

**MONTEREY BAY NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL**

**FINAL  
December 5, 2003  
Elkus Youth Ranch  
Half Moon Bay, CA**

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, December 5, 2003, at Elkus Youth Ranch, California. Public categories and government agencies were present as indicated:

|  |                                       |
|--|---------------------------------------|
| Agriculture: Richard Nutter            | CA State Parks: Dave Vincent          |
| AMBAG: Stephanie Harlan                | Conservation: Kaitilin Gaffney        |
| At Large: Ron Massengill               | Diving: Frank Degnan                  |
| At Large: Mike Laffen                  | Education: Pat Clark-Gray             |
| At Large: Deborah Streeter             | Fishing: Thomas Canale                |
| Business & Industry: Dave Ebert        | Ports & Harbors: Peter Grenell        |
| CA Coastal Commission: Charles Lester  | Recreation: Dan Haifley               |
| CA Dept. of Fish and Game: Paul Reilly | Research: Chris Harrold               |
| CA EPA: Russ Jeffries-ABSENT           | Tourism: Michael Bekker               |
| CA Resources Agency: Brian Baird       | U.S. Coast Guard: LT Deborah Darminio |

The following non-voting members were present as indicated:

Channel Islands NMS: Chris Mobley-ABSENT  
Gulf of the Farallones NMS: Ed Ueber-ABSENT  
Cordell Bank NMS: Dan Howard-ABSENT  
Elkhorn Slough NERR: Becky Christensen  
Monterey Bay NMS: William J. Douros

Alternates present in audience:

Harriet Mitteldorf-At-large  
Meg Delano-At-large  
Brian Foss-Harbors  
Jamie Alonzo-Education  
Ruth Vreeland-AMBAG

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

**APPROVAL OF 10/3/03 DRAFT MEETING NOTES**

**MOTION: (Passed)**

**The SAC adopted the minutes from the October 3, 2003 Sanctuary Advisory Council meeting, with the following changes:**

- Section III, line 6 and line 12: "seal" should read "seals"
- Section IV, line 5: change "has" to "is" or change "making" to "made"
- Section VII, para. 1, line 8: delete apostrophe in "Council's"  
line 10: Begin new sentence after "members"
- Section VII, last para, second sentence: these are names only and do not form a sentence.
- Section VIII, para 1, line 4: delete "be"

- 12:00 -1:00 lunch, line 5: delete apostrophe in "CD's"
- Section IX, para 1, line 2: add "the" before "task"
- Section XI, para 6: correction: dates for CalCOFI are Nov 5-6, not Nov 5.

Motion introduced by Dan Haifley, seconded by Richard Nutter  
(Vote: 19 in favor, 0 opposed (unanimous))

## **UPDATE OF ADVISORY COUNCIL RECRUITMENT**

Nicole Capps, Advisory Council Coordinator, gave a brief update on the status of the Spring 2004 member recruitment.

Mike Ferreira, mayor of Half Moon Bay, welcomed the Advisory Council to Half Moon Bay and Elkus Youth Ranch.

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

Bill Douros, Superintendent, highlighted the most recent changes in MBNMS staff. Brad Damitz and Rachel Saunders were both hired as GS employees through an agreement with the Bureau of Land Management. Brad is now an Environmental Policy Specialist. Rachel Saunders has maintained her current position as Community and Public Relations Coordinator. Bill introduced the new Assistant Management Plan Coordinator, Paul Chetirkin. Karen Grimmer has moved from MERITO Director to fill the Program Operations Coordinator position through an agreement with CSUMB. Jen Jolly, Education and Outreach Specialist in Santa Cruz, has resigned to raise her new baby girl.

Bill announced that the Advisory Council now had a new office report. The format of this report is identical to that of the Channel Islands NMS managers report. He encouraged members to read this newer version of the report and provide comments on it.

Brian Baird, CA Resources Agency, announced that the new secretary of the Resources Agency is Mike Chrisman.

Kaitilin Gaffney, Conservation primary, announced that Stephanie Harlan, SAC Chair, is the new mayor of the City of Capitola.

Pat Clark-Gray announced that she passed out the Sanctuary Education Panel minutes. She highlighted the new shark exhibit that will be opening in the Spring of 2004 at the Monterey Bay Aquarium.

Stephanie Harlan announced that the 3:45 item on the agenda has been eliminated.

Kathy Fosmark, Alliance of Communities for Sustainable Fisheries, expressed her frustration about the doom and gloom of fisheries on the SIMoN website. The work that the fishermen did in the Fishing Related Research and Education working group was not made part of the website. The working group reached consensus the Sanctuary staff would work with the fishing industry. Bill suggested Kathy get with Andrew DeVogelaere before he left to set up an appointment. Tom Canale, Fishing primary, commented that he was disappointed with the site and said it was negative towards fishing. Kaitilin Gaffney commented that the fishing section of the website seemed to be taken straight from the SeaGrant report.

Steve Shimek, The Otter Project, addressed the Advisory Council on the shared boundary issue between the Monterey Bay NMS and Gulf of the Farallones NMS. Steve commented on the

statutory ban on oil and gas that Monterey Bay NMS has, he emphasized the need to ensure that the statutory ban would move with the boundary if it were to change. Proponents of the boundary change say that opponents could always go to Congress if the ban did not move with the boundary. Is that something that the Advisory Council wanted to risk? Peter Grenell, Harbors primary, commented that there was a request for the National Marine Sanctuary Program to prepare a detailed comparison between the statutory and legislative laws in the designation documents.

Ruth Vreeland, AMBAG alternate, commented that Nicole Capps, Advisory Council Coordinator, did a good job at getting information for the meeting out to the alternates and does a good job keeping them informed.

Peggy Ruse, Friends of the Fitzgerald Reserve, read a letter stating the Reserves stance on Motorized Personal Watercraft (MPWC). Reserve staff and docents do not want MPWC in or around the Reserve due to haul-out sites for harbor seals. The letter asks that the Advisory Council not allow MPWC's in the Reserve.

Mike Ednoff, San Mateo County Resource Conservation District, commented that people from the December 4<sup>th</sup> meeting want more of a representation from the MBNMS. There are many education ideas available in the San Mateo area and a wealth of people to draw from. A possible way to do this is to use the money from the oil spill many years ago. NOAA/DOC is a trustee of the funds, it is possible the MBNMS could get that money to be spent in San Mateo.

### **III. LOCAL ISSUES**

Mike Laffen, Citizen At-large primary, provided a powerpoint presentation on local issues and ways the sanctuary is and could be conducting outreach to the San Mateo coast.

Meg Delano, Citizen At-large alternate, gave a slide show presentation of the Pescadero Marsh. She commented that the marsh deserves research concerning the kill of migratory species. SIMoN scientists who study the Elkhorn Slough area could use those same techniques to study the marsh. The Pescadero Marsh needs long term monitoring and more publicity.

John Wade, Director of Restoration for the Pescadero Marsh Preservation Alliance, spoke regarding restoration projects with schools in the various counties within their jurisdiction.

Dawn Hayes, Education and Outreach Coordinator, gave a powerpoint presentation on the interpretive projects the MBNMS has been working on in San Mateo County. The MBNMS has partnered with CA State Parks to install interpretive signage at the Pigeon Point lighthouse. The lighthouse, light station, maritime history, whaling, shipwrecks, history of the station, information on the four different sanctuaries in California will be covered with the signage. There will also be other signage at the harbors and small state beaches. The MBNMS also worked with the Gulf of the Farallones NMS, the Farallones Marine Sanctuary Association, and the Cordell Bank NMS. Bill Douros commented that the interpretive signage at the lighthouse was started and funded by the MBNMS. Dawn commented that the total investment, outside of staff time, is \$187,000.

Simultaneously, the MBNMS is has a similar project in the southern region of the MBNMS with the same amount of money invested.

### **IV. PRESENTATION ON MBNMS RESEARCH TEAM ACCOMPLISHMENTS**

Andrew DeVogelaere, Research Coordinator, gave an overview of the presentations that were going to be covered by members of the Research team.

Steve Lonhart, SIMoN Scientist, gave a presentation on the marine resources survey of Big Sur Coast that occurred this past summer aboard the *R/V Shearwater*.

Jean de Marignac, SIMoN Scientist, spoke regarding the *MacArthur II* research cruise that Erica Burton, Research Assistant, and himself participated in.

Erica Burton spoke regarding the Delta Submersible research cruise on the *R/V Velero*. Mentioned was the trip made to view the *Montebello* shipwreck.

Irina Kogan, MBARI Research Fellow, gave a presentation on the ATOC/Pioneer Seamount cable research cruise.

Josh Pederson, SIMoN Outreach Specialist, gave a presentation on the SIMoN website, which launched on October 29, 2003. Advisory Council members had several questions of the staff and gave very helpful comments and suggestions on ways to improve the website.

A written version of the Research Team's report is available on the MBNMS website at <http://montereybay.noaa.gov/sac/2003/120503/agenda.html>. At the request of several Advisory Council members, MBNMS staff will make copies of the report available on a CD.

## **12:25 – 1:15 LUNCH**

### **V. MANAGEMENT PLAN REVIEW ITEMS**

#### **- SPECIAL MARINE PROTECTED AREAS WORKING GROUP RECOMMENDATION**

Holly Price, Resource Protection Coordinator, presented the Advisory Council with the latest revisions to the Special Marine Protected Areas working group action plan. She commented that the working group did not choose a recommendation of whether to establish marine reserves, that decision would be made in the future.

Tom Canale, Fishing primary, encouraged the Advisory Council to read the letter from the Alliance of Communities for Sustainable Fisheries dated December 1, 2003. The letter explains that the fishing community agreed to the action plan with the lowest degree of comfort.

#### **ACTION**

The Sanctuary Advisory Council accepted by consensus the Special Marine Protected Areas action plan as recommended by the working group.

#### **- BOUNDARY DISCUSSION UPDATE**

Dan Haifley gave an overview of what occurred at the Boundary meeting the night before. He explained that the Advisory Council members in attendance that night, conveyed the following message: They understood that some San Mateo residents have feelings of disenfranchisement, that there are many solutions to this problem, one of which might be a boundary change and lastly, that any other possible solutions be explored by the NMSP.

Dan Basta, NMSP Director, gave his thoughts on the Boundary meeting. He stated that he hopes to make the decision by January 31, 2004. The data collected by the internal team will be available on the web for the public within two weeks of the meeting. He expressed that the science is no longer the issue, it is about the people. Written comments from the public will be accepted by January 5<sup>th</sup>. Comments can be emailed to [jointplancomments@noaa.gov](mailto:jointplancomments@noaa.gov).

In responding to a question from a member of the Advisory Council, Michael Weiss, NMSP Deputy Director, commented that there are two interpretations of the statutory ban on oil and gas drilling within the MBNMS. The first is that Congress wanted the geographic area to be protected, so if the boundary is moved, than the ban will stay. The second, is that Congress wanted the protection within the boundaries of the MBNMS. If this were the case, then the statutory ban will not protect that part of the MBNMS that would be incorporated into the GFNMS if the boundary were changed. The costs of a boundary change are estimated at \$330,000-370,000, not including staff time. Staff time estimates to bring about the boundary change are over 3,500 hours; the added time to the management plan review would be 6-12 months.

Peter Grenell, Harbors primary, commented that Michael Weiss was tasked with putting together a comparison of the oil and gas bans between the MBNMS and GFNMS.

The question was asked of Dan if it would be easier to have one big sanctuary instead of three. Dan answered that he had promised certain elected officials at the start of the JMPR process, that three sanctuaries would come out of it.

Kaitilin Gaffney, Conservation primary, mentioned that the Conservation Working Group did not want the risk of opening up the area to oil drilling. Also, they were concerned with all of the effort that has gone into the JMPR and how a possible change in the boundary could affect that public process.

#### **ACTION**

**The Advisory Council agreed, by consensus, to send a letter to Dan Basta, with a copy sent to the GFNMS Advisory Council, with the following four points:**

1. Recognizes the legitimate feelings of disenfranchisement expressed by some constituents.
2. Believes the National Marine Sanctuary Program should commit to a higher level of service to address these concerns.
3. Is concerned about administrative costs associated with a boundary change and potential unintended risks to resource protection, such as the statutory oil and gas ban in the MBNMS.
4. Urges that the National Marine Sanctuary Program also explore other alternatives that would not incur those risks and costs.

#### **- BASIC PROCESS UPDATE**

Sean gave a very brief report of where we are in the JMPR and what is coming up.

#### **VI. DISCUSSION OF ADVISORY COUNCIL COMMENTS ON REAUTHORIZATION OF NMSA**

#### **ACTION**

**After a brief discussion, the Advisory Council agreed, by consensus, to submit the following three comments on the NMSA reauthorization to Bill Douros:**

1. an increase in the authorized appropriations (Section 313) by at least 10% per fiscal year to accomplish the goals of the National Marine Sanctuary Program.
2. a substantial increase in the number of permanent federal employees to effectively administer the National Marine Sanctuary Program.

3. authorizing language to allow support for Advisory Councils including meals during meetings.

## **VII. DISCUSSION OF MBNMS ADVISORY COUNCIL MEMBERSHIP**

Deborah Streeter, Citizen At-large primary, gave a brief report of the subcommittee's first meeting. She explained that the subcommittee agreed that it should conduct a deliberate process which could take some time, to look at membership, and that it would look at membership as a whole, not just a particular seat. She asked if the Advisory Council would be willing to fill out a questionnaire in an effort to help the subcommittee determine the Advisory Council's membership. Primaries and alternates would need to work together to answer the questionnaire and turn it into Nicole by January 9, 2004. The subcommittee will meet by the end of January to review the questionnaires.

Comments from the Advisory Council members and the public included: talking to past Advisory Council members; look at local government representation in the northern region; the subcommittee is failing to address the issue of a recreational fishing seat.

## **VIII. SAC MEMBER ANNOUNCEMENTS**

Stephanie Harlan gave an update on the Sanitation District's monitoring of the sewage lines along the creeks. They started in Capitola and found a break that affected nine homes.

Brian Baird commented that the US Commission on Ocean policy will be submitting a report in early January. There will be one month to review and he will be in touch with Bill and other managers to get input.

Chris Harrold, research primary, announced that the Monterey Bay Aquarium has taken more of a stance on ocean policy. In the spring, they will be launching the Center for the Future of the Oceans. The Aquarium will be recruiting for a director for this facility. Hopefully the director will be on staff by the end of the first quarter of 2004. The mission of this facility will be to provide people the tools and information needed for marine conservation.

Frank Degnan, Diving primary, mentioned that he would be certifying the Advisory Council members and MBNMS staff on how to scuba dive or provide refresher courses to those who need it sometime in January.

Charles Lester, California Coastal Commission, announced that there is a CCC meeting in San Francisco on Wednesday, December 10th.

## **ACTION: SET FEBRUARY 6, 2004 AGENDA**

Deborah Streeter's request for information on Department of Defense exemption to the Marine Mammal Protection Act.

National Steinbeck Center, Salinas

The meeting adjourned at 4:09

Submitted by Nicole Capps