

**MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL – EMERGENCY MEETING**

**Final Meeting Minutes
July 10, 2017
MBNMS Large Conference Room
Monterey, CA**

VOTING MEMBERS

Agriculture: Jimmy Dutra
AMBAG: Ed Smith
At Large: Gary Hoffmann
At Large: Cynthia Mathews
At Large: PJ Webb
Business & Industry: Tom Rowley
CA Coastal Commission: absent
CA Dept. of Fish & Wildlife: absent
CA EPA: absent
CA Resources Agency: Cyndi Dawson

CA State Parks: absent
Conservation: Katherine O'Dea
Diving: Brian Nelson
Education: Tucker Hirsch
Commercial Fishing: Kathy Fosmark
Harbors: Steve Scheiblauer
Recreation: Gary Pezzi
Recreational Fishing: Rich Hughett
Research: John Hunt
Tourism: Mike Bekker

NON-VOTING MEMBERS

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

Alternates present in audience:

Keith Rootsart – Diving
Bart Selby – Recreation
Dawn Hayes – Monterey Bay NMS

I. CALL TO ORDER AND ROLL CALL

Chair PJ Webb called the meeting to order and took roll. Twelve voting members were present. There was a quorum.

II. SUPERINTENDENT REMARKS

Paul appreciated everyone's time to take care of the urgent items. His role at this meeting was a facilitator and not as one to sway the council.

III. ACTION ITEM: A letter in support of the proposed California Coastal Commission settlement agreement with CEMEX

PJ Webb introduced the letter. There is a long history of the council hearing about sand mining in the area, hearing public comment on the loss of property, the loss of beaches and the potential impacts continued beach erosion could have on local tourism.

The council has wanted to have action taken for over a year now. The CA Coastal Commission has finalized its recommendations and is seeking public comment on this proposed action. PJ read the letter and make some proposed grammatical edits.

Advisory Council Member Comments:

Gary Hoffmann – is very concerned with the restoration aspect of the negotiation. Is there any bonding that will happen to ensure restoration?

Carol Maehr – this is likely the best we can expect and we should be supportive.

Cynthia Mathews – recognizing the effort that has gone into this with mention of the restoration/mitigation.

PJ Webb – is concerned they will walk away from the mine if more action is required.

Tom Rowley – is concerned with the lack of a bond. Also no mention of the land moving into use by CalAM for its slant well. How will a non-profit work with CalAM? There is no mention of the stockpiling Cemex has done over the last two years. Will the non-profit be able to carry out Cemex's contractual obligations?

Clifton Herrmann – in support of the letter as written.

Katherine O'Dea – in support of the letter as written. Speaking to Tom – there is a portion of the agreement that protects the easements are in place.

Brian Nelson – in support of the letter, even though it falls short of what we might like.

Tucker Hirsch – the negotiation leaves a lot to be desired, but know the CCC has worked hard to get this negotiation to where it needs to be. Would like to see a shorter timeline, but is supportive.

Gary Pezzi – in support of the letter as drafted. Thing the negotiated phase out is weak, but that is not what we are dealing with.

Mike Bekker – in support of the letter as drafted. There is no disclosure of settlement amount.

Keith Rootsart – in support of the letter. Amazed Cemex received 3 years and questions why the remediation is not funded up front.

Rich Hughett – agrees with a simple letter, but hopes we can mention we have reservations about this and wish to be kept apprised of the process.

Ed Smith – in support of the concept of the letter. Thinks we need to include something here that alleviates some of our concerns – "our preference would have been a sooner cease and desist and some stronger follow language.

Cyndi Dawson – in support of the letter and would like high-level language about a plan and funds for mitigation in the future.

Steve Scheiblauer – in support of the letter, as this is a long-standing problem and the letter should state this affects sanctuary resources. Echoes concerns about assurances.

Steve Lindley – no comments

Bart Selby – thinks this a great and has faith in the CCC and is glad this is being put together

John Hunt – in support of the letter.

Paul Michel – agrees with Steve Scheiblauer, there needs to be some reference to damage to sanctuary resources. We may want to support the requirement that CEMEX needs to get the appropriate permits in order to complete the next three years work.

The council took discussion points and did some word smithing on the letter to strengthen its language and to commend the Commission's efforts.

A motion was made to approve the letter as written and would entertain PJ and staff to wordsmith grammatically as necessary.

MOTION: Ed Smith, Gary Pezzi seconded.

(Vote: 15 in favor, 0 opposed, 0 abstention)

IV. ACTION ITEM: A letter of public comment to Regulations.gov on the President's Executive Order on National Marine Sanctuaries

PJ Webb introduced the letter. This Executive Order started a review evaluating national marine sanctuary (NMS) expansions after 2007. The underlying issue is the administration assessing NMS expansions after 2007 for review (particularly in regard to public process and agency consultation) and with the potential intent to re-open these expansion areas in oil, gas and mineral extraction operations.

Advisory Council Member Comments:

Steve Scheiblauer – can this be narrowed in scope to Davidson Seamount (which is MBNMS's expansion area)? Davidson Seamount is a unique and extremely fragile environment and is highly sensitive to oil, gas and mineral mining operations.

Jimmy Dutra – in support of the letter.

Gary Hoffmann – supportive of a letter related to the expansion of Davidson Seamount and not the larger sanctuary, should include language stating extensive public stakeholder involvement.

Cynthia Mathews – yes in support of comment letter specifically to Davidson Seamount. Make broader comments about the integral part of MBNMS and any review requires broader scope of environmental issues – not simply for energy production.

Tom Rowley – focus is good on Davidson, and the special uniqueness of this and the special uniqueness of MBNMS.

Clifton Herrmann – expressed concern about the strictly one sided economic focus of the Executive Order and supports the letter.

Kathy Fosmark – agree the Davidson Seamount and that area is considered highly valuable habitat by the PFMC. The benthic habitat in this region is also protected by the National Marine Fisheries Service as part of an adaptive management process in place for fisheries management.

Katherine O'Dea - yes, agrees to supporting Davidson Seamount, but we need to support the expansion area for GFNMS/CBNMS due to the potential impacts of oil and gas in that region impacting MBNMS due to the California Current Ecosystem.

Brian Nelson – support the letter with Davidson as the focus. Agrees with Katherine about supporting GFNMS/CBNMS with the potential southward impacts.

Keith Rootsart - in support of the letter and Davidson Seamount.

Tucker Hirsch – in support of the letter.

Gary Pezzi – in support of the letter. There have been unique species discovered there and this should be mentioned.

Bart Selby – in general support of the letter. Would suggest 1) Clear that there is widespread support for sanctuaries 2) The reason sanctuaries work is the broad public engagement sanctuaries engage in.

Rich Huggett – in support of the letter. The letter should include 1) All Sanctuaries 2) MBNMS 3) Davidson.

Mike Bekker – in support of the letter. Should we add wind/wave energy in this letter? PJ will look at the Executive Order and will use the same language.

Ed Smith – maybe go back to the justification language for Davidson Seamount, which plays to its strength. In terms of the letter – “building resiliency to the planet” may be too big, bring it back down to the local environment – the health of our economy (local) – finally ensure this says sport and commercial fishing to leave (anything that affects commercial fishing will impact the economy).

Cyndi Dawson – we support the letter with the necessary tweaks.

Steve Scheiblauer – focus on Davidson and the word fragile needs to be in the letter – with no tolerance for mining operations and agrees with Ed’s suggestion to utilize the designation language. Echoes Kathy’s mention of the NMFS designation of EFH.

A motion was made to authorize sanctuary staff to supply the rationale for designation of Davidson, including the habitats and fishing information.

MOTION: Ed Smith, Rich Huggett seconded.

(Vote: 13 in favor, 0 opposed, 0 abstention)

A motion was made to utilize the language in the expansion document if the letter refers to GFNMS and CBNMS.

MOTION: Steve Scheiblauer, Ed Smith seconded.

(Vote: 13 in favor, 0 opposed, 0 abstention – sense of the body)

A motion was made to have a subgroup work on a draft and a second call to vote next week.

MOTION: PJ Webb, Rich Huggett seconded.

(Vote: 12 in favor, 0 opposed, 0 abstention)

PJ Webb, Steve Scheiblauer, Katherine O’Dea and Brian Nelson volunteered to be on the subcommittee. Dawn Hayes will be the MBNMS staff contact.

Meeting adjourned at 3:50 PM.