

**MONTEREY BAY NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL**

**FINAL  
August 15, 2008  
Watsonville Civic Plaza  
Watsonville, CA**

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, August 15, 2008, in Watsonville, California. Public categories and government agencies were present as indicated:

Agriculture: Kirk Schmidt	CA State Parks: Nick Franco
AMBAG: Libby Downey	Conservation: Kaitilin Gaffney
At Large: Margaret Webb	Diving: Randy Herz
At Large: Michael Dawson	Education: Shauna Potocky
At Large: Deborah Streeter	Commercial Fishing: Kathy Fosmark
Business & Industry: Cindy Walter	Ports & Harbors: Linda McIntyre
CA Coastal Commission: Tami Grove	Recreation: Gary Pezzi
CA Dept. of Fish & Game: Paul Reilly	Recreational Fishing: Howard Egan
CA EPA: Russ Jeffries-Absent	Research: Chris Harrold
CA Resources Agency: Brian Baird-Absent	Tourism: Michael Bekker

The following non-voting members were present as indicated:

Monterey Bay NMS: Paul Michel  
United States Coast Guard: LTJG Brittany Steward

Alternates present in audience:

Rexford Keyes – Recreation  
Samuel Hale – Business & Industry  
John Hunt - Research  
Tim Frahm – Agriculture  
Robert Frischmuth – At Large  
Karen Grimmer – Monterey Bay NMS

**I. CALL TO ORDER, ROLL CALL, WELCOME, APPROVAL OF MINUTES**

**APPROVAL OF 2/15/08 AND 6/20/08 DRAFT MEETING NOTES**

**MOTION: (Passed)**

The Advisory Council adopted the 2/15/08 minutes with the following change:

Make clear, by adding roman numerals, the fact that both Gulf of the Farallones NMS and Monterey Bay NMS advisory councils met separately for the first item of the agenda.

1<sup>st</sup> Motion introduced by Chris Harrold, seconded by Mike Dawson  
**(Vote: 15 in favor, 0 opposed, 2 abstentions)**

2<sup>nd</sup> Motion introduced by Mike Dawson, seconded by Kathy Fosmark  
**(Vote: 16 in favor, 0 opposed, 1 abstention)**

**MOTION: (Passed)**

The Advisory Council adopted the 6/20/08 minutes with the following change:

- Page two, section II, line two change sentence from “There are...” to Consider having...”
- Page two, section III, add language during the Thank You Ocean Campaign presentation regarding possible sanctuary and Department of Education collaboration to include ocean science curriculum in schools.

Motion introduced by Chris Harrold, seconded by Mike Bekker  
**(Vote: 13 in favor, 0 opposed, 4 abstentions)**

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

Robert Frischmuth, At Large alternate and liaison to the Gulf of the Farallones NMS Advisory Council, provided an update on the most recent Gulf of the Farallones advisory council meeting. Robert touched on the restoration of the Bolinas Lagoon and the Tomales Bay action plan. He asked members to contact him informally if they had any questions.

Bonnie Van Hise, representing Congressman Farr, provided an update on the HR21 bill. Bonnie provided a handout on the breakdown of the bill. The ocean bills are getting hung up in Congress. The administration is adamant about drilling for oil and attaching oil drilling as an amendment to anything they can possibly add drilling to. Congress has been trying to raid and use the sanctuary’s unspent funds in this fiscal year budget for other projects within NOAA and the Census Bureau. Paul Michel provided an update on the Santa Cruz visitor center. He announced the National Marine Sanctuary Foundation (NMSF) has kicked off a capital campaign to raise private money. We are over halfway there with state, federal and local government contributions. The NMSF has committed to raise \$3 million and are looking for future appropriations. The City of Santa Cruz has been given a \$1.5 million grant. Kathy Fosmark, Commercial fishing, asked about a bill that had been proposed by a senator from Alaska. Bonnie stated she could find the answer and get it to Nicole Capps, Advisory Council Coordinator.

Dayna Mathews, National Marine Fisheries Service (NMFS) Office for Law Enforcement (OLE), has been directed to attend all sanctuary advisory council meetings for the west coast sites. He is not the contact for emergencies, but is here to advise on OLE issues or fishing regulations. Dayna is a member of the enforcement council for the Pacific Fishery Management Council. Dayna is from Olympia WA. Kaitilin Gaffney suggested there be a regular agenda item for some kind of enforcement update. Paul Michel stated this is germane to the presentation later in the day by Mike Eng, Resource Protection Coordinator. The Office of Inspector General

did a review of the sanctuary program awhile back and nine out of the 18 recommendations had to do with enforcement.

Ashley Blacow, graduate student at Monterey Institute of International Studies (MIIS) and summer intern with MBARI and CENCOOS, announced she has been working on a project for the last nine weeks, on which ocean parameters will best determine marine protected areas. She has been collecting a range of data from scientists and is interested in the advisory councils view on this. She passed out a handout for the advisory council to fill out. Chris Harrold asked if Ashley could please get her end product to the advisory council. Ashley said she would email the end product to Chris to distribute to the advisory council.

Rex Keyes, Recreation alternate, passed out copies of the Monterey Coast Weekly. There is an interesting article about an oil tanker that sank off the coast of Cambria, which sank a long time ago. There is a potential for leakage, which may be affecting the sanctuary. It has been successful as an artificial reef.

Laura Kasa, Save Our Shores (SOS), announced and handed out flyers for the annual coastal cleanup day on September 21<sup>st</sup> from 9 a.m.-noon. SOS will be handling all the Santa Cruz sites. She asked for help in getting volunteers for this. Their goal is to raise volunteers up to 1,000 for this year. Linda McIntyre, Harbors, asked for more postcards so she could put them on the front counter at the Moss Landing Harbor office.

### **III. EDUCATIONAL PRESENTATION: WATER QUALITY**

Raphael Kudela, Associate Professor at the University of California Santa Cruz, provided a presentation on harmful algal blooms. For Dr. Kudela's powerpoint presentation may be viewed at <http://montereybay.noaa.gov/sac/2008/081508/agenda.html>.

John Ryan, Scientist for the Monterey Bay Aquarium Research Institute, provided a presentation on harmful algal blooms. Dr. Ryan's powerpoint presentation may be viewed at <http://montereybay.noaa.gov/sac/2008/081508/agenda.html>.

Paul Michel reminded the advisory council that (like the Channel Islands NMS advisory council does quite often) for any of the educational presentations the advisory council may decide to create a subcommittee to further discuss or develop issue papers or action items for advisory council consideration.

### **IV. Marine Life Protection Act (MLPA) Update**

Paul Reilly, California Department of Fish and Game, provided a presentation on the current MLPA effort. For Mr. Reilly's powerpoint presentation can be viewed at <http://montereybay.noaa.gov/sac/2008/081508/agenda.html>.

Chris Harrold stated the Research Activities Panel (RAP) has invited Satie Aramie to present to the RAP on southern California MPA monitoring. If there is interest on behalf of the advisory council he could ask Aramie to present to the advisory council in the future.

**V. ENFORCEMENT UPDATE**

Mike Eng, MBNMS Resource Protection Coordinator, provided a presentation on the enforcement efforts in the MBNMS. Mr. Eng's powerpoint presentation can be viewed at <http://montereybay.noaa.gov/sac/2008/081508/agenda.html>.

**VI. 2008 ADVISORY COUNCIL CHAIRS/COORDINATORS MEETING DEBRIEF**

Chris Harrold, Research primary and Chair, provided highlights from the National Advisory Council Chairs/Coordinators meeting in May. He mentioned that the concept of the five west coast sanctuary chairs should meet with the Pacific Fishery Management Council was brought up. We stated they would look to try and do that. A major issue that was brought up was alternative energy and the potential of it interfering with fishing. The five west coast chairs felt this was an emerging issue that we may need to look at. The concept of creating a national group of comprised of chairs was brought up. He informed the advisory council that a letter from Dan Basta, Office of National Marine Sanctuaries (ONMS) Director, has yet to arrive, but we are aware it is coming. He also stated that during the chairs dinner with Dan, management plan reviews came up as a topic of discussion. It was unanimous from all chairs that this process is difficult. It was suggested that uncoupling regulatory changes from the approval of management plans might speed the process up. Chris also commented that the ONMS is developing a climate change education and outreach initiative. California will serve as the first test bed for this initiative.

Karen Grimmer, MBNMS Deputy Superintendent, used this opportunity to provide an update on the Joint Management Plan Review for the three central coast sanctuaries. She stated that staff is aiming at October 2008 as the clearance date for the final management plan. The documents did go to clearance and they should be coming by September 5<sup>th</sup>. This period is where Congress has the opportunity to weigh in or give us comments to address. If the documents go through, we are looking at October as the final sign off. We are hoping this is the case and nothing changes.

**VII. LUNCH****VIII. UPDATE: MBNMS MARINE PROTECTED AREA (MPA) PROCESS**

Mike Eng gave several presentations on the MBNMS MPA process and the National Environmental Policy Act (NEPA), which will provide a framework and guiding principles for the MPA process. Mr. Eng's powerpoint presentations may be viewed at <http://montereybay.noaa.gov/sac/2008/081508/agenda.html>.

Kirk Schmidt, Agriculture primary, provided a briefing on the MPA subcommittee's meeting. The subcommittee met on May 23<sup>rd</sup> and determined they were unable to complete the tasks as originally assigned as per the motion that formed the subcommittee. They were unclear about the roles and responsibilities of the MPA working group, how the MPA working group would interact with the science panel, how the decisions would be made regarding the ultimate

recommendations of the MPA working group, etc. The subcommittee spent a good portion of time on describing the need for more clarifications on the roles, responsibilities, procedures and protocols of the science panel and the working group. This need for clarifications has to be resolved before they start providing advice to the Superintendent on representation (categories) of stakeholders for the proposed MPA working group members, and when nominations are received for potential working group members, provide recommendations to the Superintendent on nominations.

There was a motion proposed by the MPA subcommittee to the Advisory Council. The motion reads as follows:

The sanctuary advisory council is expanding the scope of work for the MPA Working Group Planning Subcommittee (Planning Subcommittee) to provide advice to the advisory committee as the MBNMS develops the overall design of the process for proposing MPAs in federal waters of the MBNMS. Specific items to address should include, but are not limited to:

- 1) Assist the MBNMS in clarifying the overall decision-making process it will use for determining the establishment of MPAs in federal waters of the MBNMS.
- 2) Assist the MBNMS in clarifying how the MPA Working Group and Science Panel processes would fit into the MBNMS' overall decision-making process regarding the establishment of MPAs.
- 3) Advise the Superintendent on the stakeholder membership categories to be represented on the proposed MPA Working Group advise the Superintendent on the areas of expertise to be included on the proposed science panel
- 4) Assist the MBNMS in clarifying the roles, responsibilities, and operating procedures for the proposed MPA Working Group and the Science Panel, including how the two groups would interact and work with each other
- 5) And assist the MBNMS in developing the application process that would be used in recruiting potential members of the MPA Working Group and the Science Panel, as well as criteria that would be used in evaluating applications and selecting members.
- 6) Assist the MBNMS in reviewing MPA Working Group applications and provide its recommendations on membership to the Superintendent.

After some discussion the Advisory Council made a motion to adopt the motion of the MPA subcommittee to expand the scope of the subcommittee's work. A second motion was adopted to change some of the wording of the proposed motion. In the first sentence the word "is" was removed and the word "expanding" was changed to "expands". In the second sentence the word "committee" was changed to "council". Under the first item, the word "determining" was changed to "considering".

**Motion: (Passed)**

1<sup>st</sup> Motion introduced by Kirk Schmidt, seconded by Kathy Fosmark

2<sup>nd</sup> Motion introduced by Mike Bekker, seconded by Cindy Walter

**(Vote: 17 in favor, 0 opposed, 0 abstentions)**

**IX. EDUCATIONAL PRESENTATION: WATER QUALITY**

Bridget Hoover, MBNMS Water Quality Protection Program Coordinator, introduced the presentations by Anna Holden-Martz, MBNMS Citizen Watershed Monitoring Network Coordinator, on storm water runoff and Dane Hardin, CCLEAN, on sewage treatment.

Mrs. Holden-Martz's and Mr. Hardin's powerpoint presentations may be viewed at <http://montereybay.noaa.gov/sac/2008/081508/agenda.html>.

## **X. ADVISORY COUNCIL CHARTER RENEWAL**

Nicole Capps, MBNMS Advisory Council Coordinator, announced that the Charter Renewal Subcommittee held one meeting and were not ready to present any recommendations to the advisory council at this time. They will meet again and hopefully have recommendations ready for the October advisory council meeting.

The advisory council had some discussion regarding the role of subcommittees in assisting the advisory council on issues. The advisory council reaffirmed that the role of a subcommittee is to provide efficiency to the advisory council decision making process. The subcommittee should meet and provide their recommendations to the advisory council without formal advisory council involvement during subcommittee deliberations. The advisory council will become involved once the subcommittee has provided their recommendations.

## **XI. MEMBER ANNOUNCEMENTS**

Cindy Walter, Business & Industry primary, announced she would like to revitalize the Business and Tourism Activities Panel (BTAP). She believes it is the only advisory group connected to the advisory council that does not have a written protocol and procedure. She stated that perhaps she, Mike Bekker, and Sammy Hale come together to set some goals for moving the BTAP into the future.

Libby Downey, Association of Monterey Bay Area Governments (AMBAG), announced that AMBAG came up with nine recommendations regarding the National Marine Sanctuaries Act and would be happy to get those to the advisory council if they are interested. The City of Monterey devised the recommendations and AMBAG adopted them, as well as Moss Landing Harbor District. Libby provided handouts.

LTJG Brittany Steward, US Coast Guard, commented that the advisory council is a good forum for the Coast Guard to express its thanks for being a part of this group. It has helped to revamp their programs and revise a document they had been working on.

Chris Harrold stated that Ashley Blacow (from public comment for items not on the agenda) asked him to ask advisory council members to fill out the surveys she handed out earlier in the day. Once completed the surveys could be sent to her.

Mike Bekker, Tourism primary, handed out a publication printed by the Cannery Row. On page 16 there is an article on the MBNMS. He commented on an item that was mentioned during the storm water presentation regarding car washes. He received a letter from San Jose to cease and

desist with car washes at a property he owns. Nine years ago he gave permission to several charitable fundraising events at a strip mall he owns in the area. Washing cars is an issue.

## **XII. REVIEW WORK PLAN & UPCOMING AGENDA ITEMS**

The advisory council reviewed their work plan and discussed potential agenda items for upcoming advisory council meetings. Some items for the next agenda are a presentation on San Luis Obispo Science and Ecosystem Alliance (SLOSEA), a standing update on enforcement, an update on the charter renewal, and a tour of Hearst castle the night before was offered by Nick Franco, California State Parks alternate. Other items suggested for future advisory council meetings include: wave energy, aquaculture, findings of research on MPAs at the Channel Islands National Marine Sanctuary, invasive species presentation from the California Department of Fish and Game, MLPA presentation on enforcement and education and outreach.

## **XIII. ADJOURN**

**NEXT MEETING: October 17, 2008, in Cambria**

The meeting adjourned at 4:22  
Submitted by Nicole Capps