

**MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL**

**Final Meeting Minutes
August 22, 2014
Elks Lodge, Monterey CA**

Agriculture: Kirk Schmidt	CA State Parks: Mat Fuzie
AMBAG: Lynn Robinson	Conservation: Geoff Shester
At Large: Margaret "PJ" Webb	Diving: Brian Nelson
At Large: Dan Haifley	Education: absent
At Large: James Panetta	Commercial Fishing: Kathy Fosmark
Business & Industry: absent	Harbors: Steve Scheiblaue
CA Coastal Commission: Tami Grove	Recreation: Gary Pezzi
CA Dept. of Fish & Wildlife: Paul Reilly	Recreational Fishing: Rich Hughett
CA EPA: Maria de la Paz Carpio-Obeso	Research: James Lindholm
CA Resources Agency: Catherine Kuhlman	Tourism: Mike Bekker

The following non-voting members were present as indicated:

Monterey Bay NMS: Paul Michel
Elkhorn Slough NERR: Dave Feliz
US Coast Guard: LT Shannon Anthony (* NOTE: New Primary)

Alternates present in audience:

Kris Beal – Agriculture
Barton Selby – Recreation
John Hunt – Research
Jim Moser – Commercial Fishing
Cynthia Mathews – At-large
Bob Massaro – Tourism
Tucker Hirsch – At-large
Deb Wilson-Vandenberg – CDFW
Dawn Hayes – Monterey Bay NMS

I. CALL TO ORDER, ROLL CALL, AND MEETING MINUTES

New Chair, Margaret "PJ" Webb called the meeting to order and the new Secretary, Dan Haifley attended to roll call. Kirk presented a gavel to PJ in celebration of her transition to Chair.

APPROVAL OF MEETING MINUTES

Approval of April 25, 2014 DRAFT Meeting Minutes
The advisory council approved the April 25, 2014 DRAFT Meeting Minutes.

Mike introduced a motion to approve the February meeting minutes.

MOTION: Passed

Seconded by Maria.

(Vote: 15 in favor, 0 opposed, 3 abstentions)

II. STANDING ITEM: Superintendent Report

Paul highlighted the issues and events the sanctuary has been experiencing. The great numbers of Humpback whales have been an issue for resource protection reasons. Sanctuary staff are immersed in the desalination issue and have been inundated with abandoned Pangas bringing marijuana and people into the country, leaving their boats/fuel and sometimes contraband behind. Peter Greenburg (CBS radio) interviewed Paul back in June as part of a Cannery Row show. Sanctuaries' West Coast Leadership Team is meeting in Monterey next week and the National Leadership meeting will be in September in Alpena, MI. Early Oct, MBNMS is co-sponsoring Monterey Beach Sportsfest.

In the April – August office report, Paul touched on the ONMS Recreation and Tourism Campaign – Get into Your Sanctuary, April's Sanctuary Currents hosted 350 participants this year –with a theme of marine debris, the successful cruise back to the lost shipping container and an opportunist visit to Sur Ridge, Snapshot Day (First weekend in May) sampling streams from Cambria to Pacifica celebrated it's 15th year, the Exploration Center events are ramping up: we recently hosted the 2nd annual Beneath the Waves film festival, bringing in a live feed from the Aquarius habitat and hosting 25 youth from the National Association of Black SCUBA divers for a week-long program.

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

PJ – Shared an item she learned from the recent Advisory Council (AC) Chair's meeting and liked how some councils shared info about the AC prior to public comment – she then read a prepared statement about the advisory council and its role to the public attending the meeting.

Comment provided:

Monterey Bay Beach Sportsfest – Terry Bilbro / Hank Armstrong

Information about Monterey Bay Beach SportsFest October 4/5 Monterey Beachfront
www.montereybeachsf.com

IV. STANDING ITEM: GFNMS SUPERINTENDENT'S REPORT

MBNMS' report was reported at the GFNMS Advisory Council meeting this week. GFNMS' draft expansion docs were closed June 30, after 4 public hearings and receiving 1500 comments from 800 commenters. They are now responding to comments with the goal of publishing the Environmental Impact Statement in the Federal Register in December. Their Maritime Heritage program will be ramping up with the search for the *City of Chester* and other expeditions over the next two years. GFNMS is working to develop a series of workshops outlining strategies for Climate change mitigation, which would be widely transferrable. Several groundings in northern management area : 30' Panga at Pescadero, 30' Sailboat at Fitzgerald, 35' Bayliner at Bean Hollow and a 17' Bayliner at Pescadero). The GFNMS' Quarterly Superintendent's report is available to MBNMS as well, their Deputy, Brian Johnson can send to our AC.

AC Questions:

What are the next steps for CB/GF expansion? Response to comments goes to HQ after internal review; this will go up the chain to DOC. Those proposals will be vetted, returned to the sites and modified as needed. Publish FEIS in Dec (30 day comment), Final Rule January (45 days of continuous session of congress).

What about the “donut hole?” This is on hold – this was scoped, but not in progress. Will consider resuming after the larger expansion effort is complete. This is the area off of Pacifica, not included in MBNMS.

Paul mentioned the MBNMS Condition report is being updated (likely February 2105) and how this will lead into the MBNMS management plan review process (timeline will be shared mid 2015). As this timeline develops it will be shared with the SAC. MBNMS is looking to enhance/update, not completely rewrite the current plan.

V. GFNMS-MBNMS SAC EXECUTIVE COMMITTEE

Gary and PJ reported out on the July 17, 2014, joint meeting hosted at the GFNMS office. Dominique, Barbara Emily, Leslie Abramson, Maria Brown and Paul Michel attended. Both council executives shared how they operated, as the goal of the meeting was to share experiences and processes. They discussed term limits and turnover. A recommendation was made for “AC Elders” to be available to share information, history, etc. It was stressed there was a need for accountability of seats to their constituents and some interest for a county level seat (from Board of Supervisors). They reviewed facilitation of fair and balanced discussions, potential for tribal seats, SAC member training, especially for new members and alternates. GFNMS has had a recommendation to add more agency seats and asked about the MB Tourism seat. They also spent time discussing stewardship and tourism, having the chair more involved in the training of new seats and a discussion of how some seats may have individuals who are paid to attend vs. those who are not (e.g. Fishing, Education).

Sanctuary expansion and authorization process was a big topic. Would the ability to authorize other agency permits be too unwieldy for GFNMS? Paul suggested there was a system in place at MBNMS and it has been useful. The northern management area was discussed: who covers what, boundary expansion and work on the donut hole. Next meeting will be third quarter 2015.

Paul added: there was good discussion about improving communication with constituents, and he shared some of our AC successes (e.g. Diving). There was also discussion on how different ACs operate and a lot of that is linked to the suite of issues, the composition of membership and the number of members.

Observations:

The distinction between authorization and permits should be a topic for a later AC presentation and discussion. The question of paid members vs. volunteers was brought up – should there be a stipend? Individuals and seats are different, bottom line though, when you apply to be on the AC, you agree to serve. Some are here w/ agencies and paid a salary, others here with their job and others still volunteer (some losing money to be here). It was suggested members actually call other sites’ AC members with your same seat to find out how this is handled.

Council Comments:

Mariela stated CA EPA supports the additional government seats for GFNMS. AC members should contact others who are doing Rec/Tourism so we are not reinventing the wheel. It was suggested staff could facilitate video conferences with other sites who have similar program focus areas (Rec/Tourism).

Fishermen in the classroom has been discussed – there is a positive sentiment this program should continue. Kathy, Jim and Tucker would like to be part of discussion on keeping it moving forward.

VI. DESALINATION UPDATE

Bridget Hoover provided an update on the process MBNMS has undertaken with the desalination topic. Several staff have been working to understand the intricacies of the processes, permits and resource protection issues. The Environmental Assessment was done by MBNMS staff for the proposed Cal Am test well. The City of Marina was the lead for CEQA. The draft was sent to all SAC members.

MBNMS' concerns are discharge of brine, seafloor disturbance and impingement/entrainment of organisms. Two proposed projects are currently in progress:

Monterey Bay Deep Water Desal Project

TO be located 1.5 mi east of Moss Landing, with a goal of treating 55M gpd. Intake would/could use an existing pipeline, 2 42" subsurface and 140 yds. offshore. Discharge would be 3,000 ft. offshore (35m of water). Alternately, install a new pipeline, extending 8,000' offshore.

Cal Am Test-Well Project

Approaching this with a subsurface intake (through the sand), co-located at MRWPCA property. 20M gpd, with approximately 10 slant wells required, exact locations to be determined, number in use would depend on volume. Test bores have been drilled.

MBNMS staff have been asked to be Federal NEPA lead for both submissions. Tourism and Agriculture are two very large industries dependent on water. The deadline put in place by the court is looming to return flow to the Carmel River and many are concerned about the timing.

In addition – there is an emergency water supply permit application for the Cambria. The proposed project is completely out of MBNMS' jurisdiction, on CCSD lands. This will be taking brackish water through wells and using evaporation ponds for brine discharge and is quickly evolving, but has several issues. Discussions are moving forward with a variety of agencies. The water issue in Cambria is severe and residents have reduced their consumption to just 44% of normal use. Community is on wells. Existing potable wells are going dry as well as experiencing saltwater intrusion.

AC Questions Re: MB project proposals

Q: Is this a permit or an authorization? A: Two authorizations – Coastal Commission & RWQCB

Q: Are Army CORPS or State Lands involved? A: Not for the test wells

Q: Does this align with MBNMS Desalination guidelines? A: Yes, thought guidelines recommend a (singular) regional approach.

Q: What part of the Peninsula would this serve? A: Not yet determined, but Peninsula, Salinas, Marina have been identified.

Q: How do the screens stay clean? A: This is determined by the screen size, smaller screens will require more cleaning.

Q: Is there a benefit to the MBNMS? A: Perhaps yes, more water in coastal streams and Carmel River for Steelhead.

Q: To what extent does desal allow additional development and how does MBNMS address this?

A: This is something to be addressed by the full EIS, but sanctuary focus is on sanctuary impacts.

Q: Is there a hierarchical diagram of the agencies involved and who is the "Lead?"

A: No, but the Coastal Commission would be the closest to this, but we do have authorization authority. The State Water Board is also a player as is the State Lands Commission.

Q: Will the AC have an opportunity to comment on this? A: Yes – through NEPA and CEQA

AC Comments:

Mariela – CA EPA prefers the subsurface option, unless proven unfeasible. State Board policy to come will state this preference.

Deep Water Desal representative mentioned the issue of substantial carbon emissions related to subsurface intake wells.

VII. REVIEW OF COFFEE TALKS W/ SARA HUTTO

Sara shared the findings generated from her conversations with the majority of AC members. There was positive feedback from Advisory Council members and a feeling like this assessment did represent what the majority felt. Long-term members reflected on the positive feeling and enthusiasm of participation. There was a lot of focused and goal driven work and outcomes driven by involvement by diverse AC members. Desal is one of those kinds of topics. The government entities would like to see more collaboration and cooperation across the council. It is important not to forget we are discussing issues, not personalities. It can get dicey with people on different sides of issues and we need to respect one another. The combined tasks of being prepared and communicating better are linked and appreciated. The research community has a dual role, being the non-biased sources of information and being an advocate for the research community – there are opinions on both sides w/in the research community. The Council Coordinator was recognized as a key role for the sanctuary and the council. Sara was appreciated for her role not only as Coordinator but for undertaking this assessment. There was a pitch for the council to do an annual retreat. Many of the items brought up as issues have been addressed in the Draft AC Charter revision.

VIII. SAC CHAIRS SUMMIT AND PROPOSED JOINT RESOLUTION RE SUPPORT FOR RECREATION AND TOURISM ACTIVITIES

PJ gave a synopsis of the meeting, and will send it out to advisory Council members. Kirk added comments - related to discussions summit participants had about the value of sanctuaries to the tourism industry and the value they bring to communities adjacent to the sanctuary. Kirk suggested we do a better job of connecting with the central valley about the importance of the sanctuary to their lives. There was discussion about people loving the resources to death, not realizing their actions are harmful. There was immense value in talking to people from other sanctuaries. All seats would benefit from the opportunity to meet with other ACs. PJ felt MBNMS had already instituted many of the recommendations brought up in the meeting.

The proposed resolution was read and there was confirmation that Kirk and PJ endorsed the document. More than one member was concerned with item #3 *Sustain MPA Ecosystems and Values* and its implications to embroil the sanctuaries in the MPA/fishing issue (specifically “evaluating the adequacy of, and if necessary, adjusting existing management authorities to meet anticipated needs for ecologically sustainable recreation and thereby informing all communities along our coast.”) There was some concern with the language used without definition of terms. Kirk reiterated this was intended to address and focus on recreational uses and values and that nothing in the document is really outside of the Sanctuary’s current purview. It’s part of the new branding with recreation and tourism and this concept is gaining support from communities. The AC expressed questions about

the next step and what meaning this document holds. IT was recognized that this is about sanctuary connection to recreation and tourism revitalization for sanctuaries and an endorsement.

Dan Haifley motioned to have PJ sign the document, Richard Hughett seconded.
In favor – 15, Opposed – 1, Abstentions – 0

Motion passed

IX. PROGRESS REPORT FROM CHARTER REVISION

Within the Charter, the committee discussed the proposed amendments as follows:

Appointments and members

- 1) Added a requirement to consult with the appropriate institution or trade association related to each non-governmental seat (who are not at large) to receive more formal feedback on top candidates. These members would be present at the committee meeting.
- 2) For At Large seats, there was a recommendation to solicit these seats through Boards of Supervisors, but this was not adopted, as there were political implications and a potential overlap with AMBAG seat.
- 3) Still 20 voting seats, suggested adding a Youth Seat, but not HS, and in the 18-21 age range.
- 4) For seats inherently hard to fill, there is an exception for the term limit rules.
- 5) Member accountability was discussed at length in committee and determined this would be covered better in a more robust SAC Member orientation (which would be required prior to being seated).

Comments:

Q: How do the criteria for the youth seat compare with other sites with this seat?

A: The older age range was based on the issues other sites had experienced. The remainder of the criteria was taken from GFNMS and other sites. Suggestion this seat has some level of credit or use as a resume builder, potentially calling it an internship and requiring a report at the end of the term. **Suggested this should be limited to 2 years.** Steve Scheiblauer has officially pledged to pay for the youth seat's lunches. There are so many "kids" who are turned away for internships in the area – the higher age limit outlined here may be too stringent. Internships for assisting the working groups were suggested and can be done outside of the charter.

ACTION: Dawn Hayes will look into the requirements for Federal Interns. James L feels there are a lot of agencies able to assist in the development of an internship once the requirements are determined.

Meetings

Major changes include the definitions in the charter –references to Robert's Rules of Order have been removed and quorum has been redefined. If there is a quorum at the beginning of the meeting, the quorum holds for the duration of the meeting.

Protocols

Scheduling and conducting meeting and work sessions: Emergency meetings were defined and notice is now less than the number of days required for a regular meeting.

Motions

Laudatory motions were exempted from advance notice, as are agenda items for future meeting motions and emergency issues (as identified by the Superintendent). Other motions need to be agenda items normally and require the normal protocols. The new language for motions replaced the Robert's Rules of Order.

Comments:

Clarification when the noticed primary motion fails, but a subsequent motion on the same topic is proposed – is allowable. There was a concern with the potential for a published motion being voted down (and in the presence of the “defacto” quorum late in the afternoon) a motion passes that is 180 degrees from the original published motion. While this CAN happen there was no indication this would be the case or supported here with proper direction by the Chair and superintendent.

Q: Can you second a motion? A: Yes, it is the intent to allow a second on a motion topic that is noticed.

Q: Is an abstention the same as a no vote? A: All that is required is a plurality, no change there. Members need input to give a yes or no vote; abstentions should only be due to the lack of consultation or by direction from represented agency.

Agendas are not set up by the Superintendent alone. The SAC Chair is involved and there were no changes proposed on this. Lynn was impressed with the committee – it was a collaborative group accomplishing a lot in a limited time. Kirk and Dawn were appreciated.

X. STANDING ITEM: WORKING GROUP REPORTS

Standing working groups are not the norm in the system and MBNMS has 3 that were grandfathered in. Geoff, on behalf of the CWG, reported they felt a standing group had a lot of benefits. They would like to have more feedback and interaction with the SAC. They would like to receive some response for the SAC on the issues they want to propose, but they receive no direction from the SAC in terms of topics to coalesce around. In order to be effective, there needs to be some responsiveness. In order to get more background to the SAC, there is an inherent challenge in getting balanced information, as the CWG has its position, but there isn't someone coordinating alternative background. He also feels there is an underutilization of the CWG. PJ mentioned with the upcoming Management plan review, the CWG should have its hands full.

No report from Education

Research

Water Quality in ESNERR was a topic of discussion related to the MBNMS Condition report and changes and the CA coastal ecosystem assessment. The site list reactivation was also topical. Status as a standing working group was discussed, general consensus was the RAP would like to continue as a standing working group. The quality and responsiveness to science questions would suffer without a standing group.

Rec & Tourism

The most recent newsletter went out, and many good recommendations came in. Some of the columns will change based on this encouraging feedback. Looking forward to the next issues. Based on the metadata, 40% readership was achieved and that is considered more than 3 times the expected readership of e-newsletters. Paul reported his success at getting a small grant to host two meetings

with recreation and tourism business leaders in Monterey and Santa Cruz and he hosted a meeting just yesterday in Santa Cruz on the planning for this event in the fall.

XI. NATIONAL ACOUSTIC WORKING GROUP

Karen Grimmer shared the development of a national acoustic working group as a follow up to the noise topics we've been discussing with the SAC in recent months. A handout was provided outlining the activities. Geoff offered to convene a meeting to prepare a general statement of principle for the next meeting, in preparation for the upcoming management plan. The RAP feels like it should be on standby on this topic now, until the management plan update process and more information from National. The CWG would like to see something recognizing acoustics are an important topic to address in the management plan review. James L – this works as long as it doesn't take too much time or word-smithing and that we need to assess what we are and are not lauding. Kirk didn't think that was the appropriate use of laudatory motions.

PJ suggested a laudatory motion commending the formation of the national acoustic group.

Cathy was in concurrence.

Clarification was made on the installation of acoustic data collection (baseline) – Stellwagon Bank NMS has initiated and other sites are in various degrees of participation based on funding. Gary would like to see more information on this and not just at SAC meetings – but would like to receive emails outlining progress.

XII. RECENT DEEP-WATER EXPLORATION TO SUR RIDGE

Andrew DeVogelaere gave a presentation on the recent research cruise to Sur Ridge, in partnership with MBARI, using the *Western Flyer* and the *Doc Ricketts* ROV. The ridge is not volcanic, but sedimentary – was previously on land and exposed. Discovered an octopus' garden with brooding octopus (who brood for 4 years – the longest of any octopus) and Vesicomid clams (generally associated with cold seeps. Rare corals were found in large numbers and they marked some corals to enable researchers to go back to the exact spot again for monitoring purposes. Exploring techniques to potentially restore deep-water coral habitats. Also exploring the natural history of the deep corals. Noticed some other animals are eating these corals, so not all damage is human induced. Andrew covered the future work for Sur Ridge: detailed mapping, SESA quick look write-ups, EFH modifications, Sur Ridge Taxonomic Guide, Habitat/Species associations, Causes of coral mortality, changes in CA Current chemistry. The Sur Ridge is an exciting place and we are fortunate we have strong support from partners like MBARI.

The SAC had questions about animal assemblages, surface animals and currents.

XIII. MEMBER ANNOUNCEMENTS

Deb – Central Coast MPA monitoring plan went to the commission, but they held off on a vote.

Gary Hoffman – increase in whale watching has resulted in an incredible opportunity to engage tourists from all areas.

Cynthia – 100th anniversary of SC Wharf is in October. There is a major effort underway to revitalize the wharf – master planning in process.

Barton – echoed Gary’s report on the increase in tourism for the abundant wildlife. There is a great opportunity for on-the-water activities and interpretation and a need to accommodate.

Jim M – the bay is full of everything but Salmon. Santa Cruz Harbor commission is running a “Do-it-Yourself” Boatyard. Salmon are coming back to SC, but there is no fishing.

Paul R – Squid fishing season extended geographically north to Bodega Bay. Good hook and line halibut season in Monterey Bay (8-10 yr-old halibut prominent in catch). Anchovy die off in Santa Cruz harbor, closing the harbor temporarily, thought to be due to the fish being “scared” into the harbor by whales, and depleting the O2 and killing ~55 tons of fish

Richard H - Appreciated Brian for his help in putting the new Recreation newsletter together. The first issue is just out – please feel free to forward to your constituents. Sanctuary Classic runs through Sept 1. MBNMS has 2 winners already. One person from MB is up for award this week too.

Brian N - Monterey Underwater Shootout just finished up with 32 BIG sponsors and 873 people attending the event at the Golden State Theater. National Geo was in attendance and MB centric. Event is growing and seeking new venues. Working with issues with crab pots/lines. With more and more pots, more lines and the issues are now with those pots with no floats. It’s a virtual kelp forest of poly lines down there. Brian has developed a way to detect the lines UW and can capture the lines to retrieve the pots (using volunteers); they are getting good at capturing the pots. Fish and Wildlife regs no longer allow multiple pots on one float – creating the immense increase in poly line. He suggested bringing a resolution to the SAC in October and feels there is a solution to a real problem.

Rich motioned, PJ seconded the motion to add the item to the October 17th meeting. Motion passed.

Mariela – CA-EPA Water Quality Control Plans on Trash amendments (Trash Amendments) and Ocean Plan desalination amendment (Desal Amendment). The Public Hearing for Trash amendments was on the 5th, a Desal workshop on the 6th, and the Public Hearing for Desal on August 19. Both Public Hearings were well attended. Now, in response to comments made and will release the documents by Fall 2014 and Winter 2015 respectively. Plan to reconvene a group on algae blooms in Fall this was put on hold due to limited resources.

Mike B – reminded folks of the Save Our Shores Toast of the Coast. Europeans are back in force and are smoking up a storm – requiring new butt cans. Installing a web cam on Steinbeck plaza.

Kirk – Ag on the coast has done well this summer. Biggest problem throughout the state is the drought, but here hasn’t been so bad. Central Valley Ag is hurting. The annual Testicle Festival is Sept 20 at Deer Camp.

Lynn – October 4th is the 100th anniversary of the SC Wharf. More info coming. Will be visiting their Sister city in Japan. This will be her last meeting and it has been her distinct honor and pleasure to serve with this group. She appreciates how diverse we are but also how civil.

Dan H – O’Neil is hosting a fundraiser. Shared “Trash Twisters” by youth who participated in OSO Programs. Available on their website.

PJ – Thank you to all for her 1st meeting. It is a terrible season for demoic acid poisoning. Our really important volunteer programs (Team OCEAN and BayNet are in dire need of support – please

distribute PJ's email far and wide to keep these programs alive. Reiterated the increase of Europeans in CA. Water situation is still dire in Cambria – it's the future of your community.

Gary P – Thank you to Couch Distributors for donating over \$100K over the year to Surfrider.

James L – Hold the date for 2105 Currents Symposium, Saturday April 25th at CSUMB. Topic will broadly encompass citizen science.

Steve S – Paul wrote to the 4 Harbormasters about abandoned vessels. They met, along with Moro and agreed to do what they can to assist in this issue. The MBA on the 28th will have a webinar on the update of their seafood watch cards (groundfish). Trawl-fish have been upgraded; a lot of those species will be yellow or even green now.

Mat F - attendance and revenue are up 135%. No smoking now at Pt. Lobos. State Park and Rec meeting on Sept 19 at Asilomar (9:00 start) topic is Natural Resource Management. Mat suggested Paul as a speaker. Commission will be pushing from attendance – everyone is welcome.

Jimmy – Join us at the Save Our Shores fundraiser at Asilomar.

Kathy – Tuna fishery is having a difficulty selling their good catch this year due to large numbers coming out of other international fisheries.

Geoff - An exciting bill in CA in final SB 1138 – accurate labeling of species and where it was caught. SB270 Plastic Bag ban is also moving through in final stages. Commends the groundfish fishery for the improvements made and suggests we should be supporting it by eating more. PFMC is now doing a process for hard caps for endangered species (fisheries closures when cap is reached). Move to manage anchovy and a consideration for sardines (which are in decline).

Meeting adjourned at 4:48