

**MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL
FINAL Meeting Minutes
April 17, 2015
Santa Cruz, CA**

Agriculture: Kirk Schmidt	CA State Parks: absent
AMBAG: absent	Conservation: Geoff Shester
At Large: Margaret “PJ” Webb	Diving: Brian Nelson
At Large: Cynthia Mathews	Education: Amity Sandage
At Large: James Panetta	Commercial Fishing: Kathy Fosmark
Business & Industry: Jessica Grigsby	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: Dr. John Hunt
CA Resources Agency: Cyndi Dawson	Tourism: Mike Bekker

The following non-voting members were present as indicated:

Paul Michel – Monterey Bay NMS
Max Delaney – Gulf of the Farallones NMS
Dr. Steven Lindley – NMFS

Alternates present in audience:

Dawn Hayes – Monterey Bay NMS
Tucker Hirsch – Citizen-At-Large
Barton Selby – Recreation

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

Call to order at: 9:07AM

Vice Mayor, Cynthia Matthews welcomed the Advisory Council to the City of Santa Cruz. She provided an overview highlighting the city’s sustained commitment to environmental protection. This commitment is shared amongst various city departments and community groups, which play large roles in marine science, policy and outreach.

APPROVAL OF MEETING MINUTES

Approval of February 20, 2015 Draft Meeting Minutes.

MOTION: John Hunt made motion, Rich Hughett seconded.

MOTION: Passed, with amendments

(Vote: 11 in favor, 0 opposed, 3 abstentions)

II. STANDING ITEM: SUPERINTENDENT’S REPORT

Superintendent Paul Michel updated the Council on several upcoming sanctuary-related events. First, the MBNMS Research Team is gearing up for its mission to Davidson Seamount from May 5th-13th to do some monitoring and exploration. A report about the mission will be shared at the June meeting. The USS Independence Mission has hit the media today [April 17th], more

information from the mission will be shared with the Advisory Council in the near future. May 2nd is the Sanctuary's annual SnapShot Day, an amazing opportunity for citizen science focusing on water quality and its importance to the marine environment. MBNMS, Access Monterey Peninsula (AMP) and the Museum of Monterey have partnered up to provide a new lecture series to the public, called, "Oceans Live Speaker Series." Speakers will bring exciting and interesting lectures about the marine environment to the public. The first lecture will be on April 29th at the Museum of Monterey. This series will broadcast live via Your Sanctuary TV. The Sanctuary Exploration Center (SEC) will host its docent graduation celebration on April 28th, council members are invited to attend. There will be a nation-wide outreach campaign from June 26th-28th called, "Get Into Your Sanctuary." More information will be coming soon. Lastly, the recruitment for vacant seats on the council has ended. Seats should be in place by the June meeting.

Q: What is going on with the facility by the Lighthouse in Pacific Grove? A: That was the site for the Pacific Grove Laboratory of National Marine Fisheries Service. It has been closed; staff are at the lab in Santa Cruz and at the MBNMS office in Monterey. The building has been turned over to GSA, the real estate entity of the federal government. It might go on the commercial market if no other federal or state agencies are interested.

Q: In regards to the permit report, there were about 65 permits that were issued in March 2015, it appears 1/3 or so of the permits say "No Permit required." Can you tell us what that means? A: There is an online process applicants must complete in order to submit applications/authorizations. Sometimes people will submit applications for permits that are not necessary for their intended use or require some modifications or are required by a different agency. Regardless, MBNMS keeps track of all the applications that do require permits and applications that do not.

Q: Are there plans in place to use a NOAA boat for SportsFest in Monterey this year? A: There has been some preliminary planning but more information will be available later this year.

Q: The BBC is contracting with NOAA (or MBNMS) for use of a NOAA boat to film whale watching, is that coming up? Does the federal government, NOAA, now contract with companies? A: It is coming up at the end of July and into August. Contracting like that is only done in situations when it meets one of the Sanctuary's primary mission goals, education, research, management. This situation is key to our educational mission.

Max Delaney reported a few events and updates with Gulf of the Farallones National Marine Sanctuary (GFNMS). The GFNMS joint expansion with Cordell Bank National Marine Sanctuary (CBNMS) is moving forward and the final rule is in progress. June 8th is the target date for the establishment of the final rule. An expansion celebration on June 28th is in the works, 500 people are expected to attend. GFNMS is working with CA State Parks to set up interpretive exhibits. GFNMS media staff have worked to get a story out regarding whale watching etiquette focusing on gray whale migrations and potential impacts from climate change on this whale species. Recently, a 50ft adult male Sperm whale was beached at Sharp Park in Pacifica, CA. California Academy of Sciences will conduct an autopsy, but no update has been provided. The window for big wave surf conditions has passed. As a result, the Maverick's surf contest was unable to be held this year. Next year, GFNMS will work with Cartel Management earlier in the planning stages to account for the permitting process. The North-Central California Coast and

Ocean Climate-Smart Adaptation Project completed a vulnerability assessment. This assessment included input from 40 scientists and managers including Monterey Bay staff, detailing the vulnerability of 44 different species, habitats and ecosystem services in the north central coast area. The report will be out soon, and was submitted to the Office of National Marine Sanctuaries Conservation Science Series. A working group was formed from the GFNMS Advisory Council to make recommendations related to potential adaptive management strategies for climate change. First meeting is planned for April 22nd in Oakland. For more information contact Sara Hutto or Max Delaney. On April 10th, a retirement party was held for Zeke Grader, the executive director for Pacific Coast Federation of Fishermen's Associations (PCFFA) and the Institute for Fisheries Resources. He was an early advocate for sustainability in fisheries, involved in salmon restoration efforts over the years and advocated for the protection of white sharks. Tim Sloane will be the new executive director of the PCFFA.

Q: If a Sperm whale lands on the beach in front of a hotel, who removes it? A: If it is on State Park property, it usually stays put. It is technically still protected under the Marine Mammal Protection Act.

Q: With the sanctuary expansion, has there been an increase in the budget? A: At present GFNMS is working with current staff and resources.

Q: Where can you find information on the designation document, or is it being integrated in the GFNMS-CBNMS joint designation document? A: Links to all those documents are on the GFNMS website.

Q: Is fisheries management authority language in the new designation document? Is the same language in the expansion document, or have they integrated the existing language from the previous designation document? A: There have been language changes in the expansion document. In terms of the expansion area, it should be clearly defined that the Sanctuary's role does not duplicate fisheries management. If there were issues that came up in the Pacific Fishery Management Council meeting or in the comments on the EIS, then those will be addressed in the response to comments, which will be attached to the final expansion document.

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Public Comment:

Laura Kasa – Santa Cruz Redwoods National Monument

I would like the SAC to consider writing a resolution in support of designation of the SC Redwoods National Monument.

IV. INFORMATION ITEM: CHARTER REVISION UPDATE

PJ commended the efforts of the subcommittee for all of the time it took to revise the charter and protocols. Deputy Superintendent, Dawn Hayes reported on the Charter Revision update. One of the goals of this process was to modify sections of the current Charter in order to closely reflect the Office of National Marine Sanctuaries (ONMS) model charter. Some of the main revisions included: discarding Roberts Rules of Order; clearing up incongruous language; combining the protocols into the Charter; clarifying term limits of primary and alternate council members; and allowing external parties to participate in the review panel of new member applicants. This process should be completed in time for the next Sanctuary Advisory Council meeting in June.

Advisory Council Member Discussion:

Q: Did you address the youth seat? A: It can no longer be called a “youth seat,” it is now a “college seat.”

Q: Is there language stating the process of the Research Activities Panel (RAP) to review documents for the Advisory Council? A: The Charter should inform the RAP on how it is operating. All of the working groups report to the Advisory Council. None of the working groups present directly to the Sanctuary Superintendent. The Advisory Council can request the RAP (or other working group) to work on a particular project, or members of the RAP can bring something they feel is of interest to the council.

Q: Where are we now with the process? A: The most recent draft is with Headquarters. We’re not sure if it’ll go through because there may be an issue regarding the rotation of seats when a member vacates a primary seat and what that means for the alternate’s term.

Q: Will the length of the term for the college seat be the same as for other members? A: That was not addressed, but will be looked into and shared with the council.

**V. INFORMATION ITEM: CONDITION REPORT AND MANAGEMENT PLAN
PROCESS SCHEDULE UPDATE**

Condition Report

Paul reported on the 2015 Draft Condition Report (CR) update, which involves updating status rating and/or recent trend if new information is available and new information indicates a change is needed. There are 17 standardized questions within the CR, organized by estuary, nearshore and offshore environments. Each standard question is answered using a “status and trends” reporting system. Status ratings have a customized basis for judgement statements and indicate whether new information shows a status has changed from one category to another in the last five to six years. Trends are based on information available from the last condition report and reflect any significant alterations to the previous trend. The preliminary results suggest there is new information available indicating a change in status rating or trend since 2009. In some cases, management efforts have resulted in improvements to resource status or recent trend. Some new information indicates new concerns for Sanctuary resources and potential focus for management attention. Lastly, the Davidson Seamount environment was evaluated for the first time. Paul noted this CR contains preliminary findings. After the draft report has been reviewed and finalized, it will be shared with the council in June or August.

Advisory Council Member Discussion:

Q: Who will be on the peer review team? A: That hasn’t been determined yet, but it will likely be a mixture of Sanctuary staff and RAP members.

Q: How does the condition report deal with the fact that change is constant? A: It does in a way, but we are trying to focus on what we can attribute to management actions and to reflect the observed changes. Because the ocean is always changing, it depends on when the snapshot is taken.

Q: How do you deal with the intensity of certain issues vs. other issues that may not get as much attention? A: One of the goals is to keep this report open to interpretation and not focus on one aspect. From that process, the focus was geared toward the presence of new information. This

will be something to keep in mind during the peer review process. The overall intent of this report is to motivate progress and improve our understanding of the changes occurring in the Sanctuary.

Q: Some of these questions are very specific about certain activities, how specific will it get vs. lumping categories together? A: That has been recognized and one of the reasons why we do this prior to management plan update review. This report will help us determine areas that need more attention and require additional information. It should help not just in management plan review but also in site management.

Q: How do we deal with this information if we don't have a baseline and we don't understand what a historically pristine environment is? A: The best thing to do is to not merely focus on the status and trend metrics but also read the rest of the report containing the reasons for characterizing the metrics and specifics on how the data were analyzed.

Q: How long does it take the Pacific Ocean to circulate? Do we have any knowledge as to what that cycle is? A: There are about 7-8 different gyres in the world's oceans. We know it has taken about four years for some of the debris to circulate. We also know about decadal patterns. There are trends that occur over broader timescales: seasonal to thousands of years.

Q: Is this going to be available in draft form for review to anybody i.e. stakeholders? Without reviewing the document, other processes may not be able to provide input and provide the latest information. A: This process has involved staff reaching out to all whom they know who have done the research and these people have provided the latest information and assessments of the questions within the report.

Q: How far back do these condition reports go if they are supposed to be done every five years?

A: State of the Sanctuary was done in 2002 to kick off first management plan review; one was completed in 2009 and one in 2015.

Management Plan Process Schedule: Implementation Status Update

Dawn Hayes shared the initial results of the implementation status review. She outlined the level of completion, major accomplishments and status of the strategies for each action plan within the MBNMS Management Plan. A variety of major accomplishments were reported; some included protecting specific habitats, implementing streamlined permit guidelines, completing ecological assessments related to emergency response, scientific studies, improved communication collaborating with different agencies and stakeholders, influencing regulatory changes, ongoing outreach and education efforts, etc. Additionally, action plans varied in level of completion across the board. A majority of the action plans are still relevant but may require some degree of revision or necessary updates. Some of the relevant action plans include (but are not limited to) the following: Coastal Armoring, Desalination, SIMoN, Ocean Literacy and Constituent Building, Beach Closures and Microbial Contamination, Water Quality Protection Program and Motorized Personal Watercraft. A handful of action plans have since been completed and/or are no longer relevant and necessitate a major review. Some of those plans include: Big Sur, Tidepool Protection, Introduced Species, MPAs, and Cruise Ship Discharges. Overall, significant progress has been made on implementing the MBNMS 2008 Management Plan, a significant amount of relevant work remains and new action plans will result from emerging issues.

Advisory Council Member Discussion:

Q: Are the actions and efforts made by the Sanctuary Foundation incorporated in the results? A: No, that is completely separate because the California Marine Sanctuary Foundation has been working with the State separately from MBNMS on implementing the education and outreach for the state MPAs. Some work has been done with the Foundation on the development of those materials, but it was not part of this action plan.

Q: Is the reason MERITO is no longer operating due to lack of funding? A: Yes, that is correct.

Q: Was there a budget established for the MERITO program? A: It wasn't a permanent budget; it was initially funded with grant money through the Office of National Marine Sanctuaries. Funding was over three years on a decreasing level. The MERITO budget lost its funding due to the culmination of the economic collapse and dwindling NOAA budgets.

Q: Could we share the budgets needed for ocean literacy programs and compare programs needing large vs. small budgets? A: That is a good idea and has been noted to identify in the future.

Q: Do you fund and coordinate First Flush and Snapshot Day or just assemble information?

A: No, it depends on the budget. Those programs usually involve shared coordination with other entities but last year was the first time all of it was done by MBNMS.

Q: Is there any thinking that the existing regulation for the Mavericks conditional season zone needs to be modified? A: That was not identified in this initial review of what is in the MPWC action plan. That topic can be addressed during the scoping meetings.

Q: Is scoping in year one of this management plan update process? A: Yes.

Q: Will there be a proposed list of management plan items for consideration in the update?

A: That is the next step. This is our first take on the accomplishments from the management plan. The next step will be to hear what we are proposing and what you'll be proposing.

Q: What will the process be on the development of action plan proposals with regard to input from partners, municipalities, stakeholders, etc.? A: The scoping process will be soliciting input from other agencies, stakeholders and municipalities. Scoping can involve public meetings and one-on-one meetings with other agencies. Scoping meetings are intended to occur this summer/fall, more information to come.

Q: Which activities are you responsible for and which are you partnered with? A: In the new plan, we will be looking at objectives where we lead, where we collaborate and in some cases where a different agency is the lead. Because there are so many moving parts, it would be useful to identify those roles.

Q: During the scoping process, where do Advisory Council seats get a chance to weigh-in?

A: For scoping we will have a session with the Advisory Council. There will also be open public scoping to include workshops and an open comment period. Additionally, MBNMS will be scoping with Advisory Council members, and identify specific working groups focusing on specific issues.

VI. STANDING ITEM: WORKING GROUP UPDATES

Conservation: The Conservation Working Group met earlier this month in Monterey. The CWG received a presentation on water quality issues. Concerns were raised on the idea for the SAC to get an update from Bridget Hoover on other water quality issues, specifically the agriculture waiver and the Sanctuary's involvement with it. Looked at two priority topics from the CWG's work plan: continued Leatherback work and whale entanglements. The CWG expressed an

interest to provide an information item at the June meeting to the Advisory Council with information related to whale entanglements and international and local collaboration for Leatherback Sea Turtles.

Q: What is it that you are bringing to the Advisory Council that isn't already being done with the issue with whale entanglements? A: The CWG has made a data request to the agency on whale entanglements from years 2000 to 2014 as well as efforts associated with disentanglements and gear removal projects. The CWG would like to present this information in a future council meeting.

Q: Are there resources with agencies regarding whale entanglement data? A: Yes, NMFS is one option. It would be a good idea to get a presentation by somebody with the federal agency involved in this issue.

Education: The Sanctuary Education Panel (SEP) is looking forward to having the primary seat filled soon. Once that seat is filled, the SEP will evaluate how it has been functioning and how it will function in the future with respect to the Monterey Bay Environmental Educators network (MBEE) since most SEP members are part of the MBEE network. The SEP will continue to process and disseminate information to educators in the area. The SEP would also be looking into identifying potential projects for the future. The *Sanctuary Currents* Symposium will be on April 25th at CSU Monterey Bay, with a citizen science theme. On May 9th the Monterey County Office of Education will host a Science Technology Engineering and Math (STEM) expo emphasizing environmental science for Monterey County teachers.

Research: Two new members joined the Research Activities Panel (RAP) to fill the nearshore ecology seat and the conservation biology seat. The RAP has been working with MBNMS staff on the condition report. Andrew DeVogelaere and Steve Lonhart met with the Federal Bureau of Ocean Energy Management to discuss a rocky intertidal monitoring program. That program is financially supported by the Federal Bureau of Ocean Energy Management. In relation to the rocky intertidal monitoring program, the RAP discussed monitoring the sand community, which has typically been done by the Beach COMBERS group. This monitoring program is very important for creating baseline information for natural resource damage assessments in the event of a spill. Next RAP meeting will be on July 10th, meeting information is on the RAP's website.

Recreation and Tourism: A new template has been completed for Recreation and Tourism newsletter. The Recreation and Tourism Subcommittee is currently in the process of switching over all of its contacts to the Foundation Constant Contact site. The next newsletter will be out after approval from the Sanctuary and there are plans of having another meeting in May. Since the last meeting, there is not a lot of recognition on what the National Marine Sanctuaries system actually is from the general public. A lot of marketing and advertising efforts are required to really increase brand recognition. Some effort has gone into getting businesses to use the Sanctuary logo in their marketing, but a lot more could be done.

VII. STANDING ITEM: ADVISORY COUNCIL MEMBER ANNOUNCEMENTS/REPORTS

Kirk –the Agriculture Water Quality Alliance (AQWA) is being rejuvenated and Pam Krone-Davis is undertaking three different levels of involvement with agriculture. She is spending a lot of time on Santa Rita Creek, working with and trying to coordinate with NRCS and farmers. Pam is also working on creating a community dialog in Pajaro Valley on water quality issues and efforts in the lower Tembladero area.

Mike – Tourism for the summer season has started off with a bang and has recently tapered off. A lot of international tour groups will be coming to this peninsula. There is a need to translate education materials and look into communicating with these tour buses and tour guides.

Gary – Community fundraiser for the Santa Cruz chapter of the Surfrider Foundation will be held on April 24th at Moe's Alley.

Jessica – For businesses, the spring break season brought a large influx of people to the central coast. Now we are preparing for the summer season for the waves of people coming back to the coast.

Jimmy – Recently came across a case of abalone poaching. There was a case down in Big Sur in which three men were caught by CA Fish and Wildlife.

Kathy – Dungeness crab fishery is coming to a close, most people have taken traps out of the water because commercial salmon fishing will be open in May through August. Salmon fishermen have not received any catch limits only size limits.

Geoff – The sardine fishery recently closed and has been a controversial issue. On a positive note, the federal government took immediate action to close this fishery and voted to prevent new fisheries from developing on forage fish without first understanding the ecological consequences. The Pacific Fishery Management Council (PFMC) had a scoping meeting for its essential fish habitat amendments to its groundfish plan. In June, the PFMC is scheduled to take final action on implementing hard bycatch caps on some of the endangered species in the drift gillnet fishery.

PJ – Cambria was named one of the top cities in California in terms of how little water it uses. A positive partnership has been formed with the Coastal Discovery Center and Carolyn Skinder, Stewardship Travel programs, the Chambers of Commerce and the Visitors Bureau and to do Sanctuary outreach in hotels and businesses in the area especially with education and outreach materials interpreted for Chinese tourists. There is still a conflict with regard to the influx of tourists and water usage.

Paul M. – MBNMS will be working with local partners for another Monterey Beach SportsFest to take place this year, October 3rd & 4th. It will include events such as ocean water polo, SUP races, beach volleyball, and music. You will need to register in order to participate in the events.

It is open to the public. Go to the SportsFest website for more information. We are also planning for Get Into Your Sanctuary, June 27th-28th.

Cyndi- The Secretary of the Natural Resources Agency, John Laird convened a meeting of the Marine Protected Area statewide leadership team. The main idea to consider as agencies move into this new phase of MPA monitoring is to broaden the scope within the agencies working together. A lot of discussion has focused on water quality issues. It is important to emphasize the need for inter-agency collaboration involving work across jurisdictions. These agencies are all working towards a common goal: ocean health. A work plan will be developed over the next several months. On April 29th, the MPA collaboratives meeting will be in San Pedro at the Cabrillo Aquarium to discuss this partnership approach.

Mariela –April 7th marked an important date for the State Water Resource Control Board in terms of adopting two major policies: coastal cooling and the trash amendment. The Moss Landing power plant requested an extension to the compliance of the OTC coastal cooling policy. That was adopted and passed. The second policy deals with the water quality control plans related to the trash amendment. This amendment includes lakes, rivers and ocean. It is now in the process of acquiring all the necessary information and identifying the effective date. Another priority project involves desalination facilities and brine discharges. A final draft trash amendment and final draft staff report were released. Staff are in the process of responding to comments and should be done before May 5th when the desalination amendment will be presented to the Board.

Brian – Dive season in full swing and dive organizations in Monterey are doing quite well. Last newsletter went out on March 25th. There has been interest expressed by groups who want to pursue collection efforts of the bryozoan *Watersipora* in the harbors. In regards to Sanctuary branding efforts, tourism and cruise ships may be an opportunity for education and outreach.

Paul R. – Slow start to salmon recreational fishing season. The Department has a statewide project, the California Recreational Fisheries Survey involving approximately 75 scientific aids conducting surveys out on the docks, along the water front, along the beaches, piers, etc. During opening weekend, (April 4th) samplers were at Santa Cruz harbor one day and at Moss Landing Harbor for the other day. The scientific aids interviewed 324 anglers and a total of 45 salmon were caught. Last weekend, samplers were at the same locations in Santa Cruz and Moss Landing and interviewed 287 anglers, 94 salmon were caught. The recreational season opened for abalone fishing on the north coast on April 1st. On the Sonoma County coast, three people perished in an Abalone harvesting accident.

Rich – Next month is Monterey Bay Youth Outdoor Day at the Santa Cruz County fairgrounds. Rich will be teaching fly fishing. He would like some help in planning another fishing photo contest this year. He recently helped Peggy Stapp with whale studies and had a great experience to see so many whales and dolphins.

Amity – Santa Cruz Office of Education will have similar STEM event in the fall. Those events are for public school teachers. The SEP and MBEE network are always seeking ways to get

environmental education information out to teaches as part of instruction. The State has adopted new science education standards. The curriculum framework is supposed to be released soon.

Steve S. – Invited to participate on a panel discussion on Sanctuaries at the Oregon Ocean Policy Advisory Council scheduled for May 7th. There was some media attention regarding the closure of one of the launch ramps prior to salmon season due to a large influx of sea lions. It was reopened on opening weekend for salmon season. The Pacific Fishery Management Council decision to close the sardine fishery is not surprising. Management measures were working as intended.

VIII. INFORMATION ITEM: OLE PRIORITIES AND WEST COAST DIVISION MERGING

Dayna Matthews from the NOAA Office of Law Enforcement (OLE) spoke about the latest merger, staffing and OLE priorities. The West Coast Division merger commenced in June 2014 with the appointment of assistant director William Giles. Dayna provided some advantages to merging including more consistency in policy for enforcing the Endangered Species Act (ESA), common fisheries management plans and management efficiencies (i.e. budgeting and consolidating offices). Some staffing changes have resulted from the mergers. Dayna went into more detail on the planned staffing model and informed the council that the West Coast Division will move towards operating with a central hub of agents out of Long Beach and central California. Next, Dayna defined the 2012-2017 enforcement priorities: high, medium and low. High priorities identify areas of significant importance to NOAA, NMFS, OLE, stakeholders and the public and require the greatest attention to ensure the sustainability of the identified resources or program. For example, discharges, vessel groundings and vehicular operations are high priorities. Medium priorities identify areas requiring continued attention by OLE to maintain the desired level of compliance to obtain maximum protection of the resource or program. Examples include prohibited taking or possession of historical artifacts, protected marine resources, restricted areas and Marine Protected Areas. Low priorities are designated when a program or area is receiving a high degree of compliance by industry and the public. Additionally, violations could be minor or technical in nature and have little to no impact on the resource. Lastly, Dayna spoke about the General Counsel Enforcement Section, NOAA's civil prosecutor. Information on the General Counsel Enforcement Section can be found here:

<http://www.gc.noaa.gov/enforce-office.html>. Overall, he would like to reengage with the west coast sanctuaries by attending Advisory Council meetings and participating in conference calls more regularly.

Advisory Council Member Discussion:

Q: A year from now, what will law enforcement look like in this area? A: Per the plan and the way it's progressing, you will see Enforcement Officers in San Diego, Long Beach and Monterey Bay. You will see agents in Long Beach and San Diego. As you go up the coast, you'll also have the supervisory Enforcement Officer at the US Coast Guard station in Alameda.

Another agent is located in Santa Rosa. Finally you will have an agent up in Eureka.

Q: Will you continue to have officers on USCG vessels? A: Yes.

Q: From a law enforcement perspective on cetacean harassment from boats in relation to distance would a distance regulation in any way assist enforcement? A: Yes, we have seen multiple cases

where distance regulations have been demonstrated under the Endangered Species Act and the Marine Mammal Protection Act. We have a couple of demonstrations of that around the country. Prohibitions exist on the east coast with Right whales, in Hawaii with Humpbacks and Puget Sound with Orcas. Those are largely driven by how an animal is listed under the ESA. If it is listed as threatened it is not in direct violation of the ESA unless you have a corresponding prohibition to go along with it. If it is listed as endangered, then it would be an immediate prohibition. From an enforcement standpoint, in terms of using the law, there is discretion.

Q: Do you know why there isn't a prohibition for distance from Humpbacks here like there are elsewhere? Why do those other areas have a prohibition and we don't if the Humpback is listed as endangered under the ESA? A: There is a prohibition on take under the ESA. However, harm needs to be defined. To the extent you set up a prohibition, it would be a lesser penalty compared to an ESA take, which is a very serious offense. If you use the General Counsel website, you'll see a penalty section and how they are derived. You could also see summary settlements, which consist of a bail schedule that exists in the Sanctuary and is used as a tool by enforcement officers. Every region of the country is handled differently.

Q: Who establishes these prohibitions? A: It depends on what act you're operating under. The Sanctuary has its own act and set of regulations under the umbrella of NOAA. If you are operating under the MMPA, NMFS develops those prohibitions. It is important to understand guidelines are not enforceable whereas prohibitions can be enforced.

IX. INFORMATION ITEM: WATER QUALITY PROTECTION PROGRAM UPDATE

Bridget Hoover updated the council on the Water Quality Protection Program Memorandum of Agreement (MOA). It is going through revisions because the current MOA expires on May 1st. The WQPP essentially works within the watersheds draining to the Sanctuary. The WQPP focuses on establishing relationships and works collaboratively with other organizations to address water quality issues. The committee is made up of five local entities, four state entities, three federal governments, academia, research, non-profits and industry. The majority of the MOA describes who has what authority and who is going to work together to implement the WQPP action plans. Bridget also shared a brief background of the MOA since 1992. The same signatories in 1992 remain today. When the first MOA was written it was short and brief because the WQPP hadn't been developed. It was revised in 2005-2006 and was part of the last management plan review process to better reflect the WQPP. These MOA's are good for five years. This latest revision included minor edits, clarifications, revised permit review language and updated programs. Now they are waiting on comments from the other signatories before it is sent up to Sanctuary Headquarters for final review.

Advisory Council Member Discussion

Q: With regard to standards recommended by the Sanctuary and what the regional boards adopt, will there be transparency with the scientific and/or public process? A: That is a great question. It would seem that the first step would be to reach out to the other agencies like the EPA and State Water Resource Board, and discuss the process. We would likely defer to them first, and then the State would ultimately have to adopt or reject it similar to what we do with a proposed rule. We

then authorize their permits. MBNMS could make recommendations but it would go through the existing State noticing process. Most of the MOA outlines how partners work together.

Q: There was a major concern with a superior court case in Santa Cruz County, from an agriculture point of view there is a desire to know the Sanctuary's position on WDR policy, if there has been a change or if this is still a continuation of the prior policy? A: The policy of the Sanctuary has not changed at all. Our work in watersheds is fairly collaborative and working towards solutions to those problems.

X. INFORMATION ITEM: VOLUNTEER PROGRAMS

Lisa Emanuelson shared some information with the Advisory Council on a few of the Sanctuary's volunteer programs. She provided brief descriptions of the Urban Watch, Snapshot Day, First Flush, ASBS monitoring, Bay Net and Team OCEAN programs. Additionally, she highlighted the volunteer hours and corresponding economic values of these programs. These programs focus on monitoring specific areas linked to MBNMS and provide opportunities for local residents to get involved and learn more about water quality issues, monitoring efforts, Sanctuary resources and key management topics. Volunteers receive varying degrees of training and could participate in a range of activities. For example, volunteers could collect water samples from storm drain outfalls in the Urban Watch program or interact directly with visitors along the shoreline or on the water with the Bay Net and Team OCEAN programs. Lisa noted Snapshot Day is one of the biggest volunteer water quality monitoring events and focuses on rivers and streams flowing into MBNMS. Each year a report is produced containing the analyzed data as well as identified areas of concern. The next Snapshot Day will be on May 2nd. Overall, volunteer programming is an integral part in supporting the Sanctuary's mission through educating visitors about wildlife, collecting important data and providing advice on the major management and protection issues in the Sanctuary. For more information on these programs and how to get involved please follow this link:

<http://montereybay.noaa.gov/getinvolved/volunteer/welcome.html>.

Advisory Council Member Discussion:

Q: Do you have your own fleet of kayaks for the Team OCEAN program? A: Yes, Team OCEAN has its own fleet of kayaks and gear displaying the National Marine Sanctuaries logo.

XI. INFORMATION ITEM: EXPLORATION CENTER UPDATE

Sanctuary Exploration Center (SEC) Director, Lisa Uttal provided an update on the latest progress the SEC has made since it was opened in 2012. Over the past 2.75 years, the SEC has made contact with over 180,000 visitors. Nearly 175,000 of those contacts are with the general public. The rest of the contact is made through tours, events and facility rentals. In the last 2.5 years, the SEC has been in business for facility rentals including wedding parties, film festivals, rotary events, birthdays etc. Lisa also highlighted this week is volunteer appreciation week. The volunteer program currently consists of 95 active volunteers, eight gift store volunteers and eight UCSC internships. Citizen science plays a large role in the SEC's strategic operating plan.

Similar to the Beach COMBERS, SEC volunteers have engaged in the Long-term Monitoring Program and Experiential Training for Students (LiMPETS) as well as beach clean ups with Save Our Shores. Future programs will include partnering with the Santa Cruz Municipal Wharf and UCSC to set up a plankton lab for citizen science monitoring. Four new model ROV kits have been purchased and will allow students to construct ROVs at the SEC. This program will be piloted with a school from Salinas this spring. Lastly, Lisa shared some plans for exhibit enhancements including new technology and interactive displays. The success of this facility is largely due to the volunteers and the development of public and private partnerships. A presentation by Jodi Frediani about the biodiversity in Monterey Bay will be held on April 23rd, 6-7:30PM. The 2015 Beneath the Waves Film Festival will take place at the SEC this year from September 24th-September 26th.

Advisory Council Member Discussion

Q: Do you have any plans for live exhibits? A: Yes, plankton but nothing bigger. With live animals comes the maintenance of them, and we don't have the capacity for that yet. But the plankton will be an initial program.

Q: What was the reasoning for pursuing renovations of the existing exhibits? A: In the building process we actually saved money and thus we have a budget to pursue these renovations.

XII. ADJOURN

Next meeting is June 19th in Carmel.

Adjourned at 4:20PM