

Monterey Bay National Marine Sanctuary Advisory Council

October 21, 2022

Meeting Minutes

VOTING MEMBERS

Agriculture: Sarah Lopez

AMBAG: Jenny McAdams

At-Large: Gary Hoffman

At-Large: Dan Haifley

At-Large: PJ Webb

Business & Industry: Tom Rowley

CA Coastal Commission: absent

CA Dept. of Fish & Wildlife: Paul Reilly

CA Dept. of Fish & Wildlife: Chelsea

Protasio (alternate)

CA EPA: Karen Mogus

CA Resources Agency: Elyse Goin

CA State Parks: Eric Abma (alternate)

Commercial Fishing: Kathy Fosmark

Conservation: Rachel Kippen

Diving: Brian Nelson

Education: Felicia Van Stolk (alternate)

Harbors: absent

Recreation: absent

Recreational Fishing: Adam Helm

(alternate)

Research: John Hunt

Research: Steven Haddock (alternate)

Tourism: Michael Bekker

Harbors: absent

NON-VOTING MEMBERS

Channel Islands NMS: absent

College: absent

Greater Farallones & Cordell Bank

NMS: absent

US Coast Guard: absent

Monterey Bay NMS: Lisa Wooninck

Monterey Bay NMS: Dawn Hayes (alternate)

Elkhorn Slough NERR: absent

National Marine Fisheries Service: Steven Lindley

ALTERNATES PRESENT

Adam Helm – Recreational Fishing

Steve Haddock – Research

Chelsea Protasio – CA Dept of Fish & Wildlife

Dawn Hayes – MBNMS

I. CALL TO ORDER

Welcome to MBARI: Steven Haddock

Approval of August Meeting Minutes: with editorial suggestions by Paul Reilly

Motion by Michael Bekker, seconded by PJ Webb

Yes: 11 No: 0 Abstain: 2

Motion passes

II. SUPERINTENDENT REPORT

Lisa Wooninck, Superintendent of MBNMS, shared a Superintendent's Report for MBNMS.

Highlights included:

1. MBNMS celebrated its 30th anniversary at the Sanctuary Fest and Sea Stars Gala. Michael Bekker was celebrated for his 21 years of service to the sanctuary.
2. Office of National Marine Sanctuaries 50th Anniversary was celebrated at Sanctuary Fest as well, along with commemorative posters, and a Sherman's Lagoon feature.
3. MBNMS is currently operating under a continuing resolution through December 16th.

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4. The Inflation Reduction Act allocated \$50 million for Office of National Marine Sanctuaries Facilities Construction. Office of National Marine Sanctuaries is coordinating with Congress on a spending plan. MBNMS needs \$7 million for the construction of a main office at California State University Monterey Bay, and there is additional need for money to conduct visitor center maintenance and exhibition refreshes. Congress has allocated \$3 billion over the next five years for coastal habitat restoration, coastal resilience, climate ready coasts, marine debris removal, and National Estuarine Research Reserve System.
5. New hires at MBNMS include Rebecca Gustafson (Volunteer Coordinator/Education Specialist), Christina Funcke (Gift and Bookstore Manager), Richard Stanley (Maintenance Specialist), Keegan Angerer (Resource Protection Specialist), Lindsay Brown (Program Coordinator), Jennifer Pensky (Agricultural Water Quality Coordinator).
6. MBNMS Research team conducted Big Sur nearshore characterization that visually surveyed nearshore sites between Carmel and Ragged Point and determined vulnerability to landslides, debris flows, and sidestepping.
7. Kelp restoration site assessment was conducted in Greater Farallones National Marine Sanctuary. There, kelp is in much worse condition than MBNMS. Greater Farallones National Marine Sanctuary is currently investing in kelp restoration. MBNMS Superintendent Wooninck will propose a motion to have the Resource Activity Panel do an assessment of kelp along the MBNMS coast.
8. There has been exciting media exposure for the Sanctuary in TV shows, newspapers, radio, and magazines. President Obama won an Emmy for the Netflix series “Our Great National Parks” which features MBNMS.
9. MBNMS education will be conducting free ocean recreation activities on October 22 and October 23, 2022. Multiple fall school field trips are anticipated, with 335 students expected to be taught about ocean processes.
10. MBNMS Resource Protection team held the annual First Flush Water Quality Event on the first rainfall of the season. This year’s first rainfall occurred on September 18th, the earliest in 23 years. Three vessel groundings also occurred during this rainfall.

III. PUBLIC COMMENT

Brian Nelson, SAC Chair and Diving Seat, proposed the Research Activity Panel do an assessment of kelp in MBNMS and report their objective data back to the SAC. Brian Nelson proposed that there be an Action Item on this subject during the next meeting, in which a motion to request the Research Activity Panel (RAP) do an assessment be entertained. The assessment will later be voted upon by the SAC to forward as a recommendation to MBNMS staff. John Hunt, stated he would alert the RAP about this upcoming request November 4th RAP meeting.

Greg Busch, Assistant Director of NOAA Fisheries West Coast Division, announced that NOAA Fisheries has hired a new enforcement officer, Sam Reiner. Superintendent Wooninck and Brian Nelson expressed their appreciation for the work that Sam Reiner has already done.

Tom Rowley, Business/Industry Alternate, stated that recent permits issued on wind energy by Bureau of Ocean Land Management do not include any territory in MBNMS. This was featured

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in an article within the Monterey Herald. Superintendent Wooninck replied that, currently, Bureau of Ocean Land Management does not allow wind energy permits to be issued within the Sanctuary. MBNMS is working with NOAA Fisheries to ensure proper research is conducted before decisions are made that affect the Sanctuary. Most focus for the current wind energy project is on territory in the southern region outside of MBNMS.

IV. ACTION ITEM: Diversity and Inclusion Subcommittee Recommendations

At Large Seat PJ Webb went through the comments submitted by members in response to the first draft of recommendations for ways the SAC can reach diverse stakeholder communities. She explained how the second draft of the recommendations reflected these comments. The recommendations featured bullets about strategies needed to represent all communities.

Kathy Fosmark, Commercial Fishing Seat, commented that the fishing community is very diverse in the various aspects beyond just fishermen, and it should be noted that there is diversity within each member's constituency that should be represented by the fishing seat. Michael Bekker said that members must be proactive about attracting constituents of all backgrounds to participate in meetings. It was also discussed that attracting individuals to meetings is half the battle, as under-resourced communities may not have the same access to travel or time off work. SAC members and MBNMS staff should find ways to encourage and help such people join meetings in person. Dan Haifley would be happy to request MBNMS Foundation act as a funding source for this. Brian Nelson also suggested that the reimbursement offered to people traveling for the AC needs to be better advertised.

It was then brought up by Tom Rowley that the biggest obstacle for most is time away from work. However, it is difficult to make up for lost work time, as Brian Nelson pointed out. John Hunt, Research Seat, stated that current members have more flexibility in that their jobs account for not only time away from work for SAC meetings, but also time to get out and meet people within their constituencies. A lot of jobs, such as farmwork, do not allow this flexibility.

Rachel Kippen strongly urged the SAC to consider bringing in third parties for new perspectives that implement deeper than surface level efforts to promote Diversity, Equity, and Inclusion. She suggested bringing in a specialist on racial equity issues. Cynthia Matthews then suggested that there be a framework provided to underserved communities to give individuals a sense of what is expected of members on the SAC, such as the time commitment.

Felicia Van Stolk suggested that before the SAC asks of a community, it needs to show up for the community as well. MBNMS staff attending community events and educating the community on the SAC is a step in the right direction. Another step discussed was to widen the selection scope of the Council, perhaps by adjusting the language of the application. The diversity question included on this recruitment period's application is a good step, but it is limited in scope depending on specific constituencies. It was suggested that diversity questions relevant to specific seats be added to the application. Steven Haddock then said that requesting letters of recommendation could discourage underserved communities from applying. Another suggestion was to highlight the accomplishments of the SAC to show that the Council is not just "pushing pencils." Member announcements in person could be a good way to show what is being done and to bring in more diverse groups interested in accomplishing real change.

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The proposed amendments from this meeting's comments will supplement recommendations that will be reviewed by MBNMS staff. Taken collectively, the SAC will vote on this recommendation and its amendments to then be taken back to staff to decide what can and cannot be achieved. After finding what staff can do, the SAC will come back to these Recommendations and refine. The amendments drawn from the meeting's discussions are as follows:

1. Hire a third party organization to assist and educate staff and the AC and with outreach to underserved communities using MBNMS Foundation as a potential funding source.
2. Provide a framework upfront that is communicated with potential applicants that gets to what the commitment is, what it could mean to them, issues the SAC addresses, and what is done with the advice.
3. Have sanctuary staff better articulate the SAC activities, have outreach and education staff at visitor centers be able to speak to this. Add the SAC to the volunteer programs list.
4. Seek to see if we can tailor the application with supplemental questions for specific seat requirements.

The Diversity, Equity, and Inclusion working group will ensure that this issue is revisited. It should be standing item.

As the conversation wrapped up, some members expressed a desire to bring in participation from indigenous communities. Superintendent Wooninck stated that a CSU Council on Ocean Affairs, Science & Technology (COAST) Intern recently put together an Indigenous Communities work plan to better recognize and work with indigenous communities in protecting MBNMS based on the Office of National Marine Sanctuary general work plan. Superintendent Wooninck explained that other National Marine Sanctuary strategies should inform MBNMS's methods for involving indigenous communities. She suggested an action item be held at the next SAC meeting to work with other agencies that are already doing this (such as Elkhorn Slough working with Amah Mutsun Tribal Band).

Motion to pass forward to staff for consideration: Motion by Sarah Lopez, seconded by PJ Webb

Yes: 15 No: 0 Abstain: 0 Not Present: 1

V. MBNMS Advisory Council Membership

Elyse Goin joined the council representing the California Resources Agency, replacing Tova Handelman in the alternate seat through the end of 2022.

VI. ACTION ITEM - Recommendations from the Vessel Incidents Subcommittee

Gary Hoffman shared nine recommendations with the overarching goal of stemming the number and severity of vessel incidents.

After going through the recommendations, there was discussion about permitted moorings within the Sanctuary. The recent Capitola mooring incidents were caused by breaks to anchor lines, which

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would have been avoided if mooring inspections were held. These mooring incidents were caused by a combination of lack of owner responsibility and lack of mooring responsibility.

Kathy Fosmark expressed concern that vessel issue calls may not reach people able to immediately tow boats. The vessel incident working group stated that recommendation number 9 attempts to address this predicament. The Coast Guard prioritizes threats to life and pollution in its response to vessel incidents. The recommendations function to work with different agencies to supplement current responses to vessel incidents. For instance, recommendation 1, which stipulates that insurance companies conduct vessel inspections on all boats, attempts to prevent unseaworthy vessels from going out in the first place. Although insuring all vessels and collecting fees into a derelict vessel fund could potentially be controversial, this recommendation will involve legislation; therefore, the recommendations need to be acted upon fairly quickly to get the ball rolling on implementation or adjustment of this first recommendation. Sarah Lopez stated that requiring insurance across the board creates a barrier to participation; insurance as an industry creates disconnects between what things really cost and what people are charged for them. Sarah Lopez encouraged the SAC to consider alternatives to an insurance requirement, similar to a core charge directed to a fund for clean-up, that includes specifics on what is required to be registered, including size requirements for registration. It was noted the majority of vessels involved in incidents are uninsured.

Kathy Fosmark then expressed concern that not all of the data surrounding vessel incidents was shared within the recommendations. Members responded that a bill like this will be high profile and take time. More data and input will be needed as the recommendations move up the chain of command, and there is something to be said for getting the ball rolling with the recommendations now. Dan Haifley suggested the derelict vessel fund could be a portion of DMV fees. Another suggestion was for the working group to work with the Coast Guard to achieve quicker responses to vessels needing tow.

PJ Webb made the point that, because the SAC does not need to flesh out all of the legislation, just provide information and advice to the Superintendent, the SAC needs to highlight the priority of this by passing these recommendations, along with the amendments suggested by Sarah Lopez and Dan Haifley during this meeting. These amendments are the following:

1. Adding “or similar” to the language of the recommendations after everywhere it says “insurance requirements”
2. Ensure the language is consistent when referring to “derelict vessel removal fund” throughout the recommendations

Kathy Fosmark disagreed, stating that she worries the commercial fishing industry will lose participants as more requirements are put in place.

Motion to pass forward to staff for consideration: Motion by Dan Haifley, seconded by Gary Hoffman

Yes: 15 No: 1 Abstain: 2

VII. ACTION ITEM: Election of New Executive Officers

The election of new executive officers was deferred until the meeting that aligns with the election of April 23rd members in order to get through the current recruitment process.

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VIII. Celebration of Outgoing Members

Dawn Hayes and various SAC members expressed their gratitude to SAC members who have reached their term limits. Jacob Winnikoff, College seat, has graduated from college. The SAC will miss the views of younger people that he brought to the SAC, along with his enthusiasm for MBNMS protection. Gary Hoffman, At Large seat, was appreciated for his tireless efforts to protect the MBNMS. Bart Selby, Recreation seat, was honored for his work on issues like shoreline fishing, pelican protection, crab pot damage mitigation, and bird nest protection north of Half Moon Bay. PJ Webb, At Large seat, was appreciated for her work as secretary, chair, and vice chair, in which she advocated passionately for the southern region. Dr. John Hunt, Research seat, was appreciated for his work with the Research Activities Panel, including coastal pelagic species oversight and permit scrutiny. Gary Pezzi, Recreation Alternate, was honored for his work surrounding personal watercrafts and Mavericks, along with his service on the executive committee.

Adjourned at 1:52

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Appendix I. Member Written Announcements

Name: Tom Rowley

Seat: Business and Industry Alternate

Announcement: Business and Industry Update

Narrative - The coastal tourism numbers indicate major successes for special events, including the Annual Monterey Jazz Festival, Annual Air Show in Salinas, 177th Birthday for the Monterey Fisherman's Wharf, & several Events at Laguna Seca Race Track -- with many events returning gradually to past numbers of attendees -- but still overall visitor counts continue to lag 2019 figures. Also, several variants of Covid-19 are predicted to continue through the end of the year, and some venues are still requiring masks be worn... Many government agencies continue to hold zoom (or hybrid) functions instead of live meetings...

The Federal Reserve has pledged to keep raising rates through the end of the year. The high rate of Inflation, led by higher gas costs, rising food costs, and inflationary housing costs, continues to hamper long-term economic growth... Increases in median housing sale prices this year in Santa Cruz County have outpaced increases in both Monterey County and San Benito County. Some economists have predicted a "minor" recession by the 2nd quarter of 2023, but we are really entering "uncharted waters" with the threat of a wider war in Ukraine also looming over the world economy. So far predicted growth in foreclosure activities have not increased significantly on the Central Coast, as they have in other States and some metro areas in the US... How far the predictable slowdown of the national economy will go -- and how soon -- will undoubtedly eventually impact negatively on the local Central coast RE industry...

The local restaurant industry is still stressed in maintaining full staffing, but most of the food-serving venues are now re-opened. Special event Weekends in Monterey County and Santa Cruz County are likely to continue to attract a bonus crop of visitors, but not provide the mid-week visitors needed to fully revive the visitor economy. Room rates have risen to raise (TOT) receipts, and the Monterey Conference Center is operating at approximately 60 to 65 % capacity...

Rent increases are still subject to a 10% state-wide annual cap, and overall rental vacancy rates remain very low for affordable rentals.

Lack of new water allocations for all forms of housing -- especially affordable and work force housing -- and for business development remains a fact of life on the Monterey Peninsula (MP) and many areas of Monterey County! Cal-Am Water (CAW) company will be re-submitting modified / scaled down plans to the California Coastal Commission (CCC) for a permit to use a "phased down" slant-well feed water system at its proposed desalination plant at the site of the

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former CEMEX sand plant north of Marina. The public hearing has been scheduled for Thursday November 17th at the CCC in Salinas... The MP Water Supply continues to "strain" available water supplies in the Seaside Water Basin, which is now supplying approximately 2/3 rds of all Monterey Peninsula water. Only 1/3 rd is now provided by the Carmel River Aquifer. The lack of rainfall for a third straight year has resulted in low levels in all major water reservoirs, especially the Nacimiento Reservoir and San Antonio Reservoir in Salinas Valley, which are both trending below 25%...

Meanwhile -- The Monterey Peninsula Water Management (MPWMD) continues to move forward with response to Measure J -- the possible public takeover of Cal-Am Water. Updated appraisals were ordered by the MPWMD staff, with presentation of an offer to CAW expected early next year. In the meantime, "new" water for major construction projects, including for housing and new businesses on the MP, is just not available... Per the new State law, many Cities are continuing to pursue the development of Auxiliary Dwelling Units (ADUs) or Junior ADUs to expand or add additional housing units on existing Single Family Residential properties... The periodic Regional Housing Needs Allocation (RHNA) for Cities will be finalized by AMBAG on October 19... However -- the new amount of water available on the Monterey Peninsula continues to be a limiting factor!

Respectfully submitted: TJR (10/17/2022)

Name: Dan Haifley

Seat: At Large Primary, Northern Area

Announcement: 1) I would like to express my deep appreciation to the SAC members who will be retiring from their service as of this meeting. Each of you has left an indelible mark on sanctuary policy, and I hope you will continue to be involved. Thank you so much for all you have contributed, and I am grateful to you for the legacy you continue to shape. 2) Monterey Bay National Marine Sanctuary Foundation held its gala to celebrate the 30th anniversary of MBNMS at the Cocoanut Grove Ballroom in Santa Cruz on September 17. 360 guests attended, a net of \$150,000 was raised, and Sea Star Awards were presented to Dr. Kenneth Coale, the late director of Moss Landing Marine Labs, Mike Bekker of the Cannery Row Company, Elkhorn Slough Foundation's research director Dr. Kerstin Wasson, Save Our Shores, and O'Neill Sea Odyssey, all of whom have sustained their stewardship of the sanctuary over a significant period over its lifetime. 3) The foundation has also just finished its series of columns in the Santa Cruz Sentinel and the Monterey Herald in tribute to the designation of MBNMS, and in the case of the three installments by sanctuary Superintendent Dr. Lisa Wooninck, past successes and the future of the sanctuary's excellent team.

Relevant Links: montereybayfoundation.org

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Name: Paul Reilly

Seat: CDFW

Announcement: CDFW member announcements for October SAC meeting

Narrative:

Recreational boat fishing

In late August, dense morning fog was present the entire week, transitioning to mostly clear afternoons with increasing but moderate winds. Low to moderate fishing effort, with targets of California halibut and rockfish, was documented by our scientific samplers in our California Recreational Fisheries Survey (CRFS) program. Observed catch included rockfishes, lingcod, California halibut, market squid, northern anchovy, Pacific mackerel, big skate, Petrale sole, and Pacific sanddab. Conditions were calm enough on some days that Monterey boats made the voyage down to Big Sur to fish. Good catches were reported, which included various rockfishes, lingcod, ocean whitefish, and rock sole. Chinook Salmon catch was virtually non-existent.

September began with a mixture of a heat advisory for a few days followed by small craft advisories, then settled into a pattern of morning fog and sunny afternoons.

Observed catch included rockfishes, some California halibut, Petrale sole, lingcod, rock sole, Pacific sanddab, cabezon, and numerous jack mackerel, with no observed salmon effort the entire month. Mid-September brought some surprising rain followed by sunny afternoons and small craft advisories. By month's end, morning fog was intense, transitioning to clear and windy afternoons, with cooler air temperatures. Boats continued to primarily target rockfishes, lingcod, and California halibut. During the last week of the month, CRFS samplers documented tuna fishing effort in all Monterey Bay area ports with little success.

Chinook Salmon season closed on Monday, October 3.

The first half of October was characterized by chilly fall weather, dense morning fog, and relatively calm ocean conditions. Bluefin tuna were observed in the landed catch in Santa Cruz and Monterey. Recreational boat anglers also caught various rockfishes, California halibut, other flatfishes, Pacific mackerel, jacksmelt, northern anchovy, ocean whitefish, and Pacific bonito. One Pacific halibut was observed landed at the Monterey Coast Guard launch ramp; this species is rare in this area and is usually found well to the north.

Coastal pelagic fisheries (CPS)

CPS landings generally have decreased in the Monterey Bay area since July. In August, there was a slight uptick in both market squid and northern anchovy landings followed by a decrease in September. Most of the market squid was caught outside of Moss Landing with a handful of landings caught near Lover's Point. Larger-sized Pacific sardine and market squid were found in the catch in mid to late September. By the end

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of September there were only a few local fishing vessels landing squid. By October many of the CPS vessels had traveled to Southern California to fish.

Commercial and Recreational Dungeness Crab Fisheries – Central California

Information is only included for Risk Assessment and Mitigation Program (RAMP) Fishing Zones 3-5, which overlap with the Monterey Bay National Marine Sanctuary. A map is available on CDFW's Whale Safe Fisheries webpage.

CDFW issued a total of five Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permits in 2022. Gear recovery was authorized beginning on April 15, 2022 and continued through the end of September. Dungeness crab vessel permit holders whose gear was recovered under the program have until October 21, 2022 to arrange for the return of their gear. A summary of the 2022 program will be available on CDFW's Whale Safe Fisheries webpage in early 2023.

On August 24, 2022 CDFW co-hosted a workshop on innovative fishing gear with the National Marine Sanctuary and Ocean Protection Council. A summary of workshop discussions and outcomes will be available in the coming weeks.

CDFW will begin conducting risk assessments for the 2022-23 crab season in late October. All documents will be posted on CDFW's Whale Safe Fisheries webpage, and notifications will be distributed via the Whale Safe Fisheries email list.

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Appendix II. Comments on Diversity, Equity, and Inclusion Recommendations

On Fri, Oct 14, 2022 at 11:44 AM Kathleen Fosmark <kfosmark@icloud.com> wrote:

Haven:

Regarding the diversity recommendations. I think most of them are ok, but the big question is, regarding sac recruitments, will the desire to increase diversity reduce the need for sac reps who are fully connected to the industry or population they are to represent? It should not be individuals without the entire industry to be accountable to within its representative groups including those passing through. Highly migratory species for example. Fisheries and processing with people of color who cut and pack. Owners of boats and businesses. Restaurants included who are consumers. The only group of this type is the Alliance of Communities for Sustainable Fisheries.

Accurate full representation should always be most important. With regard to the comm fishing seat, as we point out, the full seafood supply chain is heavily represented in people of color, so the sac rep must be fully connected to and knowledgeable about the whole industry.
[Emphasis Added]

Was the statement made awhile back attached to minutes, or ever made it into the minutes of a meeting, so its "on record?"

Kathy Fosmark