

**MONTEREY BAY NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL**

**Final Meeting Minutes  
February 19, 2016  
Agricultural History Project Center and Museum, Watsonville**

**VOTING MEMBERS**

- |  |                                       |
|--|---------------------------------------|
| Agriculture: absent                      | CA State Parks: absent                |
| AMBAG: absent                            | Conservation: Letise LaFeir           |
| At Large: Dan Haifley                    | Diving: Brian Nelson                  |
| At Large: James Panetta                  | Education: Tucker Hirsch              |
| At Large: PJ Webb                        | Commercial Fishing: Kathy Fosmark     |
| Business & Industry: absent              | Harbors: Steve Scheiblaue             |
| CA Coastal Commission: absent            | Recreation: Gary Pezzi                |
| CA Dept. of Fish & Wildlife: Paul Reilly | Recreational Fishing: Richard Hughett |
| CA EPA: Maria de la Paz Carpio-Obeso     | Research: absent                      |
| CA Resources Agency: Cyndi Dawson        | Tourism: absent                       |

**NON-VOTING MEMBERS**

- Channel Islands NMS: absent
- Cordell Banks NMS: absent
- Elkhorn Slough NERR: absent
- Greater Farallones NMS: absent
- Monterey Bay NMS: Paul Michel
- National Marine Fisheries Service: absent
- U.S. Coast Guard: absent

Alternates present in audience:

- Cynthia Matthews: At-Large
- Jim Moser: Commercial Fishing
- Phillip Sammet: Diving
- Barton Selby: Recreation
- Robert Chatham: Recreational Fishing
- Deb Wilson-Vandenberg: CA Dept. of Fish & Wildlife
- Dawn Hayes: Monterey Bay National Marine Sanctuary

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

Call to order 9:05 AM

John Kegebein welcomed MBNMS Advisory Council to the Agricultural History Project Center and Museum. John was excited for the Advisory Council to see what the museum had accumulated. John gave an overview of the history of the museum which started in 1986. Almost the entire museum was built with volunteer help. The museum is also managed and run by volunteers. Museum volunteers continuously work with farmers to preserve agricultural and farming history.

The museum also holds many events including “2<sup>nd</sup> Saturday on the Farm”, a family event focusing on particular areas of agriculture.

### **APPROVAL OF MEETING MINUTES**

Approval of December 11, 2015 DRAFT Meeting Minutes

**MOTION: Dan Haifley, Richard Hughett seconded.**

(Vote: 10 in favor, 0 opposed, 2 abstentions)

## **II. STANDING ITEM: SUPERINTENDENT REPORT**

Paul Michel acknowledged the completion of the MBNMS Condition Report. This is a milestone in terms of looking at the health of MBNMS as required for the Management Plan Review. Representatives from MBNMS, West Coast Region and Channel Islands NMS attended and presented at a community meeting in Morro Bay. The goal was to describe what a national marine sanctuary is and the status of the Chumash NMS nomination. Approximately 200 members of the public attended. This year’s Whale Fest was a success. It occurred weekend of January 24<sup>th</sup>. The event was put on largely by Fishermen’s Wharf Association. The symposium was recorded and will be available on the “Your Sanctuary TV” YouTube page. The Sanctuary Exploration Center reopened with new exhibits. Paul encouraged all council members to visit the center. Sophie De Beukelaer is now the permit coordinator for MBNMS. She will be handling all permits for the sanctuary. Paul attended the “Bay of Life” event in Santa Cruz at the Rio Theater. It was a montage of imagery with stories about the landscape and seascape of the central coast. It was a powerful statement regarding the need to protect and preserve the central coast through more enforcement. Lastly, Paul acknowledged Maggie Ivy from Santa Cruz County Conference and Visitors Council for including a picture of the sanctuary and whales on the front cover of the new *2016 Official Santa Cruz County Traveler’s Guide*. An entire page inside the guide (page 41) was also dedicated to the sanctuary.

### Advisory Council Member Discussion

Q: Can you compare the staffing from four years ago to what it is now, including staff and contractors?

A: The sanctuary is down a third of what staffing was 8 years ago. Most of those positions were contract positions. Also, most of the current contract staff are half time or part time due to budgeting.

Q: Was the “Fishermen in the Classroom” program dropped because of less staffing? Is staff still available for this program?

A: Those programs (like MERITO) were developed when there was money and staffing available at the sanctuary. Chelsea Prindle is still trying to stay active and involved with the fishermen program, but currently it’s not a funded program. These were grant funded programs. Fishermen were paid a stipend in “Fishermen in the Classroom”.

A suggestion was made to combine lost programs such as “Fishermen in the Classroom” and “Monterey Bay Salmon Trout” program. It was also suggested to have a more in depth conversation regarding this topic at a future Advisory Council meeting.

Q: Does the Sanctuary Exploration Center (SEC) have a membership for the public? This seems to be effective for funding.

A: The problem we've had is the non-profit partner side of things. Because SEC is a federal building and free to the public, we should not charge for membership but a non-profit organization affiliated with us could.

### **III. INFORMATION ITEM: OLE response to Advisory Council letter**

Dayna Matthews reported on Office of Law Enforcement's (OLE) current and projected staffing actions. Prior to 2014 OLE had not hired a special agent in seven years. There were only ten agents nationwide with four of those agents scheduled to retire this year. In 2014, OLE attempted to hire thirty-two enforcement officers and successfully hired twelve. Only two of those field agents are on the west coast. OLE is 60% down in special agent staffing than where they should be. In August of 2015, Jim Landon was identified as the new chief of OLE. A fair amount of work has been done in the last 8 months to move the staffing issue forward. OLE is working on getting the agent hiring freeze removed and developing a more effective means to hire agents. Future advertisements for positions will be on usajobs.gov as a continuous certification announcement. This should really help the process in hiring agents by allowing OLE to have a continuous list of eligible applicants to choose from.

PJ Webb added she was impressed with Chief Landon at the NMS Advisory Council Summit. His prosecutorial background should be very helpful in his role as Chief. PJ was amazed by the additional tasks OLE is responsible for such as wildlife trafficking. She was heartened by his commitment to enforcement and his strong vision for OLE. During the summit he mentioned he is putting together training for state officers which will be an easy way to expand enforcement for wildlife disturbances.

Paul Michel added he attended a meeting with Director Douros and Chief Landon in November. Support of NMS issues is due to the lack of dedication of new officers to NMS issues, not that the issue isn't recognized by OLE.

#### Advisory Council Member Discussion

Q: Was the MBNMS AC letter to OLE well timed and significant?

A: Yes. It was discussed at the meeting with Chief Jim Landon in southern California in mid-November and it helped focus issues for that discussion. Chief Landon expressed that movement on OLE staffing will hopefully result in one or more officers in this region and some dedication of time to sanctuary issues. In the interim, we can get some help from current staff as available.

Q: What is the relative pay for these OLE officers? Is it competitive?

A: Yes, but it depends on the location. Positions in San Francisco probably pay really well. The problem with hiring agents is more internal. Veterans are in high demand. If it takes too long to offer a position, they may decline because they've moved on to something else.

Q: Are there any new OLE vessels?

A: Not any in the immediate future but they are easier to obtain than staff. Most recently, WA and OR obtained new vessels. CA has had difficulty keeping vessels crewed.

Q: Is there any time of prioritization with the new positions and where they may be based?

A: All created positions are a priority. OLE knows the importance of supporting the sanctuaries.

MBNMS just had public scoping meetings for the Management Plan Review. Constituents stated they wanted more enforcement in the sanctuary. It is exciting to be able to report back to those constituents their voices were heard. Also, every six months there is a job fair at Naval Postgraduate

School. Most of the people attending the job fair are soon-to-be retired vets. This may be a good event to get the word out about new law enforcement officer positions.

#### **IV. INFORMATION ITEM: NATIONAL MARINE SANCTUARY ADVISORY COUNCIL SUMMIT**

The summit was held in Annapolis, Maryland. Climate change was a key topic. Annapolis was used as an example of climate change. The city averaged 4 days of “nuisance” flooding over a 20 year period. That has increased to 40 days of flooding. The city instituted adaptive management that requires new public structures to be above 50 year flood plain and essential critical services to be on ground higher than 100 year flood plain.

The summit was opened by David Holst, Acting Deputy Assistant Administrator of NOS. NOS priorities include coastal resilience and intelligence as well as place-based conservation. There has been great expansion in various sanctuaries as well as many communities bringing forth new sanctuaries. New sanctuaries and expansions are fundamental to the NMS Act. Advisory Councils are the links between communities and NOAA.

John Armor, Acting Director of ONMS gave a few important updates. In California, he discussed expansions within Greater Farallones NMS and Cordell Banks NMS as well as the status of the proposed Chumash Heritage NMS. In Half Moon Bay, new technology, the Boeing Echo Ranger is being used to do underwater research on USS Independence. He also summarized the Big Blue Live event. Outside of California, Malloes Bay – Potomac River and Lake Michigan are undergoing designation public scoping. Future sanctuary nominations include: Lake Superior, Niagara Falls, Lake Ontario, Hudson, Baltimore and Norfolk Canyon, Yorktown Fleet (Gloucester), Northeast Florida, Puerto Rico.

A highlight in the Recreation and Tourism discussion included Florida Keys NMS’ Blue Star Operator program that promotes good stewardship of coral reefs. It recognizes tour operators committed to promoting responsible and sustainable diving and snorkeling practices to reduce the impact of these activities on coral reefs. The annual Flower Gardens NMS diving trip will be September 10-11. It gives divers an opportunity to observe saltwater domes and coral reefs.

A climate change vulnerability assessment will be presented in March at NMS Advisory Council. PJ suggested this as a future agenda item at a MBNMS Advisory Council meeting. Yale put together a map of the US displaying what people think about climate change. There are challenges when determining how to communicate and discuss climate change with constituents. PJ discovered that MBNMS has been successful in dealing with climate change. The MBNMS Research Activities Panel does an annual Currents Symposium and MBNMS Advisory Council members have strong relations with constituents.

#### Advisory Council Member Discussion

Q: It is interesting that a sanctuary may be designated that includes artificial reefs. Was a moratorium on creating sanctuaries discussed?

A: No.

Discussion followed about climate change. The Ocean Protection Council often discusses climate communication. A few years ago there was training for public messaging at Elkhorn Slough that works across multiple sectors. There is much activity in Sacramento regarding climate change and harmful algal blooms. [www.climateaccess.org](http://www.climateaccess.org) is a great resource that shares what types of communication works. [www.climateinterpreter.org](http://www.climateinterpreter.org) is another great resource on successful climate change communication. NOAA’s Climate Stewards Education Project is a great training for teachers.

It has good resources online for communication. Simona Bartl and Karen Grimmer did a presentation on ocean acidification and communication. It is available on the MBNMS website [http://montereybay.noaa.gov/sac/2013/130207/130207acidification\\_ppt.pdf](http://montereybay.noaa.gov/sac/2013/130207/130207acidification_ppt.pdf)

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

Jaime Rossiter – San Diego State University

I am a doctoral student in geography doing research on sanctuaries and advisory councils and would like to interview SAC members. Can be reached at [jaime.rossiter@mail.sdsu.edu](mailto:jaime.rossiter@mail.sdsu.edu)

#### **VI. INFORMATION ITEM: SAC MEMBER RECRUITMENT PROCESS**

Nichole Rodriguez informed the Advisory Council of the council members' terms ending in February: Agriculture primary, At-Large primary (x2), At-Large alternate, Business/Industry primary, Business/Industry alternate, Commercial Fishing primary, Commercial Fishing alternate, Recreation primary, Recreation alternate, Recreational Fishing primary, Recreational Fishing alternate, Research alternate, Conservation primary. These council members are required to reapply if they would like to keep their seat. Applications must be received by February 29<sup>th</sup>. Applications will be compiled March 1<sup>st</sup> through March 4<sup>th</sup>. The council nomination working group and MBNMS staff will review applications between March 7<sup>th</sup> and March 11<sup>th</sup>. The working group will meet and make recommendations to the MBNMS Superintendent sometime between March 14<sup>th</sup> and March 18<sup>th</sup>. Applicants will interview with the MBNMS Superintendent between March 21<sup>st</sup> and April 1<sup>st</sup>. Newly appointed council members will attend new member orientation sometime between April 4<sup>th</sup> and April 15<sup>th</sup>. New members will be sworn in at the MBNMS Advisory Council meeting on April 21<sup>st</sup>.

There was discussion about staggering the terms of the primary and alternate seats.

#### **VII. INFORMATION ITEM: SAND MINING**

Karen Grimmer gave a presentation on coastal erosion in southern Monterey Bay. MBNMS has addressed coastal erosion to date through the completed Coastal Sediment Management Plans (CSMP) in partnership with US Army Corps of Engineers: the Southern Monterey Bay CSMP, the Santa Cruz Littoral Cell CSMP. The key recommendation in the Southern Monterey Bay CSMP was to reduce or eliminate removal of sand from the beach at Marina. Through the MBNMS Settlement Plan funds, a commissioned report "Evaluation of Erosion Mitigation Alternatives for Southern Monterey Bay" was published in 2012. It was produced by Environmental Science Associates Philip Williams & Associates and supported by the Southern Monterey Bay Coastal Erosion Workgroup. One of the key recommendations included the "cessation of sand mining from the beach." According to USGS, the highest average erosion rates in California occur in Monterey Bay, the greatest being in Marina at 6 feet per year. For the past seventy years, nearly 200,000 cubic yards of sand has been mined in southern Monterey Bay per year. In 1990, five of the six sand mines were closed due to US Army Corps of Engineers concerns about beach erosion. The mine in Marina remained open and is mining approximately 200,000 cubic yards of sand per year on its own. The mine is above the mean high water line and extracts sand in a dredge pond. The sandy beach and dune ecosystems in southern Monterey Bay have significant ecological value and function. The shoreline also absorbs wave energy and protects against coastal hazards. There are critical erosion areas that include public and private property and various habitats.

Dr. Jason Scorse, an ocean natural resource economist, presented the findings of a study on the economic analysis of non-market impacts of the CEMEX sand mine. Benefit analysis has not been

done. Graduate students of Middlebury Institute of International Studies looked at the sand mine's impact on Monterey economy. CEMEX pays approximately \$200,000 in taxes per year. The sand mine is an economic benefit in that aspect. However, there is loss of recreational value and the mining is creating the need for more coastal armoring which increases costs by approximately \$200,000 per year. There is also a negative impact on real estate values and property taxes. More money is lost than what CEMEX is contributing in taxes and jobs.

#### Public comment

August Delforge – Surfrider Foundation

Voicing concerns about the impacts of the CEMEX Sand mining operation on coastal erosion in regards to SAC's new 5 year plan.

Harvey Biala – Resident of Marina, CA

My name is Harvey Biala and I am a resident of Marina, Ca. I am presenting beach erosion impacts by the CEMEX sand mining operation in Marina for Ed Thornton, Distinguished Professor Emeritus at the Naval Postgraduate School who could not attend the meeting today. Southern Monterey Bay shoreline was identified by the U.S. Geological Survey as having the highest average erosion rate in all of California. The Regional Sediment Management Plan for southern Monterey Bay funded by the state of California concluded that the primary cause of the high erosion is the CEMEX dredge pond mining operation on the beach in the City of Marina extracting sand directly from the littoral zone. This is the only shoreline mining operation in all of the United States. The dredge pond mine started in 1965 mining in the early years about 80K yds/year. Today, CEMEX mines approximately 200,000 cu yds/year.

The latest study shows that prior to 1945 and before substantial sand mining, that the shoreline within the Southern Monterey Bay littoral cell between Sand City and the Salinas River was accreting (growing) at an average rate of about 3 feet per year owing to input of sediments by the Salinas River. After substantial sand mining of the coast began in 1945 until about 1990, when there were 6 sand mines operating in Southern Monterey Bay. The shoreline eroded at an average rate of over 3 feet per year. However, since 1990 only the Lapis sand mine owned by CEMEX is operating and the average erosion rate has increased to over 4 feet per year. After accounting for the decrease in sediment input owing to dams being built on the Salinas River and accounting for erosion by sea level rise and other processes, the lost accretion rate combined with today's erosion rate multiplied by the 9.4 mile length of shoreline equates to more than 7 acres per year. I repeat, more than 7 acres of land is lost on average every year attributed to the ongoing sand mining. This can be viewed as a taking of Sanctuary property by the CEMEX mining operation.

Kathy Biala – Resident of Marina, CA

My name is Kathy Biala and I am a resident of Marina and am speaking as a private citizen and not in my role as City of Marina Planning Commissioner.

I and my husband have been walking our local dunes and beaches daily for the past year and beginning Oct. 5 last year, we noticed significant changes at the CEMEX plant on the ocean side and we began taking photos. What previously was a lagoon set back from the ocean separated by sand banks now had deep crevices that looked like they were made by bulldozers, with eventual ocean filling of a river to the lagoon and an obstructed walkway along the beach. The pond became more of a "cove" configuration. I do not have the expertise to know whether this represents evidence of

excessive sand mining or even illegal activities. However, some official body must do a complete investigation. The habitat for snowy plovers has also been severely compromised as I use to see bird chicks at that very site. The protective dunes are now gone and the area is an expansive flat surface open to tides, with the lagoon now very small. I brought my slides today but I am unable to show them now but they may be available during the lunch period. However, I am happy to share these later with you at any time. The El Niño tides have altered all the local beaches but my photos show pre-El Niño impacts. I am also distributing a copy of the Monterey County Weekly newspaper that recently ran a front cover story on this issue. The significant environmental impact that CEMEX presents is such an egregious insult to our state and federal protection agencies; surely this type of operation does not conform to our environmental ordinances to protect our region. It defies every sensibility that a for-profit company that pays nothing for our sand is allowed to take this natural resource for sizable profit for itself, at the expense of our residents and tourists who are here for the appreciation of pristine beaches and nature. Given what has recently occurred at the California Coastal Commission, your participation may be critical. Please ensure and/or oversee a comprehensive and objective investigation of this most serious matter. Thank you.

Mark McKeller – Monterey resident

Despite compelling evidence, it seems that deciding on a proper course of action to stop CEMEX from taking sand – our precious resource – is a difficult endeavor. As a member of the public I feel obligated to speak in support of devising a strategy to close the sand plant.

David Schmalz – Monterey County Weekly

Dr. Ed Thornton says if CEMEX mine is eliminated, the beach from the Salinas River to Monterey will accrete an average of 3 feet annually.

#### Advisory Council Member Discussion

Q: Does CEMEX own the land?

A: They do pay property taxes.

Q: How much money does CEMEX Sand Mine make in Marina?

A: We don't know since it is a private company.

After a presentation by Karen Grimmer and Dr. Jason Scorse and public comment, the AC had a discussion. The AC advised Superintendent Michel of their concerns about the negative impacts to Sanctuary natural resources due to the CEMEX sand mining operations. The AC asked for clarification about Sanctuary jurisdiction and possible mitigations for the damages. Superintendent Michel will look into bringing back clarification from the NOAA legal office.

A motion was made to agendize the CEMEX Sand Mine issue as an action item for the April Advisory Council meeting.

**MOTION: Paul Reilly, Brian Nelson seconded.**

(Vote: 10 in favor, 0 opposed, 1 abstention)

#### **VIII. INFORMATION ITEM: MANAGEMENT PLAN REVIEW – PRIORITIZATION**

Bill Douros, ONMS West Coast Regional Director, spoke briefly about his time as the MBNMS Superintendent, the importance of the MBNMS Management Plan Review (MPR) and the Advisory Council's involvement in the MPR process.

Advisory Council Member Discussion

Q: How does MBNMS account for getting only 200 comments during public scoping for the MPR but over 11,000 comments for the new Management Plan years ago?

A: It was a different time. This is a review, while years ago it was a new management plan that needed more input.

There was discussion regarding issues raised during public scoping that did not make it on the list of the Advisory Council’s prioritization exercise. Some issues were included within broader issues.

Dawn Hayes gave a presentation on the MPR Advisory Council prioritization process, results and the next steps. Advisory Council members ranked their top ten priorities. A matrix of those rankings was created and used to perform multiple levels of analysis resulting in categorized priorities by high ranking issues (green), low ranking issues (red) and issues needing further Advisory Council discussion (yellow). Moving forward, MBNMS staff will run the Advisory Council recommendations through developed criteria and identify issues for staff to undertake as well as issues needing Advisory Council feedback. The criteria include: site benefits, urgency, feasibility, level of effort, agency best fit.

Paul Michel lead a discussion for the Advisory Council to categorize the remaining issues needing discussion as either green (high priority) or red (low priority or do not address).

Issue	Category green – high priority red – low priority
Reduce High Surf Warning requirement to High Surf Advisory	green
Develop a marine mammal viewing (encroachment) distance regulation	green
Expand south if Chumash Heritage NMS does not progress	green
Address Anchovy fishery issue	red
Add locations for recreational use and training	green
Install mooring buoys at popular dive sites	red
Change definition of dredge spoils in designation to permit beach nourishment	green
Expand north to include Pacifica Exclusion area (aka "Donut hole")	green
Establish a Joint Powers Authority for Advisory Council	red
Address issues with ocean noise (research, identify and address problems)	green
Address runoff from urban landscapes (research, identify & address problems)	green
Allow safety training	green
Address Fishing overall in MBNMS	red
Expand signage efforts about wildlife issues	green
Invest more in citizen science programming	green

**Issue: Reduce High Surf Warning (HSW) requirement to High Surf Advisory (HSA)**

Result: green – high priority

Discussion

Changing HSW to HSA could allow Mavericks zones to be open longer (during the December-February period) for motorized personal watercrafts (MPWCs). MPWCs are in these zones for safety reasons and it would be low impact to wildlife during the extended time. By changing the term from HSW to HSA, it could open up the area for an estimated potential extra ten days in some years. It was noted the Advisory Council is not to decide how to change the wording, but to decide if they feel MBNMS should make this change during the MPR. The question was asked if this issue is high priority with the limited MBNMS staff resources. It would not involve large amounts of work to change the wording from HSW to HSA. More work may be involved with implementation for GFNMS.

**Issue: Develop a marine mammal viewing (encroachment) distance regulation**

Result: green – high priority

Discussion

The key word in this issue is “encroachment”, or the intent to pursue marine mammals. This issue is worth discussing because of the threats to wildlife and increased public concern. Establishing a specific viewing distance is helpful when interpreting to the public. However, the issue is very subjective, there is already an agency working on this issue and it is addressed under the Marine Mammal Protection Act. It was suggested to combine this issue with the existing high priority issue of addressing harassment of wildlife by a variety of recreators.

**Issue: Expand south if Chumash Heritage NMS does not progress**

Result: green – high priority as emerging issue

Discussion

Paul Michel advised the Advisory Council to consider tabling this issue as an emerging issue. It could take a few years for a decision to move forward and it was agreed that for now, sanctuary staff should not use its limited resources on this issue. A more informed discussion can be had once a decision is made on this proposed sanctuary.

**Issue: Address anchovy fishery issue**

Result: red – low priority

Discussion

This issue was brought up mainly due to one incident. Sanctuary staff want to determine if this is truly a fishery issue within the sanctuary. Pacific Fishery Management Council (PFMC) will be performing a new stock assessment on the species. It was agreed by the Advisory Council this is a low priority issue for MBNMS since it is already being addressed by PFMC.

**Issue: Add locations for recreational use and training (for MPWCs)**

Result: green – high priority

Discussion

Paul Michel advised the Advisory Council to make this a high priority since the MBNMS MPWC subcommittee has met regarding this issue and this is in process. It was agreed this is a continuously changing issue and further discussion is needed.

**Issue: Install mooring buoys at popular dive sites**

Result: red – low priority

Discussion:

Brian Nelson and Phil Sammit advised the Advisory Council and MBNMS staff to focus on artificial reefs rather than mooring buoys. There are vast changes in tide here and everything surrounding the mooring buoys would get wiped out. There is high impact wherever the buoy is. For example, mooring buoys in Hawaii can have a twenty meter radius dead zone. Artificial reefs off to one side of a popular dive site would be more beneficial and take pressure off the actual reef.

**Issue: Change definition of dredge spoils (in designation document) to allow for permitting beach nourishment projects using clean material**

Result: green – high priority

Discussion

This issue focuses on differentiating between placing contaminated harbor dredge spoils and use of dredged clean materials for beach nourishment. Currently, dredged materials cannot be placed below the mean high water line where it could be beneficial to controlling/remediating beach erosion (if dredged sand is clean and compatible).

**Issue: Expand north to include Pacifica Exclusion area (aka "Donut hole")**

Result: green – high priority

Discussion

MBNMS staff will be considering this since it is in the current management plan to do so.

**Issue: Establish a Joint Powers Authority for Advisory Council**

Result: red – low priority

Discussion

This issue goes against the National Marine Sanctuaries Act. ONMS Headquarters has stated this should not be addressed given that it could not move forward.

**Issue: Address issues with ocean noise (research, identify and address problems)**

Result: green – high priority

Discussion

Unanimous agreement to move forward with this issue.

**Issue: Address runoff from urban landscapes (research, identify & address problems)**

Result: green – high priority

Discussion

Unanimous agreement to move forward with this issue.

**Issue: Allow safety training (for MPWCs)**

Result: green – high priority

Discussion

Unanimous agreement to move forward with this issue.

**Issue: Address Fishing overall in MBNMS**

Result: red – low priority

Discussion

Unanimous agreement to not address this issue beyond what is already being done by MBNMS.

**Issue: Expand signage efforts about wildlife issues**

Result: green – high priority

Discussion

Unanimous agreement to move forward with this issue.

**Issue: Invest more in citizen science programming**

Result: green – high priority

Discussion

Unanimous agreement to move forward with this issue.

Public comment

Maura Twomey – AMBAG

Address Fishing Overall in MBNMS is a high priority issue for AMBAG (Director Smith accidentally placed a score in “Do not address” column).

**IX. STANDING ITEM: WORKING GROUP UPDATES**

Conservation Working Group

The Conservation Working Group is waiting to respond to the priority issues identified for consideration during the MPR process. We are no longer having standing meetings, and we haven't taken a collective action since the submission of the joint MPR scoping letter. The co-chairs will work to keep the conservation community engaged as the process moves forward.

Sanctuary Education Panel

We reintroduced SEP to the Monterey Bay Environmental Education group. There was a lot of interest and support for the SEP to continue and they seemed to like the idea of us being project/issue focused based. We still need to solicit past members and reach out to other, new potential "members". Standing by to work on the MPR as that will be SEP's first project.

Research Activity Panel

The January RAP meeting was held at CSUMB. The meeting focused on the RAP going through the Advisory Council prioritization exercise for the Management Plan Review scoping process. There was a presentation by Kerry Nickols, a CSUMB faculty member. She stated there is growing focus on the marine science division of CSUMB. Four faculty members are being hired in that division. Some of the current faculty are working on nearshore circulations of water and the implications for distribution of larvae in MPAs and implications for desalination brine discharge. Faculty are also interested in measuring pH along the coast and studying plankton along the Big Sur coastline. Some marine science classes are working on linking resource management needs with science capabilities. There was also a presentation by Tim Pennington of MBARI. He summarized the outcome of the CalCOFI conference held at MBARI.

Lastly, the RAP discussed who they would like to represent Research on the Advisory Council as James Lindholm resigned. The RAP recommended John Hunt as the primary member and Steve Haddock as the alternate.

Advisory Council Member Discussion

There was a quick discussion about the Sanctuary Currents Symposium. The symposium is not occurring this year but the sanctuary is looking into having quarterly speaker series at the Museum of Monterey or other venues. PJ Webb mentioned a researcher is writing a book on the use of citizen science data and a chapter will focus on peer reviewed published papers using citizen science data.

PJ shared this information with Andrew DeVogelaere and Erica Burton who reached out to this researcher. They made a list of all the uses of citizen science programs. It was evident that citizen science contributes greatly to the sanctuary. As a result of this conversation, MBNMS Beach COMBERS may end up in the book.

#### Recreation and Tourism Subcommittee

The Recreation and Tourism Newsletter was published and sent to 559 active emails with a 31% open rate. The most clicked link was <http://www.seasonsintthesea.com/> at 48%.

#### Advisory Council Member Discussion

Q: In regards to the proposed Friends of the Sanctuary program, has there been communication with the MPA Collaborative?

A: Yes, Brian Nelson has participated on two conference calls with the MPA Collaborative. There has been directive from Paul Michel to build brand value of MBNMS with local businesses. It will be Paul's decision to collaborate with the MPA Ambassador program or to focus on building brand value of MBNMS.

There was discussion about CSUMB's new sustainable tourism program and getting involved with that program during the beginning stages. It was also stressed to keep Moss Landing's events in the RATS newsletter as it is an important town for the sanctuary.

PJ Webb gave a reminder to the Advisory Council to submit working group updates and member announcements by email to Nichole Rodriguez for this meeting and future meetings.

#### **X. STANDING ITEM: MEMBER ANNOUNCEMENTS**

Deb Wilson-Vandenberg: no member announcement

Phil Sammit: There has been an explosion of sea urchins in the bay. This can cause a decimation of kelp. For the first three months, sea otters were not sure how to forage on the urchins. However, sea otters in the area have started eating the urchins.

Bart Selby: no member announcement

Jim Moser: The commercial Dungeness crab season is still closed. It has been closed longer than the fishermen had hoped for.

Paul Reilly: **Dungeness crab:** As of February 11, 2016, the recreational Dungeness fishery along the mainland coast south of 38° 00' N Latitude (Point Reyes) is open. The recreational rock crab fishery along the mainland coast south of 35° 40' N Latitude (Piedras Blancas Light Station) is open. The recreational rock crab fishery will remain closed north of 35° 40' N Latitude (Piedras Blancas Light Station) and in state waters around Santa Miguel, Santa Rosa and Santa Cruz Islands. On Tuesday Feb 16 CDFW had a conference call with industry representatives and other crabbers and the consensus from them was to keep the commercial fishery closed until the whole state cleans up or at least until the central management area (Sonoma County south) cleans up.

**Groundfish:** The federal regulatory process continues for potential regulatory changes for 2017 and 2018. Two formerly overfished species, canary rockfish and Petrale sole, are now officially rebuilt.

One consideration has been whether the sport regulations beginning in 2017 will allow some retention of canary rockfish (one fish).

**Groundfish Public Outreach:** The Pacific States Marine Fisheries Commission has developed a new rockfish identification guide. It was a collaborative effort with the three west coast states and, as such, focuses more heavily on those species that are more common along the northern California coast and up to Washington. However, it is very useful for the species that occur off central California from Monterey north. Deb will be providing copies for those interested.

**Coastal Pelagic Species:** At its November 2015 meeting, the Pacific Fishery Management Council requested the NMFS Southwest Fisheries Science Center (SWFSC) finalize their initial planning to conduct a stock assessment of northern anchovy in time to be presented at the November 2016 Council meeting. The planning is to include the convening of a scientific workshop in Spring 2016 designed to develop the optimum approach for this stock assessment. This workshop will be held in La Jolla, May 2-5, 2016, to discuss data-limited methodologies for assessing CPS stocks focusing on the central subpopulation of northern anchovy.

**Salmon:** Salmon fishing seasons are developed through a collaborative process involving the PFMC, the California Fish and Game Commission and the National Marine Fisheries Service. Public input at a March 2 meeting in Santa Rosa will help California representatives negotiate a broad range of season alternatives during the PFMC March 9-14 meeting in Sacramento.

**MLPA:** The State is in the process of developing and launching the Statewide MPA Monitoring Program which will provide on-going data, analysis and synthesis to inform the performance evaluation and adaptive management of the MPA network. The Statewide MPA Monitoring Program is informed and linked to the MPA Regional Monitoring Plans that have been developed for the north central, central and south MLPA planning regions. The north coast MPA baseline data collection started in 2014 and will go through 2016. Its long-term MPA monitoring plan will be developed after the baseline is completed.

**New Vessel:** CDFW's 25-ft research vessel Melanops (built in 1987) is berthed in Monterey and will soon be replaced. This vessel is used primarily for MPA monitoring research by CDFW, often supported by staff and volunteers from partner academic and citizen science programs. The replacement of this vessel will maintain required MPA monitoring program components in the north central and central regions and allow continued leveraging of partner resources to conduct MPA monitoring. A minimum of 10% of the annual operating days on the R/V Melanops shall be used to support non-CDFW partners vessel time needs to conduct work as part of the MPA Statewide Monitoring Program.

Rich Hughett: no member announcement

Tucker Hirsch: no member announcement

### Mariela Carpio-Obeso: **California Ocean Plan Updates**

#### Statewide Water Quality Control Plans for Trash

On April 7, 2015, the State Water Resources Control Board (State Water Board) adopted amendments to water quality control plans to address discharges of trash into Ocean and inland surface water ways. Ocean unit staff submitted the Trash Amendments Office of Administrative Law (OAL) package on Oct 16, 2015. OAL approved the Trash Amendments on Dec. 2, 2015. Later on, USEPA approved the water quality objective of the Trash Amendments on January 12, 2016. The Trash Amendments: (1) establish a narrative water quality objective for trash, (2) corresponding applicability, (3) establish a prohibition on the discharge of trash, (4) provide implementation

requirements for permitted storm water and other discharges, (5) set a time schedule for compliance, and (6) provide a framework for monitoring and reporting requirements. Currently, Water Boards Staff is working with stakeholders on the Trash Implementation.

#### Water Quality Control Plan for California Ocean Plan, Desalination Amendment

On May 6th, 2015, State Water Board approved an amendment to the state's Water Quality Control Plan for the Ocean Waters of California (Ocean Plan) to address effects associated with the construction and operation of seawater desalination facilities (Desalination Amendment). The amendment supports the use of ocean water as a reliable supplement to traditional water supplies while protecting marine life and water quality. The Desalination Amendment requires new or expanded seawater desalination plants to use the best available, site, design, technology, and mitigation measures feasible to minimize intake and mortality of all forms of marine life. Staff submitted the OAL's package on December 14, 2015. The Ocean Plan Desal Amendment was approved by OAL on January 28, 2016.

#### Cooling Water Intake Structures (Once Through Cooling Policy)

The State Water Board implements the Federal Clean Water Act § 316(b) regulations on cooling water intake structures. Control and/or mitigation of entrainment and impingement of marine life related to power generating facility intake structures is paramount. As part of the OTC Policy implementation activities, staff is working in coordination with other agencies, on the annual Statewide Advisory Committee on Cooling Water Intake Structure (SACCWIS) Report to ensure that implementation plans and schedules established by the Policy are realistic and will not cause disruption to the State's electrical power supply. The release of the Draft SACCWIS Report is scheduled by spring 2016.

Letise LaFeir: no member announcement

Gary Pezzi: The Santa Cruz Chapter of Surfrider Foundation was involved with the San Lorenzo River Alliance in 2015 and will be again in 2016. They were part of the Water Quality group. The efforts were coordinated by the Coastal Watershed Alliance Project. 2015 results, through water testing along the San Lorenzo River, in what was considered a "dry year", yielded inconsistencies. The study was based around 'human influences' on the river. Tests were conducted on bacteria loads, fecal measurements, cholesterol, and caffeine to name a few. Conclusions for some high readings seemed to point to local bird influence. For 2016, testing begins in April and runs for 7 months. Tests are repeated but now in a "wet year" environment.

PJ Webb: Coastal Discovery Center is running the "Elephant Seal Ambassador" program again this year. Volunteers man the San Simeon park entrance and the beach to prevent negative human-seal interactions from January to March when overflow seals visit the public beach and the California State Park at San Simeon Cove. This is a helpful program to prevent animal harassment and protect public health.

Reminder to the SAC membership that the NOAA Fisheries' Office of Protected Resources is looking for feedback from partners on their draft Strategic Plan. The four goals for the plan are: stabilize the most critically endangered species and improve populations of those species near recovery; develop guidelines and tools to make protected species management decisions "Climate Smart;" maximize

our effectiveness in implementing the ESA and MMPA; and cultivate collaborators to recover and conserve protected species. Feedback on the draft plan should be sent to [nmfs.pr.stratplan@noaa.gov](mailto:nmfs.pr.stratplan@noaa.gov) by February 27th.

Paul Michel: The next MBNMS Advisory Council meeting will be held on Thursday, April 21<sup>st</sup> at the USGS office in Santa Cruz.

Brian Nelson: We spent a great deal of time reading and understanding the strong sense of passion in the dive community regarding artificial reefs. On January 20 we were invited and attended the Diver Dan Dive Club meeting in Santa Clara. We described how the Sanctuary Advisory operates in conjunction with the Management Staff. Also discussed was the Management Plan review and the issues facing the Monterey Bay sensitive habitats. There was wonderful attendance and interest in the process from Diver Dan's Dive Club. The Dive Newsletter was published and sent to 2,653 active emails with a 30% open rate. The most clicked link was <https://youtu.be/9BBNgLbiUvU> @ 57%

Cyndi Dawson: OPC Executive Director/ **Deputy Secretary** for *Ocean* and *Coastal* matters  
Catherine Kuhlman resigned as of January 31, 2016. Deborah Halberstadt, 40, of Sacramento, has been appointed by the governor to fill the position and will begin work on 2/29/16. Halberstadt has served as a deputy attorney general in the Environment Section at the California Department of Justice, Office of the Attorney General since 2006, where she litigated civil and criminal environmental laws protecting the state's environmental resources. She was cross-designated as a Special Assistant U.S. Attorney at the U.S. Department of Justice, Environmental Crimes Section from 2011 to 2014. Halberstadt was a law clerk for the Honorable Walter L. Carpeneti at the Alaska Supreme Court from 2005 to 2006, a summer associate at Earthjustice in 2004 and a legal extern at the Sierra Club Environmental Law Program from 2003 to 2004. She served as federal legislative liaison in the Office of Governor Gray Davis from 1999 to 2002, handling natural resources and environmental protection issues, and served in the office as director of constituent affairs from 1998 to 1999. She was a legislative and policy coordinator in the Office of Lieutenant Governor Gray Davis from 1997 to 1999. Halberstadt is secretary of the State Bar of California's Environmental Law Executive Committee. She earned a Juris Doctor degree from the University of California, Berkeley School of Law.

-The West Coast Ocean Acidification and Hypoxia Science Panel is finishing their final Executive Summary this week. Over the next month, we will be informally sharing this with key partners and agencies to discuss concrete next steps and which recommendations and actions of the report can be most immediately adopted and addressed. On April 4, OPC will host an event to publicly release the Executive Summary with the Panelists (scientists), key legislators and NGOs, political leadership and resource managers. The recommendations contain specific recommended actions for research priorities, a west coast wide monitoring framework and are aimed at resource managers and policy makers. More information can be found at <http://westcoastoah.org/panelproducts/>

-To address the ongoing Dungeness crab disaster (and other fisheries), the harmful algal bloom (HAB) interagency task force was established and includes officials from DPH, OEHAA, DFW, FGC and OPC. The first item to be developed will be a guidance document for a seafood protocol by July to inform the next Crab season.

Steve Scheiblaue: The City of Monterey Harbor will start dredging on Tuesday, February 23<sup>rd</sup>. The dredged material will go right next to harbor. Steve attended the Pacific Groundfish Quota Program Workshop in Portland, Oregon. He was a panelist on the discussion “Looking Ahead: The Future for Communities, Retiring Fishermen and New Entrants.”

Meeting adjourned at 4:47