

MONTEREY BAY NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

FINAL Meeting Minutes

February 19, 2021

Virtual Meeting

VOTING MEMBERS

Agriculture: Sarah Lopez
AMBAG: Steve McShane
At-Large: Dan Haifley
At-Large: Gary Hoffmann
At-Large: Gwen Kellas
Business & Industry: Tom Rowley
CA Coastal Commission: absent
CA Dept. of Fish & Wildlife: Paul Reilly
CA EPA: Karen Mogus
CA Resources Agency: Tova Handelman

CA State Parks: absent
Commercial Fishing: Kathy Fosmark
Conservation: Katherine O’Dea
Diving: Brian Nelson
Education: Pamela Neeb Wade
Harbors: John Haynes
Recreation: Gary Pezzi
Recreational Fishing: Jose Montes
Research: John Hunt
Tourism: Mike Bekker

NON-VOTING MEMBERS

Channel Islands NMS: absent
College: Jacob Winnikoff
Cordell Bank NMS: absent
Elkhorn Slough NERR: Dan Brumbaugh
Greater Farallones NMS: absent
Monterey Bay NMS: Dawn Hayes
National Marine Fisheries Service: Steve Lindley
U.S. Coast Guard: LTJG Chris Bell

Alternates Present:

Cynthia Mathews – At-Large northern region	Bart Selby – Recreation
Carol Maehr – At-Large central region	Adam Helm – Recreational Fishing
Victoria Dickey – College	Steven Haddock – Research
Charlie Lambert – Commercial Fishing	Dawn Mathes – Tourism
Rachel Kippen – Conservation	Chelsea Protasio – CA Dept. of Fish & Wildlife
Keith Rootsart – Diving	Julia Dyer – CA EPA
Felicia Van Stolk – Education	Marian Olin – Harbors

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

Chair Brian Nelson called the meeting to order at 9:00 AM. Roll call was taken by Vice Chair Dan Haifley.

Approval of December Meeting Minutes:

Steve McShane introduced a motion to approve the December meeting minutes. Seconded by Kathy Fosmark.

MOTION: Passed

(Vote: 16 in favor, 0 opposed, 1 abstention)

Nichole Rodriguez announced recruitment for Agriculture alternate will run March 1 through March 31.

Chair Brian Nelson discussed a letter he sent to California State Parks as a private citizen (not representing the Advisory Council) addressing their attendance at past Advisory Council meetings. He discussed the ways he and others have reached out to State Parks regarding the issue. He proposed to the AC a letter be drafted at the April 2021 AC meeting if contact is not made with California State Parks by then. Dawn Hayes said her goal is to connect with State Parks superintendents prior to the April AC meeting so a letter from the AC will hopefully not be necessary.

Advisory Council Member Discussion:

Many members shared their support in drafting a letter. It was also mentioned State Parks has been overwhelmed this year and last year due to COVID and an inundation of visitors.

II. STANDING ITEM: MBNMS Superintendent Report

Education highlights:

Whalefest Monterey highlights – the annual event was virtual and expanded to four nights of programming in January. This year’s virtual program was broadcast on Whalefest Monterey’s Facebook and YouTube page, as well as local access TV. Chad King contributed a talk on deep-sea discoveries of the octopus garden and a whale fall in Davidson Seamount, and Kevin Grant gave a sanctuary update presentation on 2020 activities.

As part of the [National Marine Sanctuaries Webinar Series](#), 1083 formal and informal educators, students, and even families registered for the Bioluminescent Blooms presentation given by marine biologist, Dr. Steven Haddock and nature photographer Johnny Chien. The event was co-hosted by MBNMS and partner-NGO the O’Neill Sea Odyssey.

MBNMS Salmonscape Exhibit is complete with the addition of its fourth panel. The Salmonscape exhibit was developed and designed in partnership with NOAA’s National Marine Fisheries Service (NMFS), U.S. Forest Service and the National Marine Sanctuary Foundation. Several themes, stories and messages about California salmon come together in an interactive exhibit that uses colorful and accurate art by Ray Troll. Designed as a travelling exhibit, this will likely be the SEC through next summer, then it will begin a circuit through partner organizations.

Research highlights:

Endangered black abalone recovery efforts in Big Sur - based on surveys that occurred just prior to the massive debris flows, hundreds of black abalone are buried and very few will survive. The rescued abalone are being held in running seawater tanks at a local facility and they may either be translocated to an undisturbed location or retained for further research as part of an ongoing program.

The 33rd annual Ed Ricketts Memorial Award was presented on the evening of January 21st to Dr. Terrie M. Williams, Director of the Center for Marine Mammal Research and Conservation, University of California, Santa Cruz. Dr. Williams provided a lecture entitled, “From ‘Doc’ and Dogs to Denizens of the Deep: How understanding biological design will save the oceans and

ourselves.” She presented her collaborative research examining how evolutionary processes in animal design conspire with modern anthropogenic pressures to challenge the survival of marine-living mammals.

Resource Protection highlights:

The Agricultural Water Quality Coordinator for Monterey Bay National Marine Sanctuary presented results from the first CDFA Healthy Soils Grant at the Fibershed Symposium on 11/13/2020. Sixty people attended this live webinar event that included information on CO2 storage in soil through the implementation of agricultural practices.

On January 25 the 39’ motorsailer *Bobbie Ann* broke free from a mooring ball in Monterey Harbor due to high winds and seas. The vessel grounded on Del Monte Beach with a reported 150 gallons of diesel fuel on board. The owner took responsibility immediately and hired salvage contractors to take quick action to prevent any environmental harm. On January 26, the boat was still intact and no fuel was thought to have discharged. A towing company was hired to remove the vessel via land. The one mile tow began at 1350 and was complete at 1630. The only environmental impact was a little bottom paint being scraped off the hull as it was drug down the beach. There was no debris at all left behind. Once the vessel was out of the surf zone they were able to remove 100 gallons of diesel fuel which they believe was all the vessel had on board.

Permits:

- Research permit: Drone surveys to assess impacts of wildfire after effects on nearshore rocky intertidal areas
- Research permit: CORC (Consortium on the Ocean's Role in Climate)
- Authorization: Ocean Deposition of Talus from Waddell Bluffs
- Research: Monterey Bay Aquarium Research Institute (MBARI) Unmanned Aircraft Systems (UAS) Program
- Research permit: Monterey Bay Coastal Meteorology: Field Measurements, Technology Development, and Education
- Research permit: Monterey Accelerated Research System (MARS) supplemental research projects not analyzed in the Environmental Impact Report (EIR)/ Environmental Impact Statement (EIS)
- Research permit (multi): Coastal Data Information Program (CDIP) Waverider buoys in MBNMS and CBNMS.
- Assist in Sanctuary Management permit: CAL FIRE San Benito-Monterey Unit Motorized Personal Watercraft (MPWC) Search & Rescue Training

Operations and Administration highlights:

MPR process continues

- All documents in first round of internal clearance
- Conducting agency consultations
- Making edits to the documents as review progresses

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

(comment given at the end of the meeting)

Mueller Giesen – what is government doing about human waste and plastic that’s going into MBNMS in Santa Cruz from homeless? Why is MBNMS not holding these homeless accountable? Why is the city and county of Santa Cruz being allowed to circumvent same rules and guidelines? Need to be held responsible to same guidelines that any other landlord would be held to. Is MBNMS looking into holding them responsible?

IV. ACTION ITEM: Charter Revision

Brian Nelson, charter review sub-committee member, presented the sub-committee’s recommendations. Recommendations included language allowing alternate seat members to apply and serve three consecutive terms as the primary member of that seat. It was also recommended to update the language regarding member recruitment to reflect the current process of recruiting as needed rather than four times per year.

Dan Haifley made a motion to accept the recommendations from the charter review sub-committee. Seconded by Steve McShane.

MOTION: Passed

(Vote: 15 in favor, 1 opposed, 1 abstention)

Advisory Council Member Discussion:

There were clarifying questions regarding the process of the AC providing informal input to MBNMS as well as the timeline of charter approval and constituencies providing feedback after the charter is approved. It was explained the council is able to provide informal input through informal votes to get a “sense of the body.” It was also explained once the charter is approved by the AC, it will be submitted to ONMS Headquarters for approval and therefore feedback will no longer be accepted.

V. INFORMATION ITEM: Work Plan

The Advisory Council reviewed the draft Advisory Council 2021 work plan. The Advisory Council offered a few suggestions on presentations and presenters to add.

Month	Topic	Potential presenters
April	Anomalous environmental conditions have increased the likelihood of fishery - marine mammal interactions, leading to significant impacts on the coastal ecosystem (whale entanglements) and coastal societies (crab fishers).	Point Blue or John Calamokidis (Cascadia Research) Sean Hastings (CBNMS)
	Whale mortality/injury from ship strikes and what sanctuaries are doing about it.	
	Restorative aquaculture in the Sanctuary	Luke Gardner (MLML)
	Virtual Coffee Talks summary	
	Standing Item: Programmatic update - Education & Outreach	

June	Sediment management	Karen Grimmer/Andrew DeVogelaere (MBNMS)
	Climate change and adaptation Sea level rise – including info on saltwater intrusion	Sara Hutto (GFNMS)
	Standing Item: Programmatic update - Resource Protection	Karen Grimmer/RP team (MBNMS)
August	Presentation from Rec Fishing seat - outreach to the fishing community regarding sanctuary resources.	Recreational Fishing seat
	Plastic reduction work and working collaboratively with growers and ranchers	Pam Krone (MBNMS)
	Results of the water quality monitoring in Areas of Special Biological Significance as required in the Ocean Plan.	Karen Mogus (CEPA)
	Standing Item: Programmatic update - Program Operations	
October	Kelp restoration/Urchin abatement. Proliferation of unmarketable urchins due to starfish die-off has decimated kelp forests within the sanctuary.	Steve Lonhart, Karen Grimmer, Keith Rootsart, Brian Nelson, Mike Escrow
	Environmental justice/Racial justice considerations across all work Potential tribal seat	
	Standing Item: Programmatic update - Research	
December	Microfiber pollution research	Kyle Van Houtan (MBA)
	Ocean pollution prevention	
	Decadal review of MPA network	Tova Handelman (CNRA)

VI. INFORMATION ITEM: SAC Challenge

The CA Natural Resources Agency, Commercial Fishing and Education seats all presented the ways in which they communicate with their constituents as well as the ways in which they communicate with fellow AC members and MBNMS staff.

Tove Handelman, CA Natural Resources Agency (CNRA) alternate discussed the agencies priorities including building California’s resilience to climate change-driven threats. She discussed a recent CA Executive Order to conserve at least 30% of California’s lands and coastal waters by 2030 as well as California’s MPA Network. Lastly, Tova presented information regarding the MPA Statewide Leadership Team, which ONMS West Coast Region is a member of. This team ensures communication and collaboration between the agencies and organizations.

Kathy Fosmark, Commercial Fishing primary discussed her role to represent commercial fishing men and women and her support to and from the Alliance of Communities for Sustainable Fisheries as well as many other associations in the industry. She also discussed the various ways she communicates with her constituency including targeted communication as fishing issues arise, talking with California crab fishermen as Dungeness crab issues arise and talking with the

Board of Directors of the Alliance of Communities for Sustainable Fisheries. See Appendix A starting on page 8 for full report.

Charlie Lambert, Commercial Fishing alternate added the various ways he communicates with the commercial fishing industry including in person, by phone and through social media. Charlie uses social media platforms (one group consisting of over 11,000 members) to gauge what's going on in the industry. He also talked about his grassroots business and how it allows him to connect with stakeholders.

Pamela Neeb Wade, Education primary and Felicia Van Stolk, Education alternate discussed the ways in which they currently communicate and work with their constituency through various meetings, workshops and events across MBNMS such as Monterey Bay Aquarium Teacher Institute. They also discussed ways they would like to reach out and improve communication with the education community through an Education newsletter using Constant Contact like the Diving and Recreational Fishing newsletter.

It was suggested they consider broadening their reach beyond education in classroom settings. Informal education is also key.

VII. INFORMATION ITEM: MPR

Dawn Hayes presented the results of the draft Management Plan rollout which included 107 comments through public meetings and 52 comments through Regulations.gov. Dawn reviewed the proposed regulatory changes including reducing required conditions to operate MPWC at Mavericks from high surf warning to high surf advisory and clarifying the term *beneficial use* of suitable ocean-dredged material for habitat restoration purposed within MBNMS.

Dawn walked through characterizing the public comment. The majority of comments focused on: need for wildlife and habitat protection; reducing marine debris; opposition to offshore wind energy projects; support for education programs; increasing research and monitoring; research at Davidson Seamount; addressing Climate Change; improving Water Quality; support for MBNMS's stakeholder engagement processes. Topics and issues raised in public comment included: cruise ship discharges; desalination sanctuary permits; multilingual and underrepresented audiences; Chumash Heritage NMS; sea urchin culling; agriculture pesticides; ropeless fishing gear/entanglement prevention; whale ship strikes.

Advisory Council Member Discussion:

Comment: congrats staff and AC for this massive project and walking it through the system

Question: two years in the making by RAP contribution. Was there a lot of modifications based on public comment?

Answer: a lot of modifications. 30% of comments that came in were related to beneficial use. Changed "clean" to "suitable." Tweaks to climate education and multilingual/multi-cultural audience. A table was created showing how things were changed in the MP. When we get further in clearance process, Dawn will share.

Comment: staff did great job during this process

Question: every public comment has to be addressed in this process? Is there responsibility that every comment submitted, NOAA has to address it?

Answer: there isn't a process to accept or not accept a comment. Comments are grouped once received, statement made by MBNMS must encompass comments. All comments are answered. 117 submissions but many had 10-20 topics in each of them.

Question: how do you resolve opposite viewpoints on an issue?

Answer: there is a response for each of those. The answer will be the same for each “NOAA agrees or doesn’t and here’s the reason why.”

Question: amazingly comprehensive document. Anywhere in the MP are sea otters mentioned as the “canaries in a coal mine?” A multi-agency study was recently released regarding sea otter populations.

Answer: generally covered in Resource Protection Action Plan and Emerging Issues Action Plan. MBNMS has the bandwidth to address as we move on.

Adjourned at 12:17 PM

Remarks of Kathy Fosmark on the Role of the Commercial Fishing Representative on the Monterey Bay Sanctuary's Advisory Council

February 19, 2021

As the Monterey Bay National Marine Sanctuary's Commercial Fishing representative on the SAC, my primary responsibility and role is shared with all SAC members, as stipulated in the National Marine Sanctuaries Act:

"The **Secretary** may establish one or more advisory councils to **advise and make recommendations to the Secretary regarding the designation and management of national marine sanctuaries.**"

Congress also said that SAC's will include groups **"interested in the protection and multiple use management of **sanctuary resources.**"**

Therefore, my role on the SAC is to represent the commercial fishing men and women of the region who utilize Sanctuary waters.

I note that according to Congress, the advice we give to the sanctuary regarding a management decision, or a new sanctuary designation, is

framed neutrally: it could be positive—yes, fishermen will support---or negative---fishermen will not support this.

Who are the people and what type of fishing does the SAC commercial fishing seat need to represent? The major fisheries are:

- Groundfish—rock fishes, halibut, soles, sablefish
- Highly Migratory Species—swordfish, tunas
- Coastal Pelagic Species—sardines, anchovies, mackerels, squid
- Salmonoids—several species and steelhead

These are managed largely by the Pacific Fishery Management Council and the National Marine Fisheries Service.

In addition to this, there are state managed fisheries, such as for California halibut, sheepshead, abalone, urchins, and squid. These are managed by the California Fish and Game Commission and the Department of Fish and Wildlife.

Each fishery has its own regulations, vessel type, gear, economics, culture, and habitat and conservation characteristics.

With this in mind, what background should a Commercial Fishing representative have to inform the Sanctuary?

- 1) Direct experience with multiple fisheries
- 2) A history of being active in fishery management
- 3) On-the-record support from the broad region's commercial fishing organizations
- 4) Ideally, knowledge of the history of the relationship between California commercial fishermen and the sanctuary program
- 5) Time to devote to SAC business

Having a representative who has these attributes allows the representative to communicate to, and from, an identified constituency. Hopefully, these are the attributes that a sanctuary superintendent will want also, if he or she is interested in solid representation from this industry.

In my case, when I applied to be the SAC commercial fishing representative, I received formal endorsements from 28 west coast fishing industry organizations. I won't name them all, but this support includes the leaders of the three fishing associations within Monterey Bay; from the California Wetfish Producers Association, representing the state's squid and sardine fishermen; from the Western Fishboat Owners Association, representing the tuna fleet; the Pacific Coast Federation of Fishermen's Associations—the largest organization of commercial fishermen on the west coast; and, of course, from the Alliance of Communities for Sustainable Fisheries, which is a non-profit founded 20 years ago to, among other things, provide a unified for commercial fishermen to the national marine sanctuary program. Alliance community members include the six ports from Half Moon Bay south to Port San Luis.

I am part of a five-generation fishing family in the region. My late husband and I fished for salmon, swordfish, crab, albacore, and rockfishes, so I am very familiar with those fisheries and how they are managed. My two sons both have active fishing businesses. I served the Pacific Fishery Management Council for many years, first on its advisory committees, then as a member of the council, nominated by the governor and appointed by the US Secretary of Commerce.

I also have first-hand knowledge of the understanding made between the sanctuary program and commercial and recreational fishermen that the sanctuary, when first proposed in the late 80's and early 90's, would not manage fisheries, and would not take actions that might threaten the livelihoods of commercial fishermen. This agreement, or promise, is reflected in this sanctuary's Designation Document. One of my roles on the SAC is to hold the sanctuary to this agreement.

Because fisheries are so diverse, my communication for fishing issues is targeted. For example, when the subject of the use of seal bombs comes up, I look to Diane Pleschner-Steele, Executive Director of the California Wetfish Producers Association, along with local squid fishermen, to inform those affected and as a source of knowledge for the issue.

For Dungeness Crab issues, I can communicate with a large number of California crab fishermen who I have known for years.

And, the Board of Directors of the Alliance, made up of the leaders of each port's commercial fishing association, forms the backbone of my communication to and from the local fishing industry.

So, that's the role I see for the Commercial fishing SAC representative, and what attributes such a representative should possess.

Thank you