inspect dams to ensure proper construction, safe operation, and maintenance
- See the North Coast Watershed Assessment

State Lands Commission:
- $909,000 to conduct physical inspections of leased property for lease compliance

California Coastal Commission:
- Total proposed budget (state operations and local assistance): $16.1 million and 147 personnel years
- $1.3 million to meet operating needs
- $899,000 to increase the enforcement and compliance efforts of the Coastal Act
- $464,000 to expand public awareness and education about the coast and its resources.

Energy Commission:
- $1.1 million management of Public Interest Energy Research (PIER) program. The Commission is responsible for providing $61.8 million annually through December 31, 2001, for energy research
- $400,000 to address increased workload for energy facility siting and compliance
- See Alternative Fuels Section

X. PRESENTATION & DISCUSSION: MBNMS MISSION, VISION & CRITICAL ISSUES

Bill Douros referred Advisory Council members to a document supplied to Council members in their meeting packets titled, "Mission, Vision and Critical Issues, Monterey Bay National Marine Sanctuary." The document is the result of internal strategic planning and vision setting among MBNMS staff in the spring and summer of 1999. Much of this internal work was in preparation for our annual budget request and for the 1999 spring retreat with the Advisory Council. While the document is not open for public review, Bill requested that Council members provide any advice or input they might have regarding the document.

Several Council members provided comments on the document which included the following:

- the document is an effective strategic plan which should help focus staff
- be careful about moving towards advocacy and away from problem-solving -- stay positive
- is there a need to refer to the Sanctuary as "NOAA's Monterey Bay National Marine Sanctuary"
- consider including a section on general education and outreach
- it is appropriate that "action" is associated with "missions" and "visions"
- need to continually re-visit the strategic plan if it is to be a useful document

XI. REPORT: MBNMS' BUDGET ALLOCATIONS
Bill Douros reported that he has just received the MBNMS’ new money budget allocations for fiscal year 2000 and that MBNMS is fortunate in receiving a significant budget increase.

The Sanctuary has received $512,000 in new money (with a $1.197 million base budget) which is allocated to the following programs:

- $160,000 for an enforcement officer
- $70,000 to implement WQPP agriculture and rural lands plan
- $80,000 for fiber optic cable permit review process
- $90,000 for Cambria and Half Moon Bay satellite offices and staff
- $42,000 to print new vessel traffic charts
- $40,000 for site characterization and monitoring

Plus, $670,000 in construction funds for permanent office space and a Santa Cruz visitor center.

Also, headquarters is funding $75,000 to support SSE at Monterey, and $75,000 to work on an economic valuation of the seabed.

Bill thanked Advisory Council members, the public, and Congressman Sam Farr for their support of increased funding for the sanctuaries program and for the California sanctuaries. He noted that many of the programs that the Council highlighted as priorities for new money were allocated funding. He also reported the fiscal year 2001 budget proposal for the NMSP is $35 million, an increase from the $26 million received this year, and the $14 million the year before.

XII. PRESENTATION & DISCUSSION: PROGRESS OF THE FUNDING TASK FORCE

Steve Webster introduced the agenda item by reviewing the priorities set by Sanctuary Advisory Council at its June 1999 strategic planning retreat, one of which was to increase the funding for the MBNMS. Steve emphasized that fundraising also gives Council members the opportunity to do public outreach to local business communities.

Rachel Saunders provided an overview of the work of the Council’s funding task force which was formed to help fulfill the Council’s priority to increase funding for the Sanctuary program. The funding task force has met three times since its formation at the August 1999 Advisory Council meeting. Active membership includes Steve Webster, Steve Abbott, Steve Shimek, Rachel Saunders, Dennis Long and Lisa de Marignac. The task force has
recommended that the Advisory Council undertake a fundraising pilot project, led by the task force. The task force requested that Sanctuary staff identify a pilot project based on a set of criteria established by the group. In January, task force members and Sanctuary staff agreed on a two-part pilot project -- an interpretive signage/exhibit series and community-based water quality monitoring to support and expand on the existing water quality monitoring program. Rachel emphasized Steve's point that implementing these projects will have both fiscal and public relations benefits.

Liz Love, MBNMS staff, presented an overview of the interpretive signage/exhibit series and provided written and pictorial descriptions of proposed sites and their associated signage. The proposed signage and/or exhibits are located along the Sanctuary's boundary with two sites in Cambria, one in Big Sur, three in Monterey, one in Marina, and two in Santa Cruz.

Holly Price, MBNMS staff, provided an overview of the existing citizen monitoring network and the benefits of regional citizen monitoring of water quality within the Sanctuary and its watersheds. Holly outlined elements of the program which businesses could sponsor such as the establishment of citizen monitoring groups in new areas such as Cambria and Big Sur; water quality monitoring equipment kits for organizations or schools; a joint annual report of citizen monitoring groups summarizing the water quality of the Sanctuary and its watersheds; a web page for compiling citizen monitoring data, graphics, educational information, and group forums; an "urban watch" storm drain monitoring program in new cities such as Santa Cruz and Capitola; annual volunteer monitoring events on the first rainfall of the year; semiannual training of volunteer groups to provide standardized sampling methods, database use, etc.; a citizen monitoring network coordinator to oversee a regional program.

Discussion ensued among Council members and the Sanctuary staff regarding the two pilot projects.

Steve Webster announced that five "team leaders" had volunteered to lead fundraising
efforts for a particular signage location and water quality monitoring component, and
asked that the remainder of the Council join up with a particular leader to form a team.
Steve suggested that the teams compete among themselves and offered a behind-the-scene
tour of the Monterey Bay Aquarium as a "prize" for the team that raises the first donation
and the team that raises the largest single donation. He also suggested allocating part the
June Council meeting to review the status of the teams' projects.

Dennis Long, Monterey Bay Sanctuary Foundation, offered to help Sanctuary staff put
together an informational package on fundraising and forward it to the team leaders.

XIII. FOLLOW-UP ON NOS LETTER TO ADVISORY COUNCIL

Bill Douros directed Advisory Council members to the letter they received from Nancy
Foster, Assistant Administrator of NOS, regarding the Council's authority to write or copy
letters to U.S. Congressionals and opened the floor to discussion. Points of concern for

Advisory Council members regarding the letter and the issue of the Council's authority
included:

- Advisory Council members ability to act as individuals
- the need for Council agendas, letters, etc. to be concurred to by the Sanctuary manager
- the existing charter gives the Sanctuary manager the opportunity to "stifle" the Council
- the legal definition of lobbying
- NOAA's interpretation of the anti-lobbying law

Donna Blitzer, representing Congressman Sam Farr, submitted a letter to Council members
addressing their concerns with the NOS letter, and assuring the Council members that his
office would make significant efforts to communicate with the Council by regular attendance at Council meetings on his or Donna's part, and that his office would routinely request copies of Council correspondence. Sam Farr also offered the Council the opportunity to appoint a representative to the Monterey Bay Ocean Consortium.

Discussion ensued among Council members about whether or not they should attempt to
revise their Charter. Bill Douros urged the Council to move past this issue and to focus
their energy towards protection of the Sanctuary's resources and their set priorities.
Steve Abbott made a motion that the Council accept the NOS letter and its clarification of the Council’s authority and move on. Sally Smith seconded the motion.

David Clayton made a substitute motion to form a working group (later named a legislative working group) to explore the legality of the Council writing letters U.S. legislators and to work on re-writing to the Council’s charter and protocols. Stephanie Harlan seconded and the motion passed with eight in favor, six opposed and one abstention.

Karin Strasser Kauffman, Jim Stilwell, David Clayton and Stephanie Harlan offered to serve on the working group.

XIV. REPORT: PACIFIC GROVE SEWAGE DISCHARGES

Bill Douros presented a brief report on the recent sewage spills at Lover’s Point in Pacific Grove and informed the Advisory Council that Sanctuary staff and staff from the City of Pacific Grove have been meeting to address the issue of appropriate and timely notification of such events. The Sanctuary is sending a letter to cities along the Sanctuary’s boundaries to inform them of the Sanctuary’s regulations and emergency contact information.

XV. COUNCIL MEMBER ANNOUNCEMENTS

Jim Stilwell announced the U.S. Army’s planned landing exercise at Moss Landing beach is scheduled for February 5, 2000.

Stephanie Harlan reminded Council members that the Sanctuary Currents Symposium is scheduled for March 18, 2000 at the Cocoanut Grove in Santa Cruz.

David Clayton reported that another successful harbor clean-up was conducted and that another is being planned for July 2000.

Karin Strasser Kauffman thanked Sanctuary staff for the permit report and asked that subsequent reports include permit status. She announced that the Moss Landing Marine Laboratories’ open house in the new labs is scheduled for the second weekend in April.

The meeting adjourned at 4:30 p.m.

Submitted by
Lisa de Marignac
Advisory Council Coordinator